FILLING THE SUPREME COURT VACANCY AND SUBPOENA ENFORCEMENT RESOLUTION

Mr. MCCONNELL. Mr. President, let me state an obvious point. When it comes to filling the current Supreme Court vacancy—which could fundamentally alter the direction of the Court for a generation—Republicans and Democrats simply disagree. We simply disagree. Republicans think the people deserve a voice in this critical decision; the President does not. So we disagree in this instance, and as a result, we logically act as a check-and-balance.

There is no reason one area of disagreement should stop us from looking for other areas of agreement, though. We will continue our work in the Senate as the American people make their voices heard in this important national conversation. For instance, we will address another very important issue today, which I would like to talk about now.

Senator PORTMAN and Senator MCCASKILL are the top Republican and top Democrat on the Homeland Security Committee's Permanent Subcommittee on Investigations. Over the past year, they have worked together in a bipartisan way to examine human trafficking. Their probe has revealed how trafficking has flourished in the age of the Internet. It has also revealed how many cases of sex trafficking, including cases involving children, have been linked to one Web site in particular: backpage.com.

One national group who tracks the issue has told the subcommittee this: Nearly three-quarters of all suspected child sex trafficking reports it receives from the public through its tip line have a connection to backpage.

Chairman PORTMAN and Ranking Member MCCASKILL have wanted to do something about this. They know they have to keep investigating. So they issued a subpoena to backpage. They wanted documents about the company's business practices. They wanted to know how it screens advertisements for warning signs of trafficking. As the leaders of the Permanent Subcommittee on Investigations, they had every right to make these requests in the course of their investigation, but backpage has refused to comply. Does that mean Senators PORTMAN and MCCASKILL give up? Of course not. And we shouldn't, either. They jointly submitted a Senate resolution that would hold the company in civil contempt and force it to turn over this required information. This resolution passed through the committee with unanimous bipartisan support 15 to 0, and today it can be adopted by the full Senate with overwhelming bipartisan support too. We will have that opportunity this afternoon. If we do, it will allow the Senate's legal counsel to bring a civil suit in court and ask the court to order compliance with the subpoena. That is critical for allowing this bipartisan investigation to move forward.

I thank Ranking Member MCCASKILL for all she has done. I thank Chairman PORTMAN for all he has done.

We saw Senator PORTMAN's great work last week in passing bipartisan legislation to help address America's heroin and opioid crisis, and again today we will see Senator PORTMAN's great work in leading on another important issue and doing so once more in a bipartisan manner.

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:45 p.m., with Senators permitted to speak therein for up to 10 minutes each.

NOMINATION OF MERRICK GARLAND

Mr. BOOKER. Mr. President, I rise today to address what I believe is the urgency of the moment, really the test of the time. We have a Constitution that was designed for three coequal branches of government. We know the importance of each of those branches of government and the roles they have are spelled out in the Constitution.

A fully functioning Supreme Court—one of the coequal branches—is of the utmost importance to the proper function of our democracy. Justices decide cases that shape the daily lives of all Americans. Even one Justice can deeply affect the rights and liberties of the American people for generations to come.

Yesterday, the President nominated Chief Judge Merrick Garland to the Supreme Court of the United States.

A clear and plain reading of the text of the Constitution says explicitly in article II, section 2, that it is the duty of the Senate to provide ''advice and consent'' to the President on key nominations, particularly Justices to the Supreme Court.

I, along with my 99 colleagues, took an oath of office. We swore to support and defend the Constitution of the United States and to faithfully discharge the duties of the offices we hold. There was no addendum to that oath that excused us from our responsibilities during a Presidential election year. The people of New Jersey elected me to serve a full 6-year term. That means my duties and obligations as a Senator—or the duties and obligations of each of the 100 Senators in this body—should not be interrupted by a Presidential year. That is especially true when those duties are explicitly laid out in the Constitution and when the duties impact a coequal branch of government, such as the Supreme Court.

I have only served in the Senate since October of 2013. This is my first Supreme Court nominee to consider, and I look forward to thoroughly reviewing Chief Judge Garland's record, to meeting with him face to face, and hopefully, I believe rightfully, taking an up-or-down vote on his confirmation.

That is what all of us swore an oath and signed up to do when a vacancy occurs on the Supreme Court. That is the duty the American people expect of us—to abide by the Constitution and provide our advice and consent regarding a Presidential nomination of this significance—a lifetime appointment—to the Supreme Court, a coequal branch of government.

We may not ultimately agree on whether Chief Judge Garland should be confirmed. The Senate can vote no. Senators have that independent choice. It happens almost every day here where we disagree on issues. There is no guarantee in the Constitution that the President's nominee should get confirmed. But we should agree at least to do the job we were elected to do and to allow the confirmation process to move forward. That is bigger than any one party.

Now, as I understand it, Chief Judge Garland is highly respected, experienced, and is considered by many to be a deliberate jurist whom the Senate overwhelmingly confirmed in 1997 to the U.S. Court of Appeals for the District of Columbia, which is known as the second highest court in the land. His nomination to be an Associate Justice on the Supreme Court is certainly deserving of our consideration.

Chief Judge Garland, in fact, has more Federal judiciary experience than any other Supreme Court nominee in history.

He currently serves as Chief Judge of the D.C. Circuit Court, a court where he has served for almost 19 years. Previously, he has served under both Democratic and Republican Presidents at the U.S. Department of Justice. He first worked as Deputy Assistant Attorney General for the Criminal Division of DOJ and later served as the Principal Associate Deputy Attorney General. In those posts, he supervised high-profile cases at the Department of Justice such as the prosecution of the Oklahoma City bomber, which ultimately brought Timothy McVeigh to justice.

To call his qualifications impressive is an understatement. Chief Judge Garland has dedicated his life to public

service, and his lengthy career reflects his commitment to the high ideals etched on the Supreme Courts itself, ''Equal justice under law.''

He has said, ''The role of the court is to apply the law to the facts of the case before it—not to legislate, not to arrogate to itself the executive power, not to hand down advisory opinions on the issues of the day.'' No wonder he is known in legal circles and around Capitol Hill for his careful opinions and lack of overt ideological bias.

Chief Judge Garland is so well admired, so highly regarded, and so accomplished that his appeal transcends the typical partisan divisions that we too often see in Washington.

There is no possible justification—based on this nominee's reputation, his experience, his dedication, his service, and his work—to ignore, blockade, or stonewall Chief Judge Garland's nomination or to deny him a hearing and a vote. There is no reason for that.

There is certainly no historical or constitutional precedent behind such a blockade. Since committee hearings began in 1916, every pending Supreme Court nominee has received a hearing, except for nine nominees who were confirmed within 11 days. So what is being suggested—to not even meet with this nominee or to not even give this nominee a hearing in committee—is unprecedented in our Nation's history.

The Senate has previously confirmed Supreme Court nominees during a Presidential election year. History shows us that the Senate has previously confirmed a Supreme Court nominee at least 17 separate times during the Presidencies of liberals and conservatives, Republicans and Democrats, alike. We have even held confirmation hearings of Supreme Court nominees at least five times in Presidential election years since the hearing process began in 1916.

Thus, the excuse that we should not move forward with the confirmation process for Chief Judge Garland because this is a political election season simply falls flat in the face of our history. In fact, President Franklin D. Roosevelt and, more recently, President Ronald Reagan saw their Supreme Court nominees confirmed in a Presidential election year. Since 1975, it has taken, on average, a little over 2 months for the full Senate to consider a nomination before voting.

It is only March, so there is plenty of time to consider and confirm a nominee. There is no reason why Chief Judge Garland cannot be confirmed by even the end of May, given the average time of recent Supreme Court confirmations, which is more than ample time for the next Justice to be on the Court before the next Supreme Court term begins in October.

When the Supreme Court, that coequal branch of government, has a body of work to do, for the Senate to deny this nominee a hearing and a vote we would also deny that coequal branch of government its full, functioning complement of members. This is a historic time and a critical test for this distinguished body. It is a time that will test how dignified our confirmation process will be for future Supreme Court nominees.

It provides us an opportunity, amidst all of the partisanship, amidst all of the delays that are going on, amidst all of the partisan rhetoric, for this body to rise above the fray. We can show that the Senate, at its best, treats nominees to our highest court with a level of dignity, honor, and respect. Indeed, we can show a greater fidelity to the Constitution than to party, and show that we are not susceptible to the partisan winds of the time.

I believe Chief Judge Merrick Garland deserves a dignified confirmation process. It is up to each and every Senator to decide whether he should be a Supreme Court Justice. For me, this moment in time is not just about the individual; it is also about how we as a body, the Senate, will do business and whether we will do our jobs even in Presidential election years.

I have heard some of my colleagues say simply: Let the people decide.

That sentiment appears to resonate at first, especially since a first principle of any democracy is to let the voters decide important issues. But in reality the people have already decided. They decided when they voted for each of the 100 Members of this distinguished body, which tells us that we should do our duty. The people decided when they voted for President Barack Obama for a second consecutive 4-year term. The people did not decide that the President should be a 1-year President or a 2-year President, but that he should serve a full 4-year term and conduct his duties—his sworn duties—accordingly.

No Senator nor the President should shirk from fulfilling their Constitutional obligations. The people in this democracy decided when they elected us. We should do our job and give Chief Judge Garland a hearing and a vote.

Our country has a deep history of fights, which have taken place not only in this body but in our larger democracy. There have been divisions and factions in this country. The Federalist Papers literally acknowledged that there would be divisions and fights, but the Constitution was designed to call us to a higher purpose, to overcome our petty divisions, and to unite us.

Our Nation is mighty and strong, and I am so proud of that because, as much as our differences matter, we always seem to understand that our country matters more. The people who founded our Nation understood that we would have differences of opinion and ideology. They understood that our differences and diversity of thought would make our country great, but they also understood that, in order for our Nation to succeed and endure, we must be loyal to our ideals and principles. Those ideals and principles are enshrined in the Constitution itself and reflected in our democracy, and that is what brings us together. In fact, it harkens to the very hallmark ideal of our country: ''E Pluribus Unum,'' out of many, one. It is written into the culture of our country. There is an old African saying: If you want to go fast, go alone, but if you want to go far, go together.

When our Founders drafted the Declaration of Independence, they enshrined for all time the ideal that we are individuals endowed by our creator with inalienable rights. The Founders ended that national charter by pledging their lives, their fortunes, and their sacred honor to each other.

There has been no greater honor in my life than when I stood in this well before the Vice President and swore my oath to uphold the Constitution. In fact, if I ever have to, I will sacrifice myself for my country. These are the ideals and this is the honor that I believe has helped our great country persevere.

Now we are faced with a test where two conflicting ideals have been put forth: whether a President and a Senate should fulfill their obligations all the way to the end of their sworn terms or whether we should begin to truncate the powers of a Presidency and the powers of individual Senators and suspend our constitutional obligations because it is an election year. To me, that undermines the purpose and the spirit of our constitutional institution.

As I said, the nomination of Chief Judge Garland to the Supreme Court will be a greater test for the Senate and the constitutional values we hold dear. I worry we will fail this test and descend deeper into the kind of divisiveness that undermines our Constitution.

I believe this is a time that calls for an honorable stance. We have an extremely competent Supreme Court Justice nominee before us. I am not going to blockade his nomination. I am not going to avoid meeting with this distinguished nominee. I hope we will hold hearings and a vote so that Senators may decide whether this nominee is worthy of sitting on the Nation's highest Court. I hope that each individual Senator will honor the precedent that has been continuous for years and years and years and then allow this nominee an up-or-down vote. The purpose of our sacred Constitution, as spelled out and written in article II, section 2, is to allow the President to put forward a nominee and the Senate to give its ''advice and consent,'' which I believe means an up-or-down vote on a nomination.

Again, we are here because greater Americans made a pledge to each other. As different as they were, they came together and wrote a Constitution and a Declaration of Independence. We are here because people greater than we are pledged to each other their lives, their fortunes, and their sacred honor.

Let us harken back to that honor. Let us put forth our sacred honor now

and not allow this country to lurch even deeper into divisiveness. Let us unify and show that, yes, there are differences; yes, there are divisions; yes, there is partisanship, but in the end, we will unite around those bonds that hold this Nation together and ensure that our democracy functions for years, decades, and generations to come.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROUNDS). 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.

(The remarks of Ms. HIRONO pertaining to the introduction of S. 2710 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. HIRONO. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

VETERANS' ACCESS TO HEALTH CARE

Mr. MORAN. Mr. President, I want to take a moment or two to speak about our Nation's veterans. The Presiding Officer and I have the honor of serving together on the Senate Veterans' Affair Committee. I take that responsibility—as does the Presiding Officer—very seriously. There is no other group of people that we should hold in higher regard than those who served our country. Today I want to talk about some of the challenges they are facing as a result of our failure to do that.

Who would we expect to get the very best health care in our country? We want everyone to have good quality, affordable health care. But of all the people we would want to make certain received the health care services they were promised, clearly, it would be those who served our country—the men and women of our military who are now veterans. They deserve timely, high-quality health care. That is true whether they live in an urban or suburban setting or a rural place like your State and mine. There are more than 221,000 veterans who call Kansas home, and the vast majority of them live in very rural parts of our State.

Before being elected to the Senate, before the honor that Kansans allowed me to serve them here in the Senate, I served in the U.S. House of Representatives. I represented the First District of Kansas, generally known in our State as the Big First. That is a congressional district larger than the State of Illinois, and there isn't a VA hospital in that congressional district. Veterans in this part of Kansas drive hours on end to get care, or they simply go without it all together.

Over the past year, Congress has repeatedly passed legislation designed to ease the burden for veterans who are struggling to get health care from VA facilities in my State and yours and across the country. In the wake of the scandal, we learned across the country about the false waiting list for veterans. The VA put people on a waiting list that didn't really exist. The scandal across our country allowed us, as Members of the Congress and the Senate, to come together—Republicans and Democrats—and we passed legislation called the Choice Act. This legislation allows veterans who can't get timely service to access that service with a provider outside of the VA.

Importantly—and what I want to talk about today—the Choice Act says that if you are a veteran who lives more than 40 miles from a VA facility, then at your request you can have those services provided by a local hometown physician, be admitted to your hometown hospital, see your local optometrist, and be treated by your local physical therapist or chiropractor. All of those things make a lot of sense for the veterans who live in the places where I come from.

In the process of doing that, part of the goal was to ease the burden, in addition to providing quality and timely services, for those who live in rural places. Part of the theory—and I think rightly so—in passage of the Choice Act was to lift a bit of the burden on the VA off of the VA. It has been difficult for them to have the necessary health care providers to meet the needs of veterans. So we began providing services in the community. And we are also speeding up the process by which a veteran who still goes to a VA hospital or still goes to a VA clinic gets services in a more timely and effective way.

This past July Congress passed legislation to amend the Choice Act. We did so because of the number of problems we were encountering as a result of the stories that I heard from my veterans across our State—and I know it is true of many Senators, if not all—about problems with the way the Choice Act was being implemented by the Department of Veterans Affairs. We amended that legislation to try to make it work better. In my view, that shouldn't have been necessary. The VA could have solved this challenge on their own but didn't.

What it says is that it is not a facility. I have used this example on the Senate floor before. My hometown is a town of about 1,900 people. It is about 23 miles from the community of Hays—about 20,000 people—where there is an outpatient clinic of the Department of Veterans Affairs. The VA was saying that you cannot access the Choice Act if you live within 40 miles of a facility, and the problem was that they were saying even if that facility doesn't provide the service the veteran needs. So by law, we changed the definition of what a VA facility is, and it said that it is not a VA facility if it is not open full time and doesn't have a full-time physician—a pretty commonsense kind of thing that we needed to apparently put in the law to get the Department of Veterans Affairs to implement and to interpret the Choice Act in a commonsense way that was designed to meet the needs of veterans.

Unfortunately, many of our veterans remain unaware of their options. I talk to lots of veterans, some who have given up on Choice, some who don't know it is an option, and some who tried and are caught up in a bureaucratic system and are trying to get an answer about whether they qualify, and even if they do, where they can go and how their bill will get paid.

Examples in my State: One of the Kansas VA community-based outpatient clinics—known as a CBOC—is only open 2 days a month, and it shouldn't be counted as part of the Choice Act, a facility of the Choice Act. There are 9 out of 14 CBOCs in Kansas that do not have a full-time medical doctor. Those nine community-based outpatient clinics should not be counted under Choice. I want to highlight that for veterans from Kansas and across the country who might happen to hear what I have to say today so they know there are more options than they may realize.

Many Kansas veterans choose to live in rural communities. Many of us often choose to live in rural communities and raise our families, see our grandkids, and more often than not, those communities don't have a VA hospital or a clinic to serve those veterans' needs.

In townhall meeting after townhall meeting and up and down Main Streets of communities in my State, the most common conversation I now have is with veterans who are expressing how the system is failing them, the frustration they are encountering, and that they are not seeing the improvements and changes for the betterment of the care they are entitled to.

As I said earlier, many veterans are so frustrated with the back-and-forth they have with the VA and the redtape, they simply give up and either go without health care or end up trying to pay for it out of their own pocket. That is exactly what occurred to Mr. Lamoine Guinn, who is a rural Kansan. Mr. Guinn shared his story with me not to try to get me to solve the problem, but he wanted others to know how this program needed to change so that other veterans would benefit. After a year of dealing with the VA, he decided to simply give up on Choice. I don't want to let that happen. I don't want veterans to give up on Choice. I don't want the Department of Veterans Affairs to have the excuse to say Choice is not a viable