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House of Representatives

The House was not in session today. Its next meeting will be held on Saturday, April 8, 2017, at 11 a.m.

Senate

FRIDAY, APRIL 7, 2017

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Lord God of Hosts, be with us yet, lest we forget that our work on Capitol Hill matters to Your Kingdom.

Lord, with the military response against Syria, we are reminded again that eternal vigilance is the price for freedom. Continue to provide our lawmakers with opportunities to serve Your purposes on Earth.

May they take seriously the responsibilities entrusted to them in their stewardship of the legislative branch. Remind them that You know the pressures they must confront as they strive to serve You and country. Bestow upon them the blessing of Your presence that will guard their hearts with Your peace.

Lord, give them the confidence that, in following You, they can be certain of ultimate triumph.

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PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. CAPITO). The majority leader is recognized.

SYRIA

Mr. MCCONNELL. Madam President, last evening the Vice President notified me of the President's decision to respond to the Syrian regime's use of chemical weapons against its own people through military action. The action was taken to deter the Assad regime from using chemical weapons again.

I support both the action and the objective. The planning of this operation was clearly well considered. It was taken against the Shayrat airfield from which the aircraft used in the attack had been launched, where chemical weapons had been stored, and was taken against assets of importance to the regime—aircraft, hardened shelters, and air defense systems.

In the days ahead, I am committed to working with the administration to continue developing a counter-ISIL strategy that hastens the defeat of ISIL and establishes objectives for dealing with the Assad regime in a manner that preserves the institutions of government in an effort to prevent a failed state.

Our gratitude goes out to the world's most capable military, which in a span of just hours presented options, capabilities, and plans to the Commander in Chief and then executed a difficult mission. None of this occurs without years of training, investment, and the dedication by our servicemembers.

This was an action of consequence. It is a clear signal from America that Bashar al-Assad can no longer use chemical weapons against his own people with impunity.

In addition, for the attention of all Senators, we will have a briefing on this matter later today.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Madam President, yesterday, as we all know, was a consequential day for the Senate. In the end, we restored to this body a tradition that Democrats first upset in 2003 by using a tool Democrats first employed in 2013. As a result, we will move to the confirmation of Judge Gorsuch shortly. He is going to make an incredible addition to the Court. He is going to make the American people proud.

After all, at this point, a few things about this man seem beyond dispute. He has sterling credentials, an excellent record, and an ideal judicial temperament. He has independence of mind and a reputation for fairness. He has also earned plaudits from so many across the political spectrum.

President Obama's former Acting Solicitor General lauded Judge Gorsuch as "one of the most thoughtful and brilliant judges to have served our nation over the last century," while President Obama's legal mentor called Judge Gorsuch a "brilliant, terrific guy who would do the Court's work with distinction."

An appointee of President Clinton's, Judge James Robertson, said Judge Gorsuch "is superbly well prepared and

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



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well qualified to serve as an associate justice of the Supreme Court. There is no real dispute about that.”

An appointee of President Carter’s, Judge John Kane, perhaps summed it up best when he said: “I’m not sure we could expect better [than Judge Gorsuch] or that better presently exists.” In other words, no one is better.

Of course, we all know what longtime Democrat and board member of the left-leaning American Constitution Society, David Frederick, had to say about Judge Gorsuch. “The Senate should confirm him, because there is no principled reason to vote no”—“no principled reason to vote no.”

There is a reason Neil Gorsuch enjoys the support of a bipartisan majority of the Senate. There is a reason that a bipartisan majority stands ready to confirm him today. He is an exceptional choice, and I am very much looking forward to confirming him today. Of course, I wish that important aspect of this process had played out differently. It didn’t have to be this way. But today is a new day. I hope my Democratic friends will take this moment to reflect and, perhaps, consider a turning point in their outlook going forward.

The Senate has a number of important issues to consider in the coming months. Each Member, if he or she chooses, can play a critical part in that process.

I urge colleagues to consider the role they can play, and I ask them to consider what we have been able to achieve in years past by working together, including the numerous bipartisan accomplishments of the last Congress, because, as we all know, the Senate does more than confirm Supreme Court nominees, although I sure am looking forward to confirming this one.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Gorsuch nomination, which the clerk will report.

The legislative clerk read the nomination of Neil M. Gorsuch, of Colorado, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate, equally divided in the usual form.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Madam President, first, let me address the nomination of Judge Gorsuch, which will soon proceed to a final vote over the objection of we Democrats. Even though Democrats had principled reasons to oppose this judge, even though we offered many times to meet with the majority to discuss a new nominee and a way forward, the Republicans chose to break the rules and erase the 60-vote threshold for all judicial nominees. They had many options, and they chose, unfortunately, the nuclear option.

I believe it will make this body a more partisan place, it will make the cooling saucer of the Senate considerably hotter, and I believe it will make the Supreme Court a more partisan place. As a result, America’s faith in the integrity of the Court and their trust in the basic impartiality of the law will suffer. Those are serious things for this Republic. Prior to yesterday’s cloture vote, I shared my views on this moment at length, and I will let those comments stand in the RECORD.

As I have said repeatedly over the last week, week and a half, let us go no further down this road. I hope the Republican leader and I can, in the coming months, find a way to build a firewall around the legislative filibuster, which is the most important distinction between the Senate and the House. Without the 60-vote threshold for legislation, the Senate becomes a majoritarian institution like the House, much more subject to the winds of short-term electoral change. No Senator would like to see that happen so let’s find a way to further protect the 60-vote rule for legislation.

Since he will soon become the ninth Justice on the Court, I hope Judge Gorsuch has listened to our debate in the Senate, particularly our concerns about the Supreme Court increasingly drifting toward becoming a more pro-corporate Court that favors employers, corporations, and special interests over working America.

We all know there is an anger and sourness in the land because average people aren’t getting a fair shake compared to the powerful. In many cases, the Supreme Court is the last resort for everyday Americans who are seeking fairness and justice against forces much larger than themselves. At a time when folks are struggling to stay in the middle class and are struggling as hard as ever to get into the middle

class, we need a Justice on the Court who will help swing it back in the direction of the people.

So we are charging Judge Gorsuch to be the independent and fairminded Justice America badly needs. If he is, instead, a Justice for the Federalist Society and the Heritage Foundation, that will spell trouble for America.

SYRIA

Finally, Madam President, on Syria, I salute the professionalism and skill of our Armed Forces that took action last night. The people of Syria have suffered untold horrors and violence at the hands of Bashar al-Assad and his supporters in Tehran and in Putin’s Russia. Making sure Assad knows when he commits such despicable atrocities he will pay a price is the right thing to do. However, it is now incumbent on the Trump administration to come up with a coherent strategy and consult with Congress before implementing it.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BLUNT. Madam President, I want to talk about what we are doing today and how important it is, how unique it is in the history of the country. Since 1789, 112 people have served on the Supreme Court. It is hard not to be reminded today, as we vote for the replacement for Justice Scalia, that he served on the Court for 26 years after Ronald Reagan, who appointed him, left the White House and 13 years after President Reagan died. Clearly, the impact of a Supreme Court nomination by the President and confirmation by the Senate is one of those things that has the potential to last long beyond either the service of those in the Senate at the time or beyond those of the President at the time. It is a significant decision.

A Federal Court appointment, generally an appointment for life, is different than an appointment for someone who serves during the tenure of the President. I think almost all of us look at judicial appointments differently than we look at Cabinet appointments and other appointments that are concurrent with the President’s term. This is an appointment that lasts as long as the judge is willing to serve and able to serve.

At 49 years old, Judge Gorsuch, who has already been a judge for 10 years, should know whether he likes being a judge. It would appear, and we would hope, he will have a long and healthy life to use his skills on the Court. I think those skills are very obvious in the over 2,000 decisions he has been part of, of the 800 decisions he has written as a circuit judge, the appeals judge above other Federal judges and right below the Supreme Court.