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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

PRAYER

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

Let us pray.

Our Father in Heaven, we sing of Your steadfast love and proclaim Your faithfulness to all generations. Make us one Nation, truly wise, with righteousness exalting us in due season.

Today, inspire our lawmakers to walk in the light of Your countenance. Abide with them so that Your wisdom will influence each decision they make as You restrain them from speaking in haste. Keep them from evil so that they will not be brought to grief, enabling them to avoid the pitfalls that lead to ruin. May they put country before self, people before politics, and patriotism before partisanship. Empower them to glorify You in all they say and do.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable DEAN HELLER, a Senator from the State of Nevada, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. HELLER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HONORING OFFICER NICK RODMAN

Mr. MCCONNELL. Mr. President, I would like to begin this morning by paying tribute to a fallen hero. Yesterday, Officer Nick Rodman of the Louisville Metro Police Department passed away after a crash in west Louisville on Tuesday night.

Officer Rodman had served in the department for 3 years, where he followed in a strong family tradition of law enforcement. In his life, he showed compassion and dedication, which are among the best virtues of public service.

According to LMPD Chief Steve Conrad, Officer Rodman is the second officer in the department's history to be killed in the line of duty.

Officer Rodman's tragic death reminds us of the tremendous debt of gratitude we owe to all of the courageous men and women like him who daily put themselves into harm's way to defend our communities. They deserve our utmost respect.

This morning, I ask all of my colleagues to join me in expressing our deepest sympathy to Officer Rodman's family, friends, and fellow officers. They will all be in our prayers.

CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, on an entirely different matter, the Sen-

ate will soon act to prevent workers from being forced into risky government-run savings plans. Then we will turn our attention to an additional opportunity to protect the American people from Executive overreach with another resolution under the Congressional Review Act.

On its way out the door, the Obama administration issued a regulation that prohibited States from allocating certain health preventative-care funds in a way that best serves local communities. It substituted Washington's judgment for the needs of real people, controlling Americans' access to healthcare services while hurting the community health centers that so many Americans—especially women—depend upon. This regulation is an unnecessary restriction on States that know their residents' own needs a lot better than the Federal Government.

Fortunately, by sending the CRA resolution before us to the President's desk, we can once again return power back to the people, and we will do so without decreasing funding for women's healthcare by a single penny.

I would like to recognize my colleague, Senator JONI ERNST, who introduced the Senate companion to the House resolution we will vote on, for her leadership on this important issue. I look forward to supporting it later today.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, many Members came to the floor yesterday to debate the Gorsuch nomination. We will have all of next week to continue the debate. I encourage my colleagues to continue discussing this important nomination.

Two months ago today, before Neil Gorsuch had even been nominated, I spoke on the Senate floor about the rhetoric we could expect to hear from the other side after the President's nominee was announced.

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



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I predicted then that we would see many on the left “[try] to paint whomever is actually nominated in apocalyptic terms.” It “doesn’t matter who this Republican President nominates,” I said then. It “doesn’t matter who any Republican President nominates, really,” I continued. No matter the nominee, I said back before we had the nominee, “we can expect to hear a lot of end-times rhetoric from the left . . . [and] [i]n fact, we already have.”

I was alluding then to the fact that, sight unseen, we had already begun hearing from those on the far left who vowed to oppose anyone—anyone the President nominated. The Democratic leader even joined in, saying he would oppose anyone from the President’s list of candidates and would “fight it tooth-and-nail, as long as we have to” in order to keep Justice Scalia’s seat open, even for the entirety of the President’s term.

Remember, that was before Judge Gorsuch was even selected, before we knew his credentials, before we had heard from the current and former colleagues of his, before we had examined his judicial record, and well before his hearing before the Judiciary Committee.

Our friends across the aisle made it clear then that their opposition to this nominee would have nothing to do with the nominee himself. In fact, I said we could expect to hear a number of convoluted excuses as to why they wouldn’t support the President’s yet-to-be named nominee—excuses that would amount to little more than their dissatisfaction with the outcome of the election.

Sure enough, that is just what we have seen over the past few weeks. They are opposing this well-qualified nominee despite his impressive credentials, bipartisan support, and excellent testimony before the committee.

Judge Neil Gorsuch is such an outstanding candidate, so noncontroversial, so well-esteemed by people across the political spectrum that Democrats have been forced to talk about pretty much anything: President Trump, think tanks, you name it—anything but the nominee himself.

Yesterday’s comments by the Democratic leader are a good example. He gave a lengthy speech about why he wouldn’t support Judge Gorsuch, but when you boil it down, his remarks had little to do with Judge Gorsuch at all.

Essentially, he concluded that because Judge Gorsuch had earned the praise of legal groups like the Federalist Society, Democrats should not support him. By the way, all current sitting Justices have participated in events with this same organization. Let me say that again: All current sitting Supreme Court Justices have participated in Federalist Society activities. That includes Justices who were nominated by Democratic Presidents, including President Clinton and President Obama.

So, yes, Judge Gorsuch has received high praise from a number of conserv-

atives—he certainly has—just as he has earned the support of centrists and leftists as well.

As I have pointed out on several occasions, many long-time Democrats you might not expect have even complimented Judge Gorsuch—people like President Obama’s former Acting Solicitor General Neal Katyal, President Obama’s legal mentor, Professor Laurence Tribe, President Carter’s district court appointee, Judge John Kane, President Clinton’s appointee to the Tenth Circuit and former chief judge of that court, Judge Robert Henry, and liberal Harvard Law Professor Noah Feldman, and so many more.

Judge Gorsuch has such a proven record of judicial independence and impartiality that people from the left to the right and everywhere in between have voiced their confidence in his fitness to serve on the High Court. That would explain why the American Bar Association—which, according to the Democratic leader and former Democratic Judiciary chairman, is the “gold standard” for evaluating judges—gave Gorsuch its highest rating possible: unanimously “well qualified.”

So let’s be clear. The support for Judge Gorsuch is anything but one-sided.

The Democratic leader also noted his concerns yesterday about the process by which we arrived at this point. As we all know, this Supreme Court nominee process has been historically transparent. Here is what I mean. Months and months ago, then-Presidential Candidate Trump took the unprecedented action of compiling a list of potential nominees he would consider nominating to the Supreme Court. These potential nominees were made public for the American people, including every Senator, to review.

Before making his selection, now-President Trump’s White House consulted on a bipartisan basis with each and every Democrat on the Senate Judiciary Committee, as well as numerous other Senators. The President followed through with his pledge, selecting from that public list Judge Neil Gorsuch of Colorado, who we can all agree is well qualified to serve on the Supreme Court and whom the Senate confirmed to his current position without a single vote in opposition.

Since being nominated, Judge Gorsuch has continued this transparent process by meeting face-to-face with nearly 80 Senators—from both parties, obviously.

So you see, this process has been as straightforward and bipartisan as possible from the very beginning—before we even knew that the President would, indeed, be making this nomination.

Only in the upside-down world of my Democratic colleagues is telling the entire world months before one is even elected President the list of people he would choose from, if he became the President, a “secret” process. I can’t think of anything less secret than put-

ting out that list in the middle of a hotly contested Presidential election process.

So, look, it is time to move beyond this hollow rhetoric and get back to the serious business of governing. Confirming Judge Gorsuch would mark a significant step in that direction. He has proved himself a worthy successor to the Supreme Court. He has earned high acclaim along the way from various news publications and lawyers and judges and clerks who represent all walks of life and all political ideologies.

People like David Frederick, a long-time Democrat and board member of the left-leaning American Constitution Society, may have summed it up best in a recent Washington Post op-ed. Here is what he said: “The Senate should confirm [Gorsuch] because there is no principled reason to vote no.”

No principled reason to oppose him, none.

As this American Constitution Society member says, there is not one single principled reason to oppose Judge Gorsuch, so it makes sense that Democrats can’t come up with a single substantive reason to oppose him either.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, as we prepare to consider the nomination of Judge Neil Gorsuch for the Supreme Court, I would like to take a moment this morning to discuss the false choice Republicans are presenting about his confirmation.

The Republican majority wants everyone to believe that by the end of next week one of two things must happen: Either Judge Gorsuch will pass with 60 votes or they must exercise the nuclear option and change the rules of the Senate so that he can pass on a simple majority vote. As Republicans tell it, one inexorably follows from the other. They are talking about next week as if they have no choice but to go nuclear if Judge Gorsuch doesn’t earn 60 votes.

It is absolutely false. It is complete hokum. This is not some inevitable showdown. The Republicans control this body. They can choose to go nuclear or not. The ball is entirely in