

nominated to the vacancy left by the untimely death of Justice Antonin Scalia. This is not an easy decision, but the fact remains that the Supreme Court considers rules on some of the most pressing, challenging questions of our time. It does some very important things, such as interpreting the Constitution. They are the final word. It also guarantees liberty by the separation of powers and enforcing the Bill of Rights and the like.

It is no exaggeration to say that the Supreme Court affects the lives of every man, woman, and child in our country, and it is obviously a truism that the people who occupy those seats will have a very clear impact on the future direction of not only the Court but our country.

We have to consider lifetime appointments carefully. As Justice Scalia liked to say during his lifetime, why in the world should people trust non-elected judges to make value judgments and in so doing, substitute their judgment for the views of the duly elected Members of Congress who represent the American people and who are politically accountable? That is why he said judges ought to take a rather limited role, or view of their role, under the Constitution. I agree with him.

The role of the judiciary is not to say what the law should be but, rather, what the law actually is. Unfortunately, we know the Supreme Court of the United States has become such a controversial place in large part because of its tendency to substitute its value judgments for those of the American people or to read into the Constitution words that nobody found in the last 200 years, but miraculously somehow they sprung up with new meaning, resulting in the creation of a new constitutional life that nobody ever dreamed existed before.

It is true that the Supreme Court plays an essential function in our government, and there was simply too much at stake not to let the American people, through their selection of the next President, have a say. Well, suffice it to say, 3 weeks removed from election day, it is clear that we heard their voice. I think by the selection of Donald Trump as the next President of the United States, the American people clearly realized that even though the Supreme Court wasn't on the ballot, the person who selected the next Supreme Court Justice—perhaps the next two or three—was clearly on the ballot, and there was a clear difference between those choices. I think people realized that Secretary Clinton would likely appoint more judges in the tradition of people like Justice Ginsburg and Justice Sotomayor, people who demonstrated their record of being willing to take some license with the Constitution and the laws and basically rewrite them in their own image.

I think the American people knew they were choosing between activist judges who essentially operated as un-

accountable, unelected legislators wearing black robes or judges who believed in the more traditional role for the judiciary—judges who actually interpret the written words on the page passed by the Congress and signed into law or the Constitution itself. I believe that is how our Founding Fathers intended our separation of powers to work.

The judiciary is not supposed to be a substitute for Congress and the political branches; it is supposed to represent a check and balance to make sure that the laws that are passed do not violate the Constitution as written and that the laws that are passed are faithfully enforced according to the words in the statute.

I, for one, look forward to considering President-Elect Trump's nominee to the Supreme Court in due time. Since I have been in the Senate, I have had the privilege of participating in the nomination and confirmation of four Justices to the U.S. Supreme Court. As members of the Judiciary Committee, we are at ground zero in that process, and I know Chairman GRASSLEY is already preparing, along with members of the committee, to receive the nomination of President-Elect Trump. We don't know whom he will nominate to the Court yet, but he has given the American people a pretty good idea of the type of jurist he would nominate. I think that is one of the reasons millions of Americans voted for him. They wanted an administration committed to the Constitution, and they saw that commitment reflected in the list of men and women President-Elect Trump circulated as potential nominees to the Court.

Now that we have heard from the American people, I look forward to going through the confirmation process once again. I am sure it will be a rigorous contest of ideas. I am sure there will be a lot of different views expressed, and that is OK. But in the end, I am confident that we will elect President-Elect Trump's nominee to the Supreme Court. I am optimistic that it will be somebody in the tradition of Justice Scalia, somebody who believes in upholding the rule of law in the country.

Having been a member of the State judiciary for 13 years, I have some pretty strong views on this topic. If people want to take on the role of a policymaker, I believe they ought to run for Congress or some legislative office or maybe run for President. They shouldn't seek to be a judge on the Federal court or in the court system because that is not primarily a policymaking role. It is important but perhaps less exciting in some ways or at least is a less visible way of interpreting the Constitution and the laws passed by Congress. That is important and straightforward enough, but it is important that the people who are nominated and confirmed understand what their important but limited role is under our constitutional government.

As I said, we need a Justice like the late Justice Scalia, who believed that the words in the Constitution matter. We need a Justice who brings some sense of humility to the bench. That is a very important quality. I remember Chief Justice Roberts talking about the importance of humility when it comes to the job of judging. When one has a lifetime tenure job and can't be removed from office except by impeachment, that gives them a lot of latitude to do things that perhaps maybe humility would dictate that we not do. So we need people of good character, people with the requisite qualifications and experience and with the right judicial philosophy, I believe. We need a Justice who will fight for the Court to take its proper role as a check against executive or legislative overreach, but it ought to be constrained by the words of the Constitution as written and by the words in the legislation Congress has passed. There is no justification under our Constitution for a judge who simply views their position as license to do what they want or substitute their opinion for that of the elected representatives of the people.

I am optimistic we will be able to move forward with President-Elect Trump's nominee to fill the bench and will soon be up to full speed of nine Justices. Through President Obama's tenure, we saw the Senate confirm two of his Justices to the Supreme Court. As I mentioned, those are two of the four confirmations in which I have had the pleasure of participating in the confirmation process. President Obama was able to replace two members of the Court.

In recent months, we heard our friends across the aisle say how important it is to fill the vacancy left by the death of Justice Scalia. We know they disagreed with us on our decision to leave that decision to the voters who selected the next President, but I trust they will feel the same way now—that it is important that we fill this bench without undue delay now that the people have spoken.

It is the American people who I believe have made a choice in the type of Justice they want confirmed to the Court. They have determined that what our country needs is a Justice committed to the rule of law and to the Constitution—not politics, not value judgments, but enforcing the law as written. I look forward to helping the new administration deliver that for the American people.

#### JUSTICE FOR ALL REAUTHORIZATION BILL

Mr. CORNYN. Mr. President, today the House will take up a piece of legislation known as the Justice for All Reauthorization Act, a bill that will help victims as they seek to restore their lives and will better equip law enforcement to fight some of the most heinous crimes imaginable. This legislation will help put more of the guilty behind

bars and provide key resources to forensic labs across the country while aiming to end the rape kit backlog.

The rape kit backlog in particular has been something that a wonderful woman named Debbie Smith has committed much of her life to, making sure we provide the resources to local forensic labs that test those rape kits because of the power of DNA and forensic testing. One can literally tell with almost certainty whether the evidence contained in a rape kit matches a DNA sample from a suspected sexual offender. Likewise, one can also exclude the suspect from being the one who provided that forensic DNA sample. In other words, you can exonerate as well as convict people as a result of testing from these rape kits.

Being involved in this issue, we initially heard there were as many as 400,000 untested rape kits in America. Some of them had been tested 20 years after the fact only to find that the sexual offender didn't just commit one act of violence or sexual assault but was a serial offender.

There are stories of individual courage on the part of victims of sexual assault who have come forward to tell their story about the impact of this important elimination of the rape kit backlog. There are cities like Houston—Houston, under the leadership of Mayor Parker, basically said they are going to eliminate the rape kit backlog in Houston on their own, with perhaps some Federal assistance. They were able to identify a number of perpetrators in unsolved crimes because they were able to tell that the DNA in these rape kits matched certain hits on the FBI's CODIS list, where they maintain the data bank of DNA samples that are matched against those collected from suspects, collected in forensic examination.

Suffice it to say that this legislation will contribute to ending that rape kit backlog, and I believe that is a good enough reason to support it. It will make sure that brave people like Debbie Smith, who years ago suffered a sexual assault and who has made this one of her causes in life—it will make sure that no woman would have to endure what she had to endure, and that is where law enforcement fails to use all the resources available to it to find her assailant and to bring them to justice.

Most importantly, this legislation will also help strengthen victims' rights and help them pursue their justice in court.

We already passed it once unanimously in the Senate back in June, and I am thankful to the leadership in the House for bringing this bill up in the waning days of the 114th Congress. I look forward to the House bringing up and passing this legislation today and to us taking it up here with any amendments that the House may offer and taking it up here I hope by unanimous consent and passing it before we leave for the holidays.

With that, Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Ms. AYOTTE). Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for up to 25 minutes in morning business.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I started my weekly series of speeches about the dangers of climate change in the spring of 2012. My trusty "Time to Wake Up" sign is getting a little battered, showing some wear and tear, but I am still determined to get us to act on climate before it is too late. The Senator from New Hampshire clearly knows what is going on in her State.

It is long past time to wake up to the industry-controlled campaign of calculated misinformation on the dangers of carbon pollution. Opponents of climate action relish operating in the dark. Their slimiest work to undermine science and deny the harmful effects of carbon pollution on human health, natural systems, and the economy is done by hidden hands through front groups. If anything is to change, we first need to acknowledge peer-reviewed science, the expert assessments of our military and national security leaders, and the business case for climate action that iconic American companies are making. But if anything is really going to change, we need to shine a light on the sophisticated scheme of science denial being foisted on the American people.

President Theodore Roosevelt once said: "Far and away the best prize that life offers is the chance to work hard at work worth doing."

We in Congress have the chance to do this worthy work, but big special interests don't want that to happen. So Congress keeps drifting toward climate catastrophe, and I keep delivering my weekly remarks—today for the 150th time.

Thankfully, I am not a lone voice. Many colleagues have been speaking out, particularly our ranking member on the Environment and Public Works Committee, Senator BOXER, and one of our Democratic Party's Presidential contenders, Senator SANDERS. Senator MARKEY has been speaking on climate longer than I have even been in the Senate. Senators SCHUMER, NELSON, BLUMENTHAL, SCHATZ, KING, BALDWIN, BROWN, and COONS have each joined me to speak of the effects of carbon pollu-

tion on their home States and economies. Our Democratic leader, Senator REID, has pressed the Senate to face up to this challenge, and 18 fellow Democratic colleagues, including climate champs MERKLEY, WARREN, MARKEY, and SCHUMER joined me in calling out the industry-controlled many-tentacled apparatus deliberately polluting our American discourse with climate science denial.

The climate science that deniers tried to undermine dates back to the 1800s, predating Henry Ford's first production Model T, predating Thomas Edison's first light bulb demonstration, and predating the first commercial oil well in the United States. It was 1824, around the time that President Monroe added the South Portico to the White House, that French scientist Joseph Fourier explained that the Earth's temperature would be much lower if the planet lacked an atmosphere, providing one of the first descriptions of the greenhouse effect. In 1861, the year President Lincoln took office, Irish physicist John Tyndall described the trace components of the atmosphere that were responsible for the greenhouse effect, including carbon dioxide, methane, and water vapor. In 1896, the year Utah joined the Union, Swedish scientist Svante Arrhenius published the first calculation of global warming due to the addition of carbon dioxide from the burning of fossil fuels.

The concentration of carbon dioxide in the Earth's atmosphere at that time was 295 parts per million. Today it is 400 parts per million and rising—indeed, rising at a pace not seen for 66 million years. Scientific research continues to demonstrate planetary warming and the many changes that come with it.

I am from the Ocean State, and we can particularly look at the oceans to see the devastating effects of climate change. Of course, the great, corrupt denial machine the fossil fuel industry supports rarely talks about oceans. But, remember, that machine doesn't care about evidence. It just wants to create phony doubt. But there is not much room for doubt in measurements of warming, rising, and acidifying seas, which are measured with everyday thermometers—with yardsticks, essentially—and pH tests. So faced with all that measurement, they just don't go there.

But the changes happening in the oceans are real. Our unfettered burning of fossil fuels has made our oceans warmer. The oceans have absorbed the vast majority of the heat trapped in our atmosphere by our carbon pollution—the heat equivalent to several Hiroshima-style atomic bombs being set off in the sea every second for the last 20 years. One result of all this heat is the calamity now taking place in the world's coral reefs, the incubators of the sea.

Australia's Great Barrier Reef is the largest coral ecosystem on Earth. Severe bleaching has hit between 60 and