

The question is, Will we keep our promise to them?

Their promise was much tougher than our promise. All we have to do here to keep the promise is vote the right way, vote in the U.S. Senate to make sure miners get their pensions and health care and vote in the House in the same way. That is not hard to do—to walk into the well of the U.S. Senate or somewhere in this Chamber and put your hand up. That is pretty easy to fulfill the promise we made to them. This isn't a lot of money for these miners. In addition to Social Security, sometimes it is about 530 bucks a month for all of that work they did. So it is not hard to fulfill this promise that our country and our government made to them.

These are people who are not in the newspaper every day, they are not on television. They may not have a lot of power. They may not be connected to people who are powerful or people who are wealthy. They are just hard-working people who did their job and deserve to have that promise fulfilled.

I believe this is a matter of basic justice. It is basic justice whether we are going to fulfill that promise. Saint Augustine said a long time ago, hundreds of years ago: "Without justice, what are kingdoms but great bands of robbers."

If you apply that to today's terminology, a kingdom in some sense is like our government—a governing body for a nation. Without justice, what is a government but a great band of robbers. We owe people that basic justice, that promise.

So let's fulfill our promise as Democrats, Republicans, and Independents in the U.S. Senate. Let's not allow inaction or other circumstances, political or otherwise, to prevent us from doing the right thing. Let's not rob these miners and their families of what they deserve, what they earned. We are not giving them anything. We are just voting the right way so they have a promise fulfilled.

I would hope that before everyone goes home to do whatever folks will do—travel to their States or campaign or whatever they are going to do—I would hope, at a minimum, we would take action on a number of things we talked about today but in particular that we make sure families don't have to worry about the horror and threat of Zika, something we can prevent the spread of if we take action; that families will not be threatened by it in Florida or Puerto Rico or anywhere because beyond that, we don't get to the solution, the action. Of course, we hope we can go home and say we at least said to miners and their families: We have fulfilled the promise the government made to you generations ago. That is the least this body and the other body should do before we leave Washington.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO TIM MITCHELL

Mr. CASEY. Mr. President, I didn't want to leave today without joining the chorus of commendations for Tim Mitchell. I think technically tomorrow is his 25th anniversary, if I have that right, and I heard some of the comments this morning, but I didn't get to the microphone earlier to say anything, and I should have. I will be brief.

I just want to thank Tim for his remarkable service to the Senate these 25 years, and I know he has more work to do, but it is an important anniversary to highlight.

Some people mentioned his great baseball knowledge, where I am often deficient, despite having two great teams in Pennsylvania, the Pirates and Phillies, but Tim knows just about as much as anyone. In addition to his knowledge of baseball and his great work in the Senate, which often in the Senate goes unrecognized or unheralded, Tim is someone who brings to the job great character, integrity, and a kind of decency that sometimes we all don't exercise every day of the week. Sometimes he is getting seven questions from nine different people and he handles every one. Sometimes you ask him the impossible question which he tries to answer, but he probably shouldn't, which is: When will we finish this week, which is always an open question with an uncertain answer. I have at least kept my faith with him by saying: Tim, I won't quote you, but tell me when we might wrap up this week.

He is a great example of public service in the Senate and a great example of what we all hope to be when we work in a government institution or in a Chamber like the U.S. Senate. I am so grateful to Tim for his ongoing commitment to public service. I wish him 25 more years on top of the 25 years that preceded this anniversary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Pennsylvania.

Several of us came to the floor earlier today to pay tribute to Tim Mitchell in his service to the Senate, which is certainly deserved on this occasion of his 25th anniversary of beginning work here.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 3347 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. 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.

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

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

RELIGIOUS LIBERTY

Mr. SASSE. Mr. President, I rise today to address the recently released new report of the U.S. Commission on Civil Rights entitled "Peaceful Coexistence: Reconciling Nondiscrimination Principles with Civil Liberties."

The Commission on Civil Rights has a glorious and profound history in our Nation. Founded in 1957, the Commission initially had the grand cause of ending the horror and the tragedy of Jim Crow laws in our Nation.

Sadly, however, the Commission's focus has recently strayed, and its new report poses profound threats to the historic American understanding of our First Amendment. In the Commission's just released report, the majority reveals a disturbingly low view of our first freedoms. It actually puts the term "religious liberty" in scare quotes, and it says that religious liberty must now be subservient to other values.

Here is a snapshot of the majority's position from this new report, in their own words:

Progress toward social justice depends upon the enactment of, and vigorous enforcement of, status-based nondiscrimination laws. Limited claims for religious liberty are allowed only when religious liberty comes into direct conflict with nondiscrimination precepts. The central finding which the Commission made in this regard is:

Religious exemptions to the protections of civil rights based upon classifications such as race, color, national origin, sex, disability status, sexual orientation, and gender identity, when they are permissible, significantly infringe upon these civil rights.

Additionally, the Commission's Chair, Martin Castro noted:

The phrases "religious liberty" and "religious freedom" will stand for nothing except hypocrisy so long as they remain code words for discrimination, intolerance, racism, sexism, homophobia, Islamophobia, Christian supremacy or any form of intolerance.

But are the phrases "religious liberty" and "religious freedom" simply hypocritical code words? Are they shields for phobias, intolerances, and power struggles?

Of course, they are not.

Religious liberty is far more beautiful, far more profound, and far more human than that. Our national identity is actually based on this very premise.

The American founding was unbelievably bold. Our Founders were making the somewhat arrogant claim, almost, that almost everyone in the history of the world had actually been wrong about the nature of government and about the nature of human rights.

Our country's Founders believed that God created people with dignity and that we have our rights via nature. Government is our shared project to secure those rights. Government does not

come first. Government is not the author or the source of our rights, and this conviction matters for today's conversations. In fact, this conviction is our Constitution.

No King, no Congress, no Senate, no Commission gives our people their rights, for government is not the author or source of rights. Government is a tool to secure our rights.

We have rights because we are people, created with dignity. Government is that shared project to secure those rights that we have because we are people created with dignity. So we the people are the ones who actually give the government limited authorities. It is not the government that is condescending to grant us some rights.

Gail Heriot, who is a member of the Commission, offered a compelling statement and a healthy rebuttal to the majority's very low view of religious freedom. Thankfully, Ms. Heriot indicated her opposition to the runaway chairman's bizarre dismissal of religious freedom. She considered asking him to withdraw it, but then she decided against it, and here is her reason why. She decided:

It might be better for Christians, people of faith generally, and advocates of limited government to know and understand where they stand with him—

Where they stand with this chairman. Ms. Heriot notes—and I am going to quote her here at length:

The conflicts that can arise between religious conscience and the secular law are many and varied. Some of the nation's best legal minds have written on how the federal and state governments should resolve those conflicts. But no one has ever come up with a systematic framework for doing so—at least not one that all Americans agree on—and perhaps no one ever will. Instead, we have been left to resolve these issues that arise on a more case-by-case basis.

While she does not aim to create that framework in her remarks, she continues by saying:

The bigger and more complex government becomes, the more conflicts between religious conscience and the duty to comply with law we can expect.

Back when the Federal Government didn't heavily subsidize both public and private higher education, when it didn't heavily regulate employment relationships, when it didn't have the leading role in financing and delivering healthcare, we didn't need to worry nearly so much about the ways in which conflicts with religious conscience and the law arise. Nobody thought about whether the Sisters of Charity should be given a religious exemption from the ObamaCare contraceptive mandate, because there was no Obamacare contraceptive mandate. The Roman Catholic Church didn't need the so-called Ministerial Exemption to Title VII in order to limit ordinations to men (and to Roman Catholics), because there was no Title VII.

What she is talking about here is about the ways that expanding government tends to crowd out civil society and mediating institutions. She is talking about the ways that power drives out persuasion. She is talking about the ways that law crowds out neighborliness.

She continues:

The second [. . .] comment I will make is this: While the targeted religious accommodations approach may sometimes be a good idea, it is not always the best strategy for people of faith. Targeted religious accommodations make it possible for ever-expanding government bureaucracies to divide and to conquer. They remove the faith-based objections to their expansive ambitions, thus allowing them to ignore objections that are not based on faith. The bureaucratic juggernaut rolls on. People of faith should not allow themselves to become just another special interest group that needs to be appeased before the next government expansion is allowed to proceed.

Here, she is talking people of faith.

They have an interest in ensuring the health of the many institutions of our civil society that act as counterweights to the state—including not just the Church itself, but also the family, the free press, small business and others. They have an interest in ordered liberty in all its manifestations. A nation in which religious liberty is the only protected freedom is a nation that soon will be without religious liberty as well.

Are people of faith simply another special interest group that should be appeased? I suggest—along with Ms. Heriot and, frankly, far more importantly, with all of the Founders of this Nation—they are not. People of faith and people of no faith at all, people of conscience, are simply exercising their humanity, and they do not need the government's permission to do so.

The Commission's report is titled "Peaceful Coexistence." Who wants to disagree with a title like that? But this profession of peaceful coexistence must never quietly euthanize religious liberty just because Washington lawyers and bureaucrats find it convenient and orderly to do so. It must never be used to chip away at our most fundamental freedom, for the First Amendment is a cluster of freedoms: freedom of religion, the press, assembly, and speech. They all must go together. It must never undermine the essence of what it means to be human. It must never erode the American creed, which should be uniting us. We can and we should disagree peaceably. We should argue and debate and seek to persuade. We should jealously together be seeking to defend every right of conscience and self-expression.

In closing, I ask my colleagues from both parties—for this should not be a partisan issue, as the First Amendment is not the domain of any political party—to consider the dangerous implications of this new report.

To my progressive friends, I invite you to become liberals again in your understanding of religious liberty and its merits.

To my conservative friends, let's cheerfully celebrate all Americans' freedoms. Let's work to kindly dismantle the pernicious myth that somehow your freedoms are merely a cover for fear or hate or some other phobia. These freedoms are too important to relinquish. They are the essence of what we share together as Americans.

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

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

NORTH KOREA

Mr. GARDNER. Mr. President, I rise today to speak about the threat from North Korea.

Pyeongyang has just conducted its fifth nuclear test, which is the regime's fourth test since 2009. This is also the regime's second test this year, and this is the largest weapon they have ever tested, with an estimated explosive yield of 10 kilotons of TNT.

The rapid advancement of North Korea's nuclear and ballistic missile program represents a grave threat to global peace and stability and a direct threat to the U.S. homeland in our immediate future.

This past week, since the detonation of this fifth nuclear test, I have had the opportunity to visit with General Robinson, our combatant commander of NORTHCOM, to visit with Ambassador Ahn of North Korea, to speak with Ambassador Sasae of Japan, to visit with Ambassador Fried of the State Department, to talk to representatives at the Treasury Department—all about what is happening in North Korea and our response to the provocative actions, the dangerous actions of this regime as they continue to attempt to obtain nuclear status. All of them are very worried about what is happening.

In my conversations, it was clear that we can expect and anticipate even more tests coming up, whether that is the launch of rockets against international sanctions, U.S. sanctions, the international community, United Nations security resolutions, or whether that is indeed further attempts to test or actual tests of nuclear weapons. They all recognize this will continue. They recognize the dangerous position our allies and our homeland are in.

This morning, there was testimony from the U.S. State Department—Tom Countryman, Assistant Secretary—talking about the fact that these activities continue in North Korea with the assistance of outside actors, that North Korea receives material for its nuclear program from illegal operations in China, operations out of Russia.

So in response to this test and the dangerous actions of North Korea and the conversations I have held across all levels of government this past week, I am asking the administration to urgently take the following actions:

No. 1. Take immediate steps to expand U.S. sanctions against North Korea and those entities that assist the regime—most importantly, China-based entities. We know there are entities within China that are assisting the