

LEGISLATIVE SESSION

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 37), disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise today to ask my colleagues to support H.J. Res. 37, a resolution disapproving of the Federal Acquisition Regulation issued by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration.

As is the case in so many of these rules and regulations, it has a really nice name. It sounds really good—the fair pay and safe workplaces rule—but the bottom line is, because of the substance of this rule, it has become commonly known as “the blacklisting rule.” Had it been up to me, I would have called it “the blackmailing rule.” Let me explain why.

It requires contractors and subcontractors submitting bids on Federal Government contracts to disclose any proven or alleged violations within the last 3 years of 14 different labor laws, plus “equivalent State laws.”

Now, that may sound reasonable, but it is not. And it is entirely unnecessary. Any competent purchasing manager—again, I come from the private sector, and there are a lot of competent purchasing managers—could readily obtain the information required by this regulation. And, of course, any competent purchasing manager should also always be evaluating the qualifications, integrity, and the past performance record of any kind of potential suppliers.

This rule also has the very real potential of subjecting perfectly innocent contractors to blackmail and extortion tactics during union contract negotiations.

In case anyone thinks I am overstating this threat, listen carefully to the following quote from one union describing an “ideal message” their union president should convey to a general manager of a business negotiating a union contract:

Putting it plainly: unless you settle this strike within the next few days, and the union withdraws its charges—

Those would be those allegations; unless the union withdraws those charges—

you are likely to be marked as a “repeat labor law offender,” one of the highest cat-

egories of wrongdoing under the President’s Order. Check this out with your hotshot legal team.

This union message goes on:

Counting all of its divisions, this corporation has federal contracts in the hundreds of millions. Do you really want to jeopardize this pot of gold to save a few hundred thousand dollars to the union contract?

This is the kind of negotiating tactic that illustrates exactly how this regulation would be used as a form of federally sanctioned blackmail. There would be no due process for contractors wrongly accused. There would be no way for them to defend themselves or avoid being blacklisted.

As if the blackmail potential of the rule isn’t bad enough, the Obama administration admitted that the final rule would cost at least \$398 million to comply with every single year. And except for the benefit that extortion leverage provides to unions, I can think of no financial benefit to taxpayers or our economy—and neither could the Obama administration, as they were unable to quantify any financial benefit for this rule in their regulatory filings.

In addition to the \$398 million annual regulatory cost, the agencies themselves detailed the following regulatory burdens:

The rule will affect over 24,000 contractors. Industry estimates are even higher.

The rule imposes costly reporting requirements on small businesses that many simply cannot bear.

And it also reduces the availability and increases the price of much needed supplies and services, including to our military.

Others have pointed out even more problems with the rule. For example, it does not define what the “equivalent State laws” are that have been included in the disclosure requirement. Also, the definition of a violation that is reportable is incredibly broad. It is not limited to government contracts and includes pending and other nonfinal disputes—in other words, mere allegations of wrongdoing.

This, in particular, is a slippery slope. For example, in fiscal year 2016, the National Labor Relations Board received over 21,000 unfair labor practice charges, but more than half of those were withdrawn or dismissed, and less than 6 percent resulted in a formal complaint by the NLRB. Also in fiscal year 2016, the Equal Employment Opportunity Commission received over 91,000 complaints but issued a “determination of reasonable cause” in only 3,113—about 3.4 percent of those—and filed enforcement suits in only 114—about 0.1 percent of the 91,000 complaints that were filed.

Various studies report that it costs \$2 trillion per year to comply with Federal Government regulations. That is \$14,800 per family per year. Of course, no one writes a check for \$14,800. Instead, those costs are realized in reduced opportunities, higher prices to

consumers, and stagnated wages and benefits for hard-working Americans.

Economic growth is the primary component of a solution for many of our country’s problems, yet Washington continues to stifle growth by adding layer upon layer of regulation. The blacklisting rule is just one harmful example.

Fortunately, last October, the U.S. District Court for the Eastern District of Texas issued a nationwide preliminary injunction the day before this rule was set to go into effect. The judge issuing the order noted there was merit to the claims that this rule violates statute, exceeds Executive authority, and is unconstitutional. The court found that letting this rule go into effect would cause “irreparable harm.” But the case is still pending. Until we act to decisively repeal this rule, a significant burden hangs over our country’s contractors and suppliers.

Through the use of the Congressional Review Act, we have the opportunity to reduce that regulatory burden and repair a small portion of the damage done by President Obama’s regulatory overreach.

We owe it to the American people and American businesses to start providing them with regulatory relief.

I urge my colleagues to vote yes to disapprove and repeal this very harmful, very costly, and completely unnecessary rule.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank the Chair.

RUSSIA AND THE PRESIDENT’S ADDRESS TO CONGRESS

Mr. President, on Tuesday night, along with my colleagues, I listened to the President of the United States address the joint session of Congress. As the ranking Democrat on the Senate Foreign Relations Committee, I was particularly interested to hear what the President would be saying about American foreign policy.

I heard him say during the speech that American foreign policy would be based on the respect of the sovereign rights of nations, which is something that I strongly believe in. I then thought I would hear the President talk about one of our greatest challenges from a country that is not respecting the sovereign rights of the United States of America, that country being Russia. But the President didn’t mention Russia at all in his State of the Union address, which really surprised me.

When we look at Russia’s most recent conduct and know what they did in regard to their attack on the U.S. democratic election system, it is beyond dispute that they wanted to interfere with our free elections, they wanted to affect the credibility of our democratic election system, and they wanted to influence the outcome of the election. That is pretty clear from the evidence that we have seen to date. Yet

the President did not mention that at all—a country that had attacked us as recently as just a few months ago. There was no mention in the President's State of the Union address.

It wasn't an isolated attack by Russia on the United States. We knew that before that, when we saw Russia's influence in regard to Montenegro's elections and how they tried to impact their parliamentary elections to influence Montenegro's decision to join NATO. We know that Russia is attempting to influence the elections in Western Europe.

So we have a country that is trying to bring down our democratic system of government by using our democratic system of government, and the way that we conduct open elections, to compromise our system.

But that is not the only thing Russia has done that is contrary to the U.S. national security and our foreign policy objectives. We know that they have physically incurred into other countries. They have physically incurred into Ukraine. Today, Russia has annexed Crimea—something we will never recognize. Crimea is part of Ukraine. Russia is continuing to support the separatists in the eastern part of Ukraine, compromising Ukraine's sovereignty.

The President did not mention that in his State of the Union address.

We know that Russia is in Georgia, in Moldova, and other sovereign countries; once again, no mention of that.

And then Russia is very much engaged in the Middle East. We know that Russia's footprint in the Middle East is growing. They have their military presence in Syria, backing the Assad regime, facilitating Iran's participation in Syria.

We also know that the type of conduct that has been conducted under Russian support, where civilians have been targeted, humanitarian convoys have been attacked, amounts to war crimes—a situation where Russia has culpability; yet, we don't hear anything about that.

So we have a role. Congress has a role to play in making sure that we protect our national security interests.

First and foremost, we have to know what is going on. We have to know what Russia was doing. We have to know what Russia's intentions were when they compromised our cyber security and used that information to try to influence our elections. We have to know what Russia's intentions are all about regarding the contacts they have made with Americans in their effort to influence this campaign. We have to understand what Russia's intentions are as they relate to democratic countries.

We saw in General Flynn's case that a contact was made, and as a result of not coming forward with that, General Flynn has left the Trump administration. And then we find out yesterday that the Attorney General, as a U.S. Senator, had contact with the Russian

Ambassador, and that information was not made available during the confirmation process.

The timing of that meeting in Senator Sessions' office is concerning. It is concerning because it was right at the time that Russia was the most active in trying to get information that they could use to influence our elections. So this is an important aspect for us to understand.

We need to understand why that meeting took place and what was involved in that meeting. There have been calls by Members on both sides of the aisle that we get that type of information.

But I will add one more dimension to this: Why was the Russian Ambassador interested in meeting with Senator Sessions during the campaign period? Was this part of an overall strategy by Russia to try to influence the election? We need to get the answers to that.

The only way we are going to be able to get a complete account of what has happened by Russia's attack on the United States is by setting up an independent commission. Russia may not have used MiGs to attack America. They may have used a mouse. But it was an attack. And when we were attacked on 9/11, Congress did right thing—they set up an independent special commission to understand what happened, how we were so vulnerable to an attack, so that we could take steps to protect ourselves from future attacks and hold those responsible accountable. That was a bipartisan effort by the Congress of the United States, setting up an independent commission, a commission where the members could devote their entire full time to the assignment, because that is how serious being attacked is. There was no limit on their jurisdiction. They could go where the facts led. They could give a report to the American people so there would be credibility that we, the policymakers, are going to have independent information in order to act to protect the national security of the people of this country. That is what that independent commission meant. That independent commission met. They made many recommendations on eliminating a lot of the stovepiping of intelligence information and combining agencies together. Congress acted on those recommendations. As a result, we are safer today than we were prior to 9/11.

We need to be safer tomorrow than we are today from the attacks of Russia. The only way we are going to be able to get that objective information with the credibility so that we can act in the best interests for the people of this Nation is to have a nonpartisan, independent commission take a look at what Russia was doing, get all the facts, find ways and recommendations to make us safer, give the credibility to the American people, and then Congress needs to act in order to protect our national security. I know we have some committees looking at this. I

know the Senate Intelligence Committee is doing some very important work. I support that.

We have our responsibilities in Congress to take steps within the jurisdictions of our committees. I am for the Senate Foreign Relations Committee looking into what Russia was doing in order that we can protect the jurisdiction of our committee to do a better job in our bilateral relationship with Russia, or what Russia is doing in Europe or in other parts of the world that affects our national security under the jurisdiction of the Senate Foreign Relations Committee. We need to do that work. The Intelligence Committee needs to do their work. Armed Services needs to do their work. Judiciary needs to do their work.

But we need one central investigation that includes the broad jurisdiction that can get to answer why the Russian Ambassador may have wanted to see a U.S. Senator who was active in one of the campaigns that close to the elections, that has an opportunity to understand why Russia was so active in their cyber attacks in America, getting so much information, so much political information, why Russia was trying to understand our election system. There is no evidence that they tried to manipulate individual votes. That didn't happen—at least we don't believe that happened—but we know they were looking into how we do that. Was that for some future use? We need to understand that to protect our democratic system of government. That is what an independent commission will allow us to be able to receive.

I urge my colleagues to respond to the national security challenge of Russia, and let's establish an independent commission.

There are other things we need to do. There are two bills I filed with my Republican colleagues to make it clear that it is not going to be business as usual with Russia. There are going to be consequences to what they have done to the United States and our national security interests.

One bill that I filed, of which Senator GRAHAM is the principal sponsor, is to make sure that Congress carries out its responsibility of oversight in regard to our bilateral relationship with Russia. It is the Russia Review Act, which would require the President of the United States to submit to Congress for review any attempt to eliminate or modify the current sanctions against Russia. He would be required to submit that to the Congress of the United States, hopefully working with us and consulting with us before he makes decisions but giving us an opportunity to weigh in before that decision could take effect.

For my colleagues who remember the Iran nuclear agreement, it sounds very familiar. Senator CORKER and I, Senator MENENDEZ, Senator KAINE, and others worked on the Iran Nuclear Agreement Review Act. It passed nearly unanimously in the Congress. It required a President to submit that

agreement to us before it could take effect. It made the negotiations much more transparent. As a result, I believe we had a stronger agreement, but we also had a more open process, and Congress had a chance to carry out its responsibility. In a similar vein, it is important that we pass the Russia Review Act so that we can carry out our responsibilities, preventing the President from taking unilateral action without consulting with us. This is bipartisan; we have Democrats and Republicans working on this. I hope we will be able to pass this bill in a timely way.

The third bill I want to bring to my colleagues' attention as it relates to Russia's activities in the United States is legislation that I have filed with Senator McCAIN and many others. We have a large number of Democrats and Republicans who have cosponsored this bill that would increase the sanctions against Russia because of their attack against us. It would expand the options for imposing sanctions to different sectors that could affect Russia's energy, that could affect the ability of Russia to finance their sovereign debt, that could affect Russia's ability to privatize their industries by making it clear that we are not going to allow Americans or companies to help finance these activities because in reality they are financing activities against our interests, such as the cyber attacks, as we saw last fall.

This legislation is comprehensive. It deals more than just with sanctions; it deals with another major problem that we have found. Through NATO and U.S. leadership, we have made it clear that we will defend the countries of NATO, and we have deployed troops to make it clear to Russia that they better not try to compromise the territorial integrity of the member states.

This initiative has been well received by Europe and has countered Russia's attempts to cause a fracture within the European community. We need a similar initiative on democracy, a democracy initiative, because not only is there a threat against Europe from their geographical boundaries, there is a threat against Europe in regard to their democratic institutions. We know that. We saw that here in America. It is being challenged in Europe. So this democratic initiative would allow us to participate in strengthening the democratic institutions in Europe so that we don't allow Russia to use the democratic institutions to try to bring down the democratic institutions.

There is another part of this legislation which I think is extremely important. We are all getting to better understand the tactics being used by Russia, this fake news—inventing news and then using the social media to make it look like it is the hottest news in town. We know they are good at that. We also know they are very good at propaganda, and they go in directions that we, prior to this election, thought we would never see in our own country. We are now seeing it more frequently.

Part of this legislation is for us to develop a capacity to be able to counter this propaganda and fake news so that Russia's deployment of it will not compromise our national security.

I think all three bills will be considered shortly and favorably by this body—setting up an independent review commission; requiring the President to submit any changes in the Russian sanctions to the Congress for review before they could take effect; and strengthening our sanctions regime against Russia for its conduct, including strengthening our commitment to democratic institutions and fighting this new cycle of fake news.

I also listened to the President during the State of the Union Address when he said that our foreign policy calls for a direct, robust, and meaningful engagement with the world. That is another statement I happen to agree with. And then I thought about what I had heard a little earlier that day: that the President's budget was going to have about a 30- to 35-percent cut—it wasn't exactly clear, but it was a large number—to the State Department.

I said: How are you going to have a robust and meaningful engagement in the world if you cut our diplomacy budget, you cut our development assistance budget? This is how we keep the world safe. This is how we get our goals accomplished globally.

We have had so many hearings in our committee where there is a much greater need. We need to do more in Africa in promoting democracy. We need to do more in the Middle East in promoting good governance and inclusive governance so we don't have to have as many wars. We need to do things in our own hemisphere. We heard today in a hearing what is happening in Venezuela. There is a lot of work for America to do. A 30-percent cut? Is that a more direct, robust, and meaningful engagement within the world? It didn't sound that way to me. I was concerned about that and how we are going to be able to gauge.

It was Secretary Mattis who said: If you don't give the Secretary of State the resources, you better give me more soldiers.

And they are more expensive. We have the best fighting force in the world, and we are going to support our fighting force. The way we show respect for our soldiers is to use them only as a matter of last resort. Diplomacy is critically important for America's national security.

A strong, credible Office of the President is equally important if we are going to be able to be the type of country that influences our values globally, and the President of the United States has put that at risk. That is why I am reintroducing my resolution to try to avoid a constitutional crisis. I introduced it before President Trump took the oath of office, and I am introducing it again to avoid a constitutional crisis. It deals with the emoluments clause of the Constitution of the United States.

Every modern President of the United States prior to President Trump, in order to avoid conflict, in order to do what is ethically right and to comply with the Constitution of the United States—the emoluments clause—has either divested their financial holdings or has set up a blind trust. Some have done both. That is the way that the ethics officers tell us you can comply with not just the Constitution but with the highest ethical standards so that there are no real conflicts and you don't have any perceived conflicts, which can be just as damaging to the credibility of a public office holder.

President Trump, by not divesting, by not setting up a blind trust, has put the Office of the Presidency, our country, in a compromising position.

Let me give some specific examples, if I might. I will mention three countries. I could mention more.

Saudi Arabia. Very interesting country, Saudi Arabia. In August 2015, the Trump organization filed eight separate business companies to do business in Saudi Arabia. As we all know, the President's Executive order that was originally issued that excluded immigrants from seven Muslim countries from visas did not include the Kingdom of Saudi Arabia even though, as we all know, many of the participants in the 9/11 attack against the United States originated from the country of Saudi Arabia. President Trump has vast business interests in Saudi Arabia.

Let me quote President Trump:

Saudi Arabia, I get along with all of them. They buy apartments from me. They spend \$40 million, \$50 million. Am I supposed to dislike them? I like them very much.

It is not a question, Mr. President, of whether they like you or they don't like you; under our Constitution, they cannot give you any favor. If they give you a business favor, that is an emolument and violates the Constitution of the United States and violates your oath of office.

In regard to Turkey, Turkey has two large-scale developments in the country that are under the Trump organization. The Trump organization has a partnership with a luxury furniture company, Dorya International, to build pieces to be sold under the Trump Home Collection brand and a multi-million-dollar branding deal with the Dogan Group—the Dogan Group is run by one of the most politically influential families in Turkey—for a two-tower complex in Istanbul. According to President Trump's May 2016 financial disclosure, he received as much as \$1 million in royalties from the first venture and as much as \$5 million from the second venture.

Because President Trump has not properly divested himself from his business, he will presumably continue to receive royalties from both ventures, and these business arrangements are not unknown to Turkey's leadership. President Erdogan presided over the opening ceremonies of Trump Towers, Istanbul.

Shortly after the election, President Trump held a phone call with President Erdogan in which he praised his business partners. There are substantial business interests known by the Turkish Government that Mr. Trump has in their country. Mr. Erdogan is not shy about talking about and using the Trump Towers. He has bragged about it. We have a lot of foreign policy decisionmaking that affects Turkey. We need to know that when the President is making those decisions, it is America's interest which is at the front and center, not the Trump Organization's interests that are affecting those decisions. That is why we have the emoluments clause, that is why we believe in avoiding conflicts, and that is why President Trump needs to divest of his interest or set up a blind trust.

I will mention one other country, if I might. That country is China. For a decade, the Trump organization has been trying to get a trademark of its brand in China. I am going to quote from Mr. Trump on February 7, 2011, when he wrote to the American Ambassador in China. This is what Mr. Trump said: "I spent hundreds of thousands of dollars in legal fees to secure my own name and globally recognized brand for Chinese individuals who seek to trade off my reputation."

For 10 years he was fighting to get that trademark protection. It was granted on February 14, 2017, a few weeks after President Trump took the oath of office, shortly after President Trump stated that he would support the One China policy, something the Government of China strongly wanted him to say.

We don't know connections. We can't draw connections. We don't know that. That is why the emoluments clause is in the Constitution, so you cannot accept any favors from another country. It is against our Constitution. Yet we have concerns as to whether the President is acting under that interest. That is just wrong and it needs to stop. What the President has done is established a circumstance where there is an appearance of conflict, where it looks like foreign governments are trying to influence his decisions.

He has affected America's standing to advance good governance and corruption. I want to underscore that point. He is compromising America's moral authority on the values we hold so dear. Our Western democratic values are being compromised because leaders of autocratic countries, corrupt leaders, can say: If it is all right for the President of the United States to keep his business holdings while he is President, what is wrong with me having an interest in some of our entities here? It takes away our effective ability to use diplomacy to solve problems or advance our goals. We are being compromised. The current arrangement is simply inadequate.

President Trump announced he is going to let his two adult sons handle his businesses, but he still maintains

his financial interests. He gives a couple of different other things he is going to do. I will just go over one or two of them.

He says he is going to donate the profits from his foreign hotels to charities. That sounds good.

Let me just quote from Steve Carvell, a professor at the Cornell University School of Hotel Administration, who said:

It's a monumental task to constantly run this down. Even if the company is trying its hardest and making its very best effort, it will be difficult to fulfill that goal.

Let's get serious about this. The arrangements he set out will not solve the conflict. It will not comply with the Constitution of the United States. The Office of Government Ethics said on the President's proposal it is "wholly inadequate." That is the Office of Government Ethics. They go on to say: "The plan the [President] has announced doesn't meet the standards that the best of his nominees are meeting and that every President in the last four decades has met."

I am a lawyer but would not claim to be a constitutional expert. Let me quote, if I might, from constitutional experts. Richard Painter, Norm Eisen and Laurence Tribe have written a comprehensive study of the constitutional provisions, concluding that "since emoluments are properly defined as including 'profit' from any employment, as well as 'salary,' it is clear that even remuneration fairly earned in commerce can qualify."

Richard Painter, the chief ethics officer for President George W. Bush, stated it in a blunter fashion. He said:

This is a for-profit hotel. [Trump] is making profits over dealing with foreign governments. Same with the loans from foreign government-owned banks. Those are for a for-profit business. That is prohibited under the Emoluments Clause of the Constitution.

Let me just conclude with this. This is not about any one person. This is about the Office of the President. This is about our constitutional form of government that depends upon the Office of the President being respected. It is bigger than any one person. The Framers of our Constitution went on to say: We recognize it. We know the faults of men. That is why we set up the Constitution, to protect against the frailties of individuals.

This is about the Office of the President of the United States, not about any one person who may occupy it 4 to 8 years. We need to protect the Office of the President, and that is why we need to act now to avoid this constitutional crisis of the President of the United States, who has put our Nation at risk because of his personal conflicts and because of his violation of the Constitution of the United States.

I call upon President Trump to live up to the values of the Constitution. Give the American people the transparency they deserve and completely sever his relationship with the Trump Organization before we are embroiled

in an ethical and constitutional crisis that will not serve the best interests of the President, Congress or the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF NEIL GORSUCH

Mr. HATCH. Mr. President, in a little more than 2 weeks, the Judiciary Committee will open its hearing on the nomination of Judge Neil Gorsuch for the U.S. Supreme Court. This is the 14th Supreme Court confirmation process in which I have participated. Over that time, while some things have changed, others have stayed the same.

The conflict over judicial appointments, especially to the Supreme Court, remains at its core a conflict over the proper role of judges in our system of government. The two sides of this conflict want two very different kinds of judges. Some of my colleagues, joined by their liberal allies, instead want judges who owe their fidelity to a particular political agenda.

For them, the judiciary is simply a backup plan for achieving political objectives. If the legislative branch does not deliver, they go to the executive—as they often did in the previous administration. If that does not work, they figure that the courts offer a second or third bite at the political apple.

This vision is fundamentally inconsistent with the way our system of government was destined, designed, and intended to be. Instead, the Framers devised the role of the judiciary on the wisdom of Montesquieu, who posited:

Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control. . . . Were it joined to the executive power, the judge might behave [as] an oppressor.

That was Montesquieu. Reflecting this wisdom, the Constitution endows the judge with the role of saying what the law is, rather than what he wishes the law would be.

Alexander Hamilton rightly observed: The people's liberty cannot be endangered by the judiciary "so long as the judiciary remains truly distinct from both the legislature and the executive."

The stakes in this conflict over judicial power are really enormous. The choice determines whether the people or unelected judges will govern the country and define the culture. Our system of government and the liberty it makes possible allow only one answer. The confirmation process allows us to determine which kind of judge Neil Gorsuch is and which kind of Justice he will be.

The dynamics of the confirmation process often reveal what kind of judge Senators and interest groups really

seek. Those who want political judges, for example, use a variety of strategies to determine how a judicial nominee, especially to the Supreme Court, will rule on issues and cases they care about. In fact, most of the time it seems that the policy consequences of how a judge will rule is the only thing that some Senators and advocates really care about.

For example, when President Bush nominated Chief Justice John Roberts in 2005, one Democratic member of the Judiciary Committee said that the real question was this: "Whose side is Judge Roberts really on, on the really important issues of our time?"

Another Democratic Senator said: "Before we vote, it is important to know where Judge Roberts stands on key issues."

Another said that she needed to know whether "Judge Roberts will stand with us and with our families or be on the side of major special interests."

Now, something is seriously wrong when the confirmation process for a Supreme Court nominee sounds more like an election campaign for a Senator or a Senate seat. Unfortunately, the same thing is happening again today regarding Judge Gorsuch. If a corporation won a case before him on the Tenth Circuit, for example, those groups claim that he is a champion of corporate interests, no matter the legal grounds of the decision, the facts, or anything else.

If another decision's result does not sufficiently advance the feminist agenda, they say that he is anti-woman. This radical approach seems to say that judges are free to decide every case based on the political popularity of the result and, therefore, that the judge personally intends every outcome. These advocates do not distinguish between the commands of the law and the personal preferences of the judge.

In this view, statutes and the Constitution mean whatever judges want them to mean, making unelected, unaccountable, lifetime appointees the master of the people. Political judges take away from the people the power to govern themselves and undermine their liberty. Using political or theological litmus tests in the quest for such political judges, demanding that they take sides and insisting that they make commitments to certain policy agendas before even taking office, poses a similar threat to the independence and impartiality of the judiciary.

There is nothing mainstream about political judges and nothing mainstream in the tactics used to appoint them. In contrast, impartial judges are consistent with the principles on which our system of government is based and the independence that judges must have. When Judge Gorsuch took his seat on the U.S. Court of Appeals for the Tenth Circuit in 2006, he took the oath required by title 28, section 453, of the United States Code. He pledged to

administer justice without respect to persons and to faithfully and impartially discharge his judiciary duties.

Now, I want to suggest that my colleagues try an experiment. Ask your constituents whether judges should make up their mind on a case before hearing all of the evidence and arguments. Ask whether judges should take positions on issues before those issues even come before them in court.

I know what Utahns would say. The ABA Model Code of Judicial Conduct, for example, twice states this principle:

A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative [functions and] duties of judicial office.

State codes of judicial conduct include the same commonsense protection for judicial impartiality. The California code, for example, prohibits statements, whether public or not, that "commit the judge with respect to cases, controversies, or issues that are likely to come before the courts."

Now, this has been the consistent practice of judicial nominees before the Judiciary Committee. Elena Kagan came before the Judiciary Committee in June 2010, after being nominated by President Obama to replace Justice John Paul Stevens. On June 29, 2010, she said that it would not be appropriate for her to comment on an issue that could come before the Court.

Samuel Alito—Justice Alito—came before the committee in January 2006, after being nominated by President Bush to replace Justice Sandra Day O'Connor. On January 11, 2006, he said:

But the line I have to draw, and I think every nominee, including Justice Ginsburg, has drawn, is to say that when it comes to something that realistically could come before the Court, they can't answer about how they would decide that question. That would be a disservice to the judicial process.

Ruth Bader Ginsburg. Justice Ginsburg appeared before the Judiciary Committee in July 1993, nominated by President Clinton to replace Justice Byron White. On July 20, 1993, she said this: "A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of the particular case, it would display disdain for the entire judicial process."

Antonin Scalia came before the committee in August 1986, after being nominated by President Reagan to replace Justice William Rehnquist. On August 5, 1986, he said that taking positions in a hearing on issues that could come before him was not just a slippery slope but, in his words, a precipice. He said: "I just cannot do it, and I think the only way to be sure that I am not impairing my ability to be impartial in future cases . . . is simply to respectfully decline to give an opinion."

Let me reach even further back. Justice Abe Fortas came before the Judiciary Committee in July 1968, after being

nominated by President Johnson to replace Chief Justice Earl Warren. The committee sent the nomination to the full Senate and said these words in its report:

To require a Justice to state his views on legal questions or to discuss his past decisions before the committee would threaten the independence of the judiciary and the integrity of the judicial system itself. It would also impinge on the constitutional doctrine of separation of powers among the three branches of Government as required by the Constitution.

Judge Thurgood Marshall came before the committee in July 1967, nominated by President Johnson to replace Justice Tom Clark. The committee sent the nomination to the full Senate and its report noted that the nominee had said he would "wisely and forthrightly decline to give a judicial opinion on hypothetical questions."

Just 2 years earlier, when the committee reported the nomination of Abe Fortas to be an Associate Justice, its report said: "We have always felt it would be unfair to ask any nominee for any judicial office to give a legal opinion on the basis of a hypothetical question."

I think the point is obvious. Every nominee, of either party, for decades has taken the same position, and it is the right position. It reflects a commitment to judicial independence, to impartiality, and to the integrity of the judicial branch of government.

If my Democratic colleagues and their liberal allies believe that Justices Kagan, Alito, Ginsburg, Scalia, Fortas, and Marshall were all wrong, they should say so. If they believe that judges should prejudice cases by committing to particular outcomes, then they should make that case. If they believe that the oath of judicial office and code of judicial conduct are all misguided, then, it seems to me, they should be upfront about it. I, for one, believe that judges should be impartial, that they should follow the law, and that they should stay within their designated role.

America needs impartial, not political, judges. I don't care which party you are in. If you are an attorney, you have to appreciate judges who are impartial, especially if you are an honest attorney.

We need judges who will follow, rather than lead, the law. The Constitution, after all, is the primary way that the American people set rules for government, and that includes—God bless it—the judicial branch. The Constitution cannot control judges if judges control the Constitution.

Yesterday the Judiciary Committee received a letter signed by more than 30 prominent members of the Supreme Court bar. In combination, they have argued more than 500 cases before the U.S. Supreme Court. Though they hold different political and legal views, they are united in strongly supporting Judge Gorsuch's nomination. They

write that he is fair-minded, principled, and “has the unusual combination of character, dedication, and intellect that would make him an asset to our Nation’s highest court.”

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

I believe the record demonstrates that Judge Neil Gorsuch is an impartial judge and will, when confirmed, be an impartial Supreme Court Justice. He will take the law as he finds it and apply it “without respect to persons,” just as the oath commands. With him on the bench, the law—made by the people’s elected representatives—will determine winners and losers. In doing so, he will be exactly the kind of Justice America needs.

Judge Gorsuch has a tremendous reputation on the Tenth Circuit Court of Appeals, supported by Democrats and Republicans alike. Judge Gorsuch is a brilliant lawyer and an even more brilliant judge.

He is a person of impeccable reputation and integrity. He is exactly the type of person you would want deciding your case if you had a case before the Supreme Court. He is exactly the type of person whom other judges could emulate and follow, so he is exactly the type of person we want on the Supreme Court.

I have heard some ugly rumors that some of my colleagues in this body might, because of political concerns and political pressure, want to vote against Judge Gorsuch. I would caution them not to do that.

I think Judge Gorsuch will basically please almost everyone in this body over the years that he serves as a Supreme Court Justice. He is a really fine man. He is a fine family man. He is a very fine lawyer and a fantastic court of appeals judge.

He will make a great Justice on the U.S. Supreme Court. So I urge my colleagues on both sides to vote for him and help us fill this void so that the Court can continue to act as the Court should.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 1, 2017.

Hon. CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.
Hon. DIANNE FEINSTEIN,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: We write to express our strong support for Judge Neil Gorsuch’s nomination to be an Associate Justice of the Supreme Court of the United States. The undersigned are members of the Supreme Court bar with substantial experience before the Court. Collectively, we have argued more than 500 cases before the Court. Many of us, moreover, worked with Judge Gorsuch (or litigated against him) when he was in private practice; served alongside him in the Justice Department; or have appeared before him in the Court of Appeals. We hold a broad range of political, policy, and jurisprudential

views. But we are unified in offering our support of Judge Gorsuch’s nomination.

Fairminded, dedicated, smart, and unfailingly polite, Judge Gorsuch is someone all of us would be pleased to appear before. He is principled in his approach to the law, but also keenly aware of practical consequences. He is a thoroughly kind and decent person. Respectful of colleagues and counsel alike, Judge Gorsuch has the unusual combination of character, dedication, and intellect that would make him an asset to our Nation’s highest court.

We hope this information will be of assistance to the Committee in its consideration of Judge Gorsuch’s nomination. We thank you for your time and attention, and urge you to support his confirmation.

Very truly yours,

Lisa Blatt, Richard P. Bress, Michael A. Carvin, John P. Elwood, Roy Englert, Miguel A. Estrada, Mark Evans, H. Bartow Farr, III, David C. Frederick, Dan Himmelfarb, William M. Jay, Peter D. Keisler, Michael K. Kellogg, Jeffrey A. Lamken, Christopher Landau, Maureen E. Mahoney, Ronald Mann, Roman Martinez, Deanne E. Maynard, Matthew D. McGill, Eric D. Miller, Glen D. Nager, Aaron M. Panner, Mark A. Perry, Carter G. Phillips, Richard H. Seamon, Stephen M. Shapiro, Mark T. Stancil, Kathleen M. Sullivan, Amir C. Tayrani, Christopher J. Wright.

Mr. HATCH. I yield the floor.

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

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

CALLING FOR AN INDEPENDENT, BIPARTISAN COMMISSION

Mr. DURBIN. Mr. President, the highlight of the week, of course, is President Trump’s speech to the joint session of Congress, the first major public speech he has given since his inauguration. The Chamber of the House of Representatives was filled with Members of both the House and Senate, the Supreme Court Justices, the Cabinet, and many other dignitaries for the speech. It went for about 60 minutes, which is reasonable under Presidential standards. Many have gone much longer, and I listened carefully to the statement by the new President to really glean his priorities, in terms of his administration and what he hopes to see happen in this country.

There were many issues that he touched on, but there was one he didn’t. He didn’t say a word—not one word—about the Russian intervention in our last Presidential campaign. This is not speculation. It is a reality that 17 different U.S. intelligence agencies have told us that Vladimir Putin and the Russian Government were attempting to subvert and undermine our Presidential election. To our knowledge, that has never happened at any time in the history of the United States. It is the first time a sovereign nation has tried to literally launch a cyber inva-

sion of the United States of America to try to change the outcome of the most important electoral choice under the Constitution—the choice of President of the United States. It is a major issue. It is one President Trump cannot ignore.

During the course of that speech, he never once mentioned the word “Russia.” He never raised this issue as to whether it was worthy of investigation. He described it as a ruse. He has dismissed it and basically has paid no attention to it whatsoever and wants the rest of America to forget it as well.

That is not going to happen because the investigation about this Russian cyber invasion continues. We know the Federal Bureau of Investigation is deep into an investigation. I don’t know what it will find. I don’t know if they will find any complicity with anyone in the United States, anyone in the Trump campaign. It is only after we have an independent, complete, and credible investigation that we may know the facts.

We also have an investigation underway by many of our intelligence agencies, which are looking at the involvement of the Russians trying to change the outcome of our election. Those investigations are underway.

One element came up last night that has changed the conversation in Washington about this whole issue. Even before last night’s news, we knew Attorney General Jeff Sessions needed to recuse himself from any Justice Department investigation into Russia’s efforts to influence the 2016 election in support of the Trump campaign.

The Department of Justice standard for recusal—that is, the removal of the Attorney General from an investigation—is pretty clear. It requires recusal by someone who has “a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation.”

The Department of Justice regulations define “political relationship” to include service as a principal adviser to a candidate or campaign organization. Well, that certainly covers Attorney General Jeff Sessions and the Trump campaign. Attorney General Sessions was named in March 2016 as chairman of then-Candidate Trump’s National Security Advisory Committee. Steve Bannon, formerly of Breitbart News and now a close adviser to the President, described Jeff Sessions to the Washington Post as follows: “Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump’s agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

Attorney General Sessions close relationship with the Trump campaign creates a compelling basis for his recusal from any investigation of Russian involvement in that campaign.

So far, to this day, to this moment, Jeff Sessions has refused to recuse himself from this investigation. He refused when I asked him about it during the course of the hearing, and he has refused since he was named Attorney General. Now it is clear that his unwillingness to recuse himself is no longer tenable or acceptable or even explainable.

Last night, the Washington Post reported that then-Senator Jeff Sessions spoke with Russian Ambassador Sergey Kislyak twice during the Presidential campaign—in July at a Heritage Foundation event near the Republican National Convention and in September in a private conversation in the Senator's office. These communications came as a great surprise because until last night, Attorney General Sessions did not disclose them.

During his hearing in January, in preparation to become Attorney General, Jeff Sessions, then Senator, was asked by Senator AL FRANKEN of Minnesota: "If there is any evidence that anyone affiliated with the Trump campaign communicated with the Russian government in the course of this campaign, what would you do?"

Jeff Sessions' answer under oath included this statement: "I did not have communications with the Russians."

Senator PATRICK LEAHY of Vermont also asked Attorney General Sessions in writing: "Have you been in contact with anyone connected to any part of the Russian government about the 2016 election, either before or after election day?" Attorney General Sessions' response was "No."

It is hard to understand why Attorney General Sessions has not been more forthcoming and upfront with Congress and the American people about communications which we now know in fact did take place. If he thinks there was nothing wrong with these communications, why would he conceal them? It is deeply troubling.

The reality is, the Attorney General has compromised his credibility when it comes to investigating Russia's cyber invasion of America's election. His recusal is no longer an option, it is a necessity.

People say: Oh, of course, a Democratic Senator is saying that the Republican Attorney General should recuse himself. This morning, it has been reported that a number of top Republicans in Congress have called for the Attorney General's recusal, including House Majority Leader KEVIN MCCARTHY and House Oversight Chairman JASON CHAFFETZ.

It is imperative that career Justice Department professionals be allowed to follow the facts in this investigation to discover the truth. We may need a special counsel, but these steps alone are not sufficient. I believe we need an independent, bipartisan commission, led by Americans of unimpeachable integrity, to get to the bottom and get to the facts on this attack on our democracy.

I know the Senate Select Committee on Intelligence is also conducting an investigation. The House Permanent Select Committee on Intelligence, which, incidentally, is chaired by Representative DEVIN NUNES, who served on the executive committee of President Trump's transition team, agreed to the parameters of an investigation yesterday.

The Intelligence Committees cannot, by their very nature, provide the transparency and accountability that an independent commission would bring to this issue, and the chairmen of those two committees—House and Senate—have already raised serious questions about their own impartiality by calling on the media organizations at the behest of the White House to challenge news stories on this issue.

How could you possibly maintain objectivity if the elements of an investigation are compromised before the investigation even starts?

I am particularly concerned that Chairman NUNES has already publicly expressed views of the outcome of his committee's investigation before it has even started. That is not a professional, honest, or credible way to approach this.

We need an independent, bipartisan commission to get to the truth, and that may include taking a hard look at the Attorney General's communications with the Russians and at his refusal to disclose those communications. We also need to point out the obvious, which is that when it comes to investigating Russia's involvement in helping the Trump campaign, we have to follow the money, and that includes reviewing President Trump's tax returns, which, unlike any other Presidential candidate in modern times, he has refused to share with the American people.

Yesterday, Senators STABENOW, WYDEN, and a number of my colleagues sent a letter to the chairman of the Finance Committee, Senator ORRIN HATCH, of Utah, urging him to allow committee members to review the President's tax returns in a closed executive session. That is something the chairman of the Senate Finance Committee has the authority to do. The letter pointed out that this oversight is essential given the media reports about Russia as well as the possible unconstitutional emoluments being accepted by President Trump's vast business empire.

I support this request from my colleagues. It is imperative that President Trump level with the American people about his business's foreign entanglements, especially those involving Russia.

This issue is not going away. I urge my colleagues on both sides of the aisle to join me in pursuing all of the facts about last year's Russian attack on our democracy.

It was just a few weeks ago that the President's National Security Advisor, General Flynn, resigned. Do you re-

member why? He misrepresented to the Vice President and the American people conversations which he had had with the Russians. He ended up giving up his position as the No. 1 person in national security in the White House.

Now questions have been raised about the credibility of the Attorney General—the No. 1 person in the Trump administration when it comes to the administration of justice. What is the issue? It is the same issue as with General Flynn—conversations with the Russians which were not disclosed to the American public.

This is an issue that is going to continue to be in the forefront, as it should be, until we can bring the facts to the American people. The only way to reach that point is by having the Attorney General recuse himself from any investigation, appointing as a special prosecutor—or someone in that capacity—someone who is credible who can pursue this matter and then initiating an independent, bipartisan investigation by a national commission with credible chairs who have no political agenda and care enough for the United States to view this invasion by Russia as absolutely unacceptable.

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

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

CONGRATULATING SENATOR COCHRAN

Mr. WICKER. Madam President, earlier today, during his opening remarks, the distinguished majority leader paid tribute to my senior Senator, THAD COCHRAN, upon the occasion of his becoming the 10th longest serving Senator in the history of our Republic.

If you think about this—I just checked with the cloakroom—the Senate first convened in March of 1789 in New York City. In the 228 years of the United States Senate, THAD COCHRAN, of Mississippi, now becomes the 10th longest serving Senator in history. Quite a milestone.

I was chairing a subcommittee hearing this morning and was not able to be on the floor during the majority leader's remarks, and so I take a moment to now pay tribute to Senator COCHRAN at this milestone in his career and in the history of the Senate.

Most Senators do not know Senator COCHRAN and I were born in the same small town. We are both natives of Pontotoc, MS. We are alumni of the same university. We are both Ole Miss Rebels. We also share the same political lineage in Mississippi of being early pioneers in the development of the Republican Party. I was the first Republican Member of the House of Representatives in my congressional district, the First District of Mississippi, back in 1994. Senator COCHRAN

blazed an even more significant trail by becoming the first popularly elected Republican Senator from Mississippi back in 1978—in over a century. He succeeded former President pro tempore Jim Eastland, of Mississippi.

I have been able to watch him and be somewhat of a teammate over the decades, and I just want to pay tribute to THAD COCHRAN as being a trailblazer for quite some time. This is a milestone, and it is a testament to the proven record that Senator COCHRAN has built over 38 years in this Chamber. He served for 6 years in the House prior to that, so he has been around a long time. He has always been a good public servant. He has always been a strong American. He has always been a good member of the troop.

He is chairman of the Appropriations Committee, and a lot of funds are distributed through that committee. He is part of the team, and his committee is part of the team. Again, a lot of our colleagues do not realize this, but we set budget numbers—the House and Senate. We come to an agreement, and we set those spending levels. Then the Appropriations Committee, under the leadership of THAD COCHRAN, does the hard work of figuring out how to abide by those budget caps, and they do it year in and year out. With leadership like Senator THAD COCHRAN's, usually, the numbers are crunched, and they make it work on a bipartisan basis. Many of the votes in the Appropriations Committee last year, under the leadership of Chairman COCHRAN, were unanimous votes or virtually unanimous votes.

At the same time, he has been able to, within the constraints of those budget caps, take care of the needs of our country and certainly the needs of our State of Mississippi at some very dark moments in the history of our State. Hurricane Katrina—the worst natural disaster in recorded history ever to hit the North American Continent—was visited upon our State, and we were certainly fortunate to have the leadership of Senator THAD COCHRAN, and I was glad to be his partner in that regard. After Deepwater Horizon, the entire gulf coast region—and in fact the entire Nation—benefited from the leadership of Senator COCHRAN.

He makes us proud, and he has made us proud for years and years now. He was called by someone the “quiet persuader,” and that nickname has stuck and has been appropriate for quite some time. Throughout his time in Congress, indeed, THAD COCHRAN has been the quiet persuader. Not a lot of demagoguery, not a lot of arm-waving, not a lot of rhetoric comes from this desk in front of me—but leadership and resolve and taking care of business on behalf of the United States of America.

Before he was a Congressman, THAD COCHRAN was a successful young lawyer, and before that, he was a member of the Navy. He served our country well. Before that, he was perhaps the most outstanding law student with per-

haps the highest grade point average ever in the history of the “Ole Miss” law school. So he has made us proud in so many ways.

Although I was not able to be on the floor at the moment when Senator MCCONNELL made this recognition, I did want to come, now that I have a moment or two, and add my words of encouragement and congratulations to THAD COCHRAN, but also my words of appreciation on behalf of a grateful State and a grateful Nation for the many ways in which THAD COCHRAN has made us a better and a stronger country.

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

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

TRIBUTE TO JOYCE MCCOMBS

Mr. SULLIVAN. Mr. President, I have been coming to the floor for the past several weeks to highlight my State and the great people who live in it. As the Presiding Officer and everybody in this room and those watching on TV probably know, Alaska is a breathtaking place. In fact, there is no place like it in the world—mountain ranges that seem to go on for eternity, salmon-filled waters and rivers, streams, massive glaciers. People save up their whole lives to come to visit my State. We welcome them. We want them all to come.

As I have also been saying, it is the people who make Alaska truly special, the Alaskans, people throughout my State banding together to form warm communities in cold climates. In Alaska, where the conditions are often extreme, we depend on each other—communities do—sometimes even for survival.

Today I would like to recognize Joyce McCombs, the director of the community library in Delta Junction, AK, as the Alaskan of the Week. On March 9, Joyce will be celebrating 30 years as the library director—30. She was also recently named by the Alaska Library Association the Audrey P. Kolb Public Library Service Award winner and received the Public Library Roundtable Certificate of Appreciation for her “significant, innovative activities” to improve her library. That award is named after Audrey Kolb, who is a legend in the library world in Alaska, and Joyce has that award as well as our award.

Delta Junction, where she lives, is a beautiful community of about 1,000 residents, surrounded by 3 spectacular mountain ranges. The community is about 150 miles from Fairbanks, in Alaska's interior. It gets cold there in the winter. As a matter of fact, this

morning in Delta Junction, it was 26 below zero. And it is home to Fort Greely, which is the cornerstone of our Nation's entire missile defense system, protected by 300 brave soldiers, part of the Alaskan National Guard.

For many in Delta Junction, the library—recognized by the Library Journal as one of the best in the State—is the place where people converge and find warmth and community. It is open 6 days a week, and it only closes when it gets below 40 below zero. They are tough people in Delta Junction.

Joyce, with the support of so many in Delta Junction, including Fort Greely, which supports the library, has made sure that this library stays one of the best in the State and in the country. In her words, Delta's library is the “community living room.” In a small town like Delta Junction, such spaces are rare and, indeed, special. Joyce brings all sorts of services and learning to the library, including bands, authors, cooking classes—“what the community wants and needs,” she said. Sometimes those needs entail sitting someplace warm and reading a book. Sometimes it means Skyping a spouse who might be serving overseas in Afghanistan or Iraq or applying for a job or getting the right form to file their tax returns. Joyce said: “We're open 6 days a week serving everybody from nursery schools to nursing homes.”

One Delta resident told Joyce on Facebook:

Your assistance to the literary education of now two generations of children has been an invaluable contribution to our community that will be paying dividends for years to come. This statewide honor is only a larger recognition of what we already know here in Delta—that you are a great librarian.

After 30 years as the director of the library, Joyce still loves her job, saying she learns something every day from her patrons. Thankfully for all of us, she has no plans to leave.

Congratulations on your award, Joyce. Happy birthday to your grandson, Trek. And thank you—and to the many librarians across our State and across our Nation—for your efforts to provide a warm learning space for all Alaskans and all Americans.

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

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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