talk about the extent of Federal overreach in our State like other people talk about the weather. Alaskans will be interested to know, perhaps excited to know, that one of Judge Gorsuch's top intellectual interests is regulatory overreach. He has publicly questioned the proposition that Federal courts must defer to agency interpretation of the law when regulations are challenged. That is a very good thing because when a homeowner has to go to court to litigate the question of whether the pond in the back of his house is regulated wetland, the last thing that the homeowner wants to hear is that the scales of justice are somehow tipped in favor of the agency on accord of a principle known as Chevron deference.

I understand—and we all know—that there are some interest groups that suggest that Judge Gorsuch's views on Chevron deference means that somehow or another he stands for big business and against the little guy. To those organizations, allow me to introduce you to an Alaskan named John Sturgeon.

Mr. President, you and I know him well. Mr. Sturgeon was prohibited from taking his hovercraft, his boat, up a river in northern Alaska adjacent to National Park Service land. Mr. Sturgeon had to go all the way up to the Supreme Court to vindicate that right, and, against many odds, he won.

I think it is clear that Federal agencies can and do trample on the rights of the little guy. I will tell you, I find Judge Gorsuch's views on the question of deference highly refreshing at this point in time.

I should point out that I don't agree with all of the opinions written by Judge Gorsuch, but I don't expect that from a nominee. That is almost an impossible standard. In fact, Judge Gorsuch himself has acknowledged that. I do expect that the nominee be always true to the law, as Judge Gorsuch has demonstrated throughout his career.

Finally, from everything I know, Judge Gorsuch is a good and a decent man. He is a husband. He is a father of two girls. He is an outdoor person. He is a person who gives back to the next generation. In addition to his judicial duties, he regularly teaches legal ethics and professionalism at the University of Colorado Law School. In the classroom, he is known to have great respect for his students and their diverse views.

In endorsing Judge Gorsuch's elevation to the Supreme Court, the Denver Post suggested that ''While Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency.'' That is an editorial from the Denver Post, published on January 16 of this year, 2017. Those are pretty wise words. Again, ''Democrats would be wise to take the high road and look at his qualifications and legal consistency.'' That is what we should be looking at. And I think it is so unfortunate that many of my friends on the other side of the aisle have failed to heed this advice laid down in the Denver Post earlier this year.

I have seen judicial nominees come and go over my 14 years in this body, but I will tell you, I haven't seen anyone more intriguing than Judge Gorsuch with his qualifications. He has had a stellar legal career. He is brilliant. He is a rock star among Federal judges. And that kind of judge is the one law students would compete to clerk for. If this body could step back from the politics of all this, he should be confirmed with upwards of 80 or 90 votes, not subjected to a filibuster. That is the caliber of the person we are considering. I honestly cannot fathom why an individual of Judge Gorsuch's stature would be drug through the mud. I just don't believe that reflects well on this body.

I am known within the Senate for my independence in evaluating judicial nominees. While I was not a part of the Gang of 14 back in 2005 who proposed the standard for Federal court nominees, I have pretty much chosen to live by it. Except in the most extraordinary of circumstances, I do not believe judicial nominees should be denied a straight up-or-down vote. I just don't believe they should be denied that. I have practiced that. If one were to examine my record, it is clear that I have walked that walk. Sometimes it has been a walk accompanied by my friend the Senator from Maine. In the case of Goodwin Liu's nomination to the Ninth Circuit, I was the sole Republican to stand up for this principle and vote against a filibuster. I would not have voted to confirm Mr. Liu, but I felt very strongly that he had the right to an up-or-down vote.

So we are at this place today in considering not a nominee to the Ninth Circuit but a nominee to the Supreme Court. I would ask my colleagues on the Democratic side to give the same deference to Judge Gorsuch.

I also pride myself as one who believes in the traditions of the Senate, but it is not the tradition of the Senate to filibuster a U.S. Supreme Court nominee.

I do not believe that Judge Gorsuch is getting a fair shake in today's Senate, and as deeply as I care about bipartisanship in this body, I will not acquiesce to an effort to deny Judge Gorsuch a seat on the Supreme Court.

I acknowledge my friends on the other side of the aisle who have indicated that they will not support a filibuster, and I implore those of my colleagues who have indicated that they will filibuster the nomination of Neil Gorsuch to reconsider that position.

After spending time with Judge Gorsuch, after studying his life story, I am left with the undeniable impression that Neil Gorsuch has been nominated to a position that he has prepared his whole life to assume. He is not merely a good choice, in my book, he is the best choice. He will not merely be a good Justice; I believe he will be a great Justice, perhaps a Justice of historic proportion.

So today I offer Judge Gorsuch my most enthusiastic endorsement. I have no doubt that before we leave for Easter recess, he will be confirmed as an Associate Justice of the U.S. Supreme Court.

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

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

SYRIA

Mr. MCCAIN. Mr. President, before I get into my remarks about the impending action of the Senate with regard to the so-called nuclear option, I would just point out that the attacks yesterday on innocent men, women, and children should not have come as a surprise. It was in 2013 that the then-Secretary of State, Secretary of Defense, and the head of the CIA recommended to the President that we arm the Free Syrian Army and bring Bashar Assad's barbarity to a halt. The President of the United States rejected that. Bashar Assad used chemical weapons, and the President called me and Senator GRAHAM over to the White House and said: If they cross the redline, I am going to act. We are going to degrade Bashar Assad and upgrade the Free Syrian Army and have regime change.

Then, of course, he backed down. You know, there is one thing worse than doing nothing: It is saying you are going to do something and then not doing it. That sent a signal everywhere in the world, not just Syria. The fact is, we knew it would happen again. So we have seen this movie before. Unless we act, we are going to see it again.

I am encouraged, frankly, that General Mattis, General McMaster, and the President of the United States have said that this act of incredible barbarity and cruelty will not go unresponded to. But I can assure my colleagues this: If we don't respond to this, then there will be more use of these chemical weapons and weapons of mass destruction, and there will be more innocent people who will die.

Eight years of Obama's failure is what led to the events that just took place that horrified all of us. That requires us to stand up to this barbarity, help the Free Syrian Army, establish safe zones, and make sure that Bashar Assad, propped up by the Russians and the Iranians and the Iranian Revolutionary Guard and Hezbollah, is no longer able to perpetrate these war crimes on innocent men, women, and children.

Mr. President, it is also with some sorrow that I regret having to come to

the floor to speak once again on the issue of eliminating the 60-vote threshold on judicial nominations, specifically a nominee to the U.S. Supreme Court. It is particularly troubling to do so because the nominee in question, Judge Neil Gorsuch, has impeccable legal credentials and a strong reputation as a fair- and sharp-minded lawyer and jurist. The American Bar Association and many others of all political stripes agree that his distinguished career as a lawyer and a jurist makes him well qualified for the position of Associate Justice on the U.S. Supreme Court.

Regrettably, very regrettably, my colleagues in the minority have decided to filibuster the nomination of this good, decent, highly qualified man.

Numerous times over the years, the Senate has come to a standstill over nominees, whether they were judicial or executive branch. That gridlock has inevitably led to threats from the majority—whichever party was in the majority—to use the ''nuclear option,'' basically changing the rules of the Senate of 200 years to strip the minority party of their right to filibuster certain nominees.

I have been privileged several times to be a part of a group of Senators who were able to come together and negotiate agreements to end the gridlock surrounding nominees, avert the nuclear option, and allow the Senate to move forward with our work on behalf of the American people. My work in these groups—often referred to as gangs—has won me both praise and condemnation and has often put me at odds with some in my own party.

In 2005, I joined 13 of my colleagues in an agreement that allowed for votes on three of President Bush's judicial nominees who were being filibustered by the Democrats, who were in the minority at the time. Part of that agreement addressed future nominees. It stated:

Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

In other words, if that nominee is so far out of the mainstream that it is extraordinary, only then would they seek to block the nomination and filibuster.

I have had conversations with colleagues on both sides of the aisle in an attempt to once again come up with a way forward and avoid both a filibuster of Judge Gorsuch and the nuclear option. Sadly, I learned on Monday that those efforts had failed and that the Democrats had secured the necessary votes to successfully filibuster the highly qualified Supreme Court nominee for the first time in our history. In response, the majority leader has indicated that he will move to change the Senate rules and eliminate the ability of the minority to do so.

We are in a terrible place. My colleagues should understand that this is a historic moment if we move forward with it.

In 2013, then-Majority Leader Harry Reid changed the Senate rules to eliminate the 60-vote threshold on most judicial and executive branch nominees. Those in my party, including me, were enraged—rightly so. We warned that the Democrats would not be in control of the Senate or the White House forever and that they would come to regret their actions. We were right.

Their actions came back to haunt them. I believe our actions will haunt us as well.

In an op-ed on November 27, 2012, Senator MCCONNELL, knowing of the Democrats' plans to change the Senate rules in their favor, wrote this:

A serious threat has been quietly gathering against one of the most cherished safeguards of liberty in our government—the right of a political minority to have a voice. Until now, this has always been the defining characteristic of the Senate. That's why all Senators have traditionally defended the Senate as an institution, because they knew that the Senate was the last legislative check for political minorities and small states against the kind of raw exercise of power large states and majority parties have always been tempted to wield.

The threat I'm referring to is the effort by some Democrats, most of whom have never served a day in the minority, to force a change in the Senate rules.

How soon we forget.

In fact, Chairman GRASSLEY exactly predicted what is about to happen. In November 2013, he said:

Not too many years ago, my colleagues on the other side described their fight to preserve the filibuster with great pride. Today the other side is willing to forever change the Senate because the Republicans have the audacity to hold them, the majority party of today, to their own standard.

The silver lining is that there will come a day when roles are reversed. When that happens, our side will likely nominate and confirm lower court and Supreme Court nominees with 51 votes regardless of whether the Democrats actually buy into this fanciful notion that they can demolish the filibuster on lower court nominees and still preserve it for the Supreme Court.

Senator ALEXANDER, on November 21, 2013, when threatened with the nuclear option by the Democrats, said:

This action today creates a perpetual opportunity for the tyranny of the majority because it permits a majority in this body to do whatever it wants to do any time it wants to do it.

Senator ALEXANDER went on to say:

In my view, this is the most important and most dangerous restructuring of Senate rules since Thomas Jefferson wrote them at the beginning of our country.

On November 21, 2013, Senator SHELBY said:

Democrats won't be in power in perpetuity. This is a mistake—a big one for the long run. Maybe not for the short run. Short-term gains, but I think it changes the Senate tremendously in a bad way.

The same day, on the same issue, Senator THUNE said:

I think Democrats are playing with fire. This is very dangerous in terms of what it means for the Senate. What goes around comes around. And someday, they're going to be in the minority.

Senator BURR said on that same day:

The American people know what they get when the minority party is stripped of its filibuster rights: they get unchecked power by the executive branch.

He went on to say:

If sweeping legislation and lifetime appointments cannot muster 60 votes in the United States Senate, then it probably is not a good idea to force either on the American people.

My own colleagues on this side of the aisle need to remember our own words and heed our own warnings. We will not control this body forever. We will not hold the White House in perpetuity. What we are poised to do at the end of this week will have tremendous consequences, and I fear that someday, we will regret what we are about to do. In fact, I am confident we will.

Having said that, it is hard for me to keep a straight face when I hear the current righteous indignation coming from the other side. After reading the comments some of my Democrat friends made in 2013, it is difficult to have much sympathy for where they find themselves today.

Senator MERKLEY, who was perhaps the biggest proponent of changing the rules at that time, said this:

Without the nuclear option, Republicans are going to disable the executive branch.

Ending the abusive filibuster on nominations is a big step toward restoring the functionality of the Senate, and that matters for all of us.

This is a terrific vote for the U.S. Senate.

Senator UDALL said:

I'm just so encouraged now that we're going to be able to—without filibusters—put people on the courts in an orderly way.

Senator WARREN said on November 13, 2013:

We need to call out these filibusters for what they are: Naked attempts to nullify the results of the last election.

If Republicans continue to filibuster these highly qualified nominees for no reason other than to nullify the President's constitutional authority, then Senators not only have the right to change the filibuster, Senators have a duty to change the filibuster rules. We cannot turn our backs on the Constitution. We cannot abdicate our oath of office.

Senator SANDERS on May 14, 2013, said:

If we bring this nomination to the floor and there is a request for 60 votes, which we're not going to get, I think it is time for the Democratic leadership to do what the American people want, and that is to have a majority rule in the United States Senate.

I did not make up those last quotes. Those are actual quotes. This isn't fake news.

Elections have consequences, my friends. Elections have consequences.

I hope my colleagues on both sides of the aisle keep this in mind: Now that we are entering into an era where a simple majority decides all judicial nominations, we will see more and more nominees from the extremes of

both the left and the right. I do not see how that will ensure a fair and impartial judiciary. In fact, I think the opposite will be true, and Americans will no longer be confident of equal protection under the law.

When then-Majority Leader Reid changed the Senate rules in 2013, there was no one more critical of his actions than the Senator who stands before you now. I fought hard to convince my colleagues of the damage those changes would do to this body. I did so because I love the Senate. I revere this institution and the place it holds in our system of government. It is imperative that we have a functioning Senate where the rights of the minority are protected, regardless of which party is in power at the time.

While what happened in 2013 was infuriating to our side, it was also heartbreaking. It was heartbreaking because it seemed to me that the uniqueness of the Senate had been irreparably damaged and, along with it, any hope of restoring meaningful bipartisanship.

The unprecedented nature of the Democrats' filibuster of a Supreme Court nominee has left me in the difficult position of having to decide whether to support finishing what Harry Reid and the Democrats started in 2013 and eliminate the 60-vote threshold on Supreme Court nominations. I find myself torn between protecting the traditions and practices of the Senate and the importance of having a full complement of Justices on the U.S. Supreme Court.

I am left with no choice. I will vote to change the rules and allow Judge Gorsuch to be confirmed by a simple majority. I will do so with great reluctance, not because I have any doubts that Judge Gorsuch will be an excellent Justice but because of the further—and perhaps irreparable—damage that it will do to the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

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

Let us pray.

God of the Heavens, who guides through the boundless skies the certain flight of water fowl, we need Your guidance in our legislative branch today.

Give our lawmakers the wisdom to do what is right. May they not put party before country or partisanship before patriotism. Lord, be for them a shield so that they will have confidence in Your wisdom, even during this challenging season. Give them a reverential awe that seeks to please You in all they think, say, and do.

Lord, surround the families and victims of the Syrian chemical attacks with Your unfailing love.

We pray in Your merciful Name. Amen.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Maryland.

Mr. CARDIN. Madam President, I take this time to explain to the people of Maryland and our Nation my views on Judge Neil Gorsuch to be an Associate Justice of the Supreme Court of the United States.

There is no more important responsibility that a Member of the Senate has than the advice and consent of an Associate Justice of the Supreme Court of the United States. Of the many important responsibilities we have, this is one of the most important responsibilities.

I have taken this on to try to understand as much as I can about Judge Gorsuch, to understand the dynamics of what his membership on the Supreme Court would mean, because I recognize it is not just an appointment for this term of Congress. This is a lifetime appointment, and it is very possible that he, if confirmed, will serve on the Supreme Court for a generation. So his impact on the workings of the Supreme Court is something that is extremely important to each Member of the Senate.

I think many of us are looking for an Associate Justice who can bring about more consensus on the Supreme Court, who can try to deal with some of the great divisions in our Nation in a way that represents the values of our Constitution, that will allow our Nation to move forward in a united way.

We also recognize that the Senate must give an independent evaluation of a Supreme Court Justice. This is not because the President of your party nominated someone to the Supreme Court, whether you support or oppose; it is the independent review process that each Senator undertakes to determine whether the nominee should get our support.

So what I look at is someone who would be a mainstream jurist, who is sensitive to the civil rights of all Americans, who would understand the importance of our Constitution, which has been a Constitution that has expanded rights and not one that we would look at ways to move in the wrong direction on extending constitutional protections—that is, move backward rather than forward.

First, let me start by stating that I am troubled by the process President Trump followed in nominating Neil Gorsuch to the Supreme Court. During his campaign, he talked about a litmus test for Supreme Court Justices, that they must be pro-life in the mold of Justice Scalia. The list that was submitted to him in which Judge Gorsuch was a part was proposed by the Heritage Foundation and the Federalist Society. That is not a good way to start a process of bringing in a consensus nominee to the Supreme Court of the United States.

To my knowledge, there was no consultation with any Democrats prior to the nomination being made. The reason why consultation with all Members of the Senate is important is that if you engage in real understanding as to what the Senate—and we represent the entire country—is looking for in a Supreme Court Justice, you have a much better chance of ending up with a nominee who is going to enjoy broader support, bipartisan support, real bipartisan support in the U.S. Senate, and then the 60-vote threshold does not become a hurdle.

There is a reason we have the rules we do in the Senate, and the 60-vote concept on a controversial nominee is so that we don't end up with an extreme candidate who would end up being on the Supreme Court of the United States, that there must be that process that would generate 60 votes.

So despite my concern about the process that was initiated by President Trump in the nomination, I have tried to look at all of the opportunities to understand Judge Gorsuch's record and his likely actions as a member of the Supreme Court. I took the time to meet with Judge Gorsuch, and I found that interview, that process, to be extremely helpful in understanding his judicial philosophy. I monitored the hearings that took place in the Senate Judiciary Committee, and I found that testimony to be helpful. I reviewed the testimony of experts who had submitted both verbal and written comments in regard to Judge Gorsuch. I have reviewed his extensive legal record. We do have an extensive legal record that I am going to comment about that went into my own process in determining whether I can support him.

I came to the conclusion that I could not support Judge Gorsuch to be an Associate Justice on the Supreme Court of the United States because he is not a mainstream candidate. I am concerned that he would put corporate interests before individual rights. The strength of our Constitution is in the individual. Individual rights should be paramount to special interests or corporate interests.

I saw in his legal opinions a hostility toward environmental interests, women's health, marginalized students with disabilities, and other vulnerable types of individuals, that had me greatly concerned.

I was particularly concerned about whether he could separate his political views from his legal views. This is an extremely important point. We want our Justices on the Supreme Court not to be influenced by the politics around us.