

Security. I think he has chosen very well. I could go on and on with his Cabinet members and say the same thing about each one of them.

We will vote on the confirmation of Mr. Tillerson shortly, between 2 and 2:30 p.m. or in that time frame.

#### NOMINATION OF NEIL GORSUCH

Madam President, what I want to talk about as well is the announcement that President Trump made last night about his choice to fill the Supreme Court vacancy left open by the tragic death of Justice Antonin Scalia. I couldn't be more pleased with his nomination of Judge Neil Gorsuch of the U.S. Court of Appeals for the Tenth Circuit. I can't imagine that the President could have chosen a more qualified, more principled, or more mainstream pick for the job of Justice of the U.S. Supreme Court.

We have all heard some of the details of his personal background, including that he is a Colorado native and that he served in the Denver-based Tenth Circuit Court for a decade, and he is well known and respected in legal circles for his intellect, his brilliant writing, and his faithful interpretation of the Constitution and laws passed by Congress. In short, he is a tremendous jurist with an impeccable legal and academic record. He went to schools like Columbia University, Harvard Law School, and Oxford as a Marshall scholar.

In addition to his decade on the bench, his professional experience includes many years practicing law. As a recovering lawyer myself and recovering judge, I can say that one of the things I think the Supreme Court needs is more people with practical experience, serving as lawyers for clients in court. We have some people with great academic credentials but very few people with any practical experience as practicing lawyers. It is important because once they get on the U.S. Supreme Court, Justices are totally isolated from the rest of the world by the nature of their job. So people need to come to that job with the experience of working with individuals, understanding the strengths and the weaknesses of the legal system and what their role should be.

He not only practiced law at a top law firm as a partner, he had prestigious clerkships, including on the Supreme Court of the United States. He actually clerked for two Supreme Court Justices—Justice Byron White and Justice Anthony Kennedy—as well as served in the Department of Justice.

There is absolutely no question that Judge Gorsuch is a qualified, high-caliber nominee, and I have no doubt that he will serve the Nation well. The reason I say he is a qualified, high-caliber nominee is because when he was confirmed to the Tenth Circuit Court of Appeals, he was confirmed by the Senate on a voice vote. In other words, he was essentially voted for unanimously, including by people like Senator SCHUMER, the Democratic leader, who was

here at the time, and others of our colleagues across the aisle. So I think it is going to be very important for the American people, as they hear the inevitable criticism of this nomination, to remember the Senators who were here at the time Judge Gorsuch was confirmed to the Tenth Circuit, and they expressed none of those concerns or reservations then.

I think, most importantly, Judge Gorsuch will honor the legacy of Justice Antonin Scalia on the U.S. Supreme Court, but even more importantly, he will honor the U.S. Constitution and the unique role of our judiciary and our system of government. I think one of the things Justice Scalia made a point of during his professional lifetime was to point out how judges had unfortunately become policy-makers rather than interpreters and appliers of the Constitution and the written law. Of course, the problem with that is that judges in the Federal system don't stand for election, so we have lifetime-tenured, unelected Federal judges becoming, in effect, a trump card or super-legislature for our system of government. That certainly isn't what James Madison and the Founding Fathers contemplated. Justice Scalia was a tribute to that traditional role of interpreter of a written Constitution and written laws and respecting the limited, albeit important, role judges play in our system of government.

Put another way, Judge Gorsuch meets every test, and he passes all of them with flying colors.

We have heard from the Democratic leader that President Trump needed to appoint a mainstream nominee. Well, there is no doubt that if that is the litmus test for our friends on the other side of the aisle, Judge Gorsuch meets that test. He has the respect of even people who served on the other side of him in litigation and people whose ideological views differ quite a bit.

Here is what a former Solicitor General under President Obama had to say about Judge Gorsuch:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law.

He goes on to say:

I strongly support his nomination to the Supreme Court.

This is the sort of respect Judge Gorsuch, in his tenure as a judge, has generated. He has gained respect even from people who are on the opposite end of the ideological spectrum because they realize that Judge Gorsuch will be, first and foremost, somebody who applies the written Constitution and enforces the rule of law—laws passed by the political branches of government—and does not attempt to supplant his own personal agenda for that of the chosen representatives of the American people. As I said, that is why 11 years ago Democrats joined with Republicans to confirm him unanimously

to the Tenth Circuit. I mentioned Senator SCHUMER, who was here at the time, as well as Senator DURBIN and several members of the Judiciary Committee still serving in the Senate, including the ranking member, Senator FEINSTEIN from California, and the senior Senator from Vermont, Senator LEAHY. All of them were here at the time. Because of the voice vote, they didn't note any dissent or disagreement, so we would say that essentially is a unanimous vote of the U.S. Senate. So it will be interesting to hear from them about any reservations or concerns they now voice. I hope that at least they will allow us to have an up-or-down vote on the nomination of this outstanding nominee.

To hear Judge Gorsuch last night and to look at his biography, to read his extensive record and appreciate his scholarship and his commitment to the rule of law—all of this is to see precisely the kind of person who should be confirmed to the Supreme Court. I believe the American people will see that as clear as day.

I hope our colleagues across the aisle will resist the temptation to obstruct and drag their feet when it comes to this important nomination. I hope they will not kowtow to some of the extreme factions in their own party.

They have repeatedly argued for the importance of having nine Justices on the Supreme Court. Now that the American people have spoken by electing President Trump, and he has now announced his pick, they should honor that selection. That pick is superb, the kind of nominee who was supported unanimously by Democrats in the past and is endorsed by President Obama's own Solicitor General.

Let's move forward with an undeniably qualified nominee.

Madam President, I ask unanimous consent that all remaining quorum calls during consideration of the Tillerson nomination be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. SCHUMER. Madam President, I am coming back to the floor to correct the record on my earlier comments, where I said Republicans "insisted" on 60 votes for each of President Obama's nominees. Sixty votes is a bar that was met by each of President Obama's nominees, but at the time, there was no need for a cloture vote because we knew each of them would garner 60.

This is important to clarify because I believe 60 votes is the right standard

for this nominee—not because they did it to us or we did it to them but because 60 votes, as I mentioned in my remarks, produces a mainstream candidate and, as I laid out earlier, the Supreme Court requires a mainstream candidate now more than ever.

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

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

Mr. HEINRICH. Madam President, since President Trump was inaugurated, he has unveiled a series of damaging and truly un-American Executive orders—in particular, the Executive order banning refugees and individuals from Muslim-majority countries from entering our country.

For President Trump and his team, it is a projection of an inward-looking, isolationist vision for America. For many New Mexicans, myself included, it is also seen as an attempt to fundamentally change our American values. We are not a country that discriminates based on how you pray. We are not a nation that turns our back on the innocent victims of terrorism or the allies who have risked their own lives so that American soldiers might live.

President Trump's actions seek to turn us into the kind of authoritarian Nation that we have always stood against. He has promoted this dark vision instead of asserting America's longstanding role as a voice for democracy, for freedom, human rights, the environment, tolerance, and respect for women—values which extend far beyond our shores.

In essence, this selfish and bully-like mentality abandon the values that we hold dear and which have defined our great Nation as a global power.

It should come as no surprise that President Trump's nominees to be our Nation's top diplomats—Nikki Haley, Rex Tillerson—have no diplomatic experience. On Nikki Haley's first day on the job, President Trump announced that he would be cutting funding for the United Nations by 40 percent, and Ambassador Haley announced to the world that the United States is now “taking names” of those who disagree with us.

In an attempt to show strength, the Trump administration is actually creating weakness. By stepping away from multinational organizations that we helped establish—organizations like the U.N. and NATO—and by presenting a hostile attitude to other countries and allies, the United States is walking away from its role as the indispensable Nation.

This morning, former CIA Director and retired GEN David Petraeus warned that the global alliances of the United States are at risk, stating:

Americans should not take the current international order for granted. It did not will itself into existence. We created it.

Likewise, it is not naturally self-sustaining. We have sustained it. If we stop doing so, it will fray and, eventually, collapse.

Just as I am not confident in President Trump's nominee for Ambassador to the United Nations, I am equally concerned, if not more so, about his choice for Secretary of State. During his Senate confirmation hearing, Rex Tillerson, the former CEO of ExxonMobil, demonstrated that he is blatantly unaware of global affairs. He failed to recognize and condemn human rights violations around the world, including in Saudi Arabia and the Philippines, and declared dangerous policy positions without knowing what those policies would actually mean.

In his hearing, Mr. Tillerson repeatedly avoided answering the most rudimentary questions about foreign policy by stating things like “I'd need more information on that issue.”

For as long as I can remember, throughout grade school and college, women in Saudi Arabia have lacked basic freedoms. Yet Mr. Tillerson either had no knowledge of women's issues in Saudi Arabia or fails to value the importance of that issue, which I believe to be an American value.

The United States faces an increasing number of global threats, including North Korea, Russia, China, Iran, and terrorist organizations across multiple continents. We face evolving threats from nonstate actors and terrorist organizations such as Al Qaeda and the Islamic State. Instability and civil war in the Middle East have led to the greatest global refugee crisis since World War II. Russia and China are acting aggressively to assert their influence and challenge and provoke American interests and allies. Global threats such as pandemic disease, nuclear proliferation, and climate change require international cooperation and responses.

The next Secretary of State will be diving headfirst into all of these incredibly daunting and gravely important foreign policy challenges. Mr. Tillerson's lack of foreign policy experience, combined with a President who promotes an isolationist world view, leaves me deeply concerned for the future of American foreign policy.

The world looks to America to uphold human rights, to promote democratic values, and to take the lead on many challenges we face as an international community. The American people look to the White House and to the State Department to represent our fundamental American values on that international stage. The American people expect their leaders to show that their only interest is in representing the public's best interest.

Americans have reason to doubt where Rex Tillerson's interests rest. His world view has been shaped through the lens of looking out for what is best for his company's profits,

not what is best for the American people, not what is best to address complex international challenges. Just like negotiating a real estate deal does not prepare one to lead the Nation, negotiating oil deals does not prepare you to be a diplomat whose primary interest is in advocating for American values.

When Mr. Tillerson has worked with foreign governments to pursue lucrative oil deals and profits, he has been agnostic to human rights and to America's diplomatic and security interests as well. As Exxon's CEO during the Iraq war, Mr. Tillerson undermined the State Department's efforts to keep Iraq cohesive as a nation and instead served the interest of his company's financial gain, in direct conflict to the American interest.

Under Mr. Tillerson's guidance, ExxonMobil signed a deal directly with the Kurdish administration in the country's northern region, a move that fueled Kurdish secessionist ambitions and undercut the legitimacy of Iraq's central government. This deal was drawn despite the State Department's recommendation that they wait until national legislation was passed because a law governing nationwide oil investments was being reviewed by Parliament.

In Russia, Mr. Tillerson worked closely with Vladimir Putin's government to forge deals to drill for oil in the Arctic, the Black Sea, and Siberia. Mr. Tillerson developed such a cozy relationship with the Kremlin that in 2013 he was awarded the Order of Friendship by Vladimir Putin, the highest honor awarded to non-Russians.

After Russia unlawfully invaded the Ukraine and took Crimea, the United States and the European Union enacted sanctions against Russia that Mr. Tillerson would be partly responsible for overseeing as Secretary of State. Right now, when we are trying to hold Russia accountable for its illegal aggression in Eastern Europe, for its war crimes in Aleppo, and for its interference in our own Nation's election, how on Earth can we trust someone with such a cozy relationship with the Putin government to be our Secretary of State?

Mr. Tillerson's record also leads one to wonder how he will address the imperative to implement the Paris climate agreement, especially since President Trump is now exploring how to withdraw from it. At the height of the debate on climate change legislation in Congress, Mr. Tillerson spent tens of millions of dollars to kill a bill that would have reduced our carbon emissions sooner. It has also been reported that his scientists at Exxon have known about the relationship between carbon emissions and climate since the 1980s and that Exxon even made business decisions about what resources to develop and how based on that knowledge. Yet, under Mr. Tillerson's leadership, they chose to withhold those findings and fund

groups determined to sow confusion and doubt. How can we be confident that Mr. Tillerson will help America address the impacts of climate change and put America's security and values first as our top diplomat?

Those conflicts of interest are troubling enough, but the most troubling reason I cannot support Mr. Tillerson's nomination is this: In just the first week and a half of the Trump White House, we have seen numerous cases of Trump nominees saying one thing during their confirmation hearings before this body and then the administration turning around and doing something entirely different. After Secretary Mattis told us that he opposed the Muslim travel ban and Director Pompeo stated his opposition in hearings to torture, we saw this administration move forward with both.

I have seen nothing that shows me that Rex Tillerson will stand up to President Trump's dangerous vision for American foreign policy. What will he do to stand up for NATO? What indication do we have that he will call on the President to act in the interests of the American people and not the interests of President Trump's business holdings in numerous nations around the world?

The Secretary of State sits on the National Security Council. Will Mr. Tillerson stand up to Steve Bannon, President Trump's political strategist who has been outrageously placed on the National Security Council, while, I would add, the Chairman of the Joint Chiefs and the Director of National Intelligence were demoted? President Trump has shown that he trusts the former leader of the far-right Web site Breitbart News more than our leading generals and his appointed leader of the intelligence community. You can already see the influence of Mr. Bannon, who has made a career out of selling hateful and divisive propaganda aimed at women, Hispanics, African Americans, Jews, and other minorities in the actions President Trump has taken in his first days in office.

During his first week in office, President Trump floated the idea of bringing back the CIA's use of "black site" prisons and torture techniques, imposed a gag order on our Federal agencies, and renewed talk of a wall on our southern border.

All of this culminated with an Executive order blocking refugees from around the world from entering the United States. This is not greatness. In fact, this is un-American. I will not stand aside as the values that created the greatest Nation on Earth are trampled upon.

This dangerous Executive action has already had a clear human impact. In New Mexico, the Albuquerque Journal reports that our universities have issued an advisory to foreign students and faculty: "Don't leave the country if you want to come back." Think about that.

My office has already heard from New Mexicans who fear for their safety

and the safety of their families abroad as a direct result of this order. A man who moved to the United States as a refugee from Iraq and settled in my hometown told me that his wife and two kids went to Baghdad to attend his mother-in-law's funeral. They are currently in Iraq and scheduled to return in February. They are all green card holders. They are part of our community. President Trump's Executive order has left him and his family feeling in limbo. He said: "I am afraid about our destiny as a family, I am afraid I will lose them."

The heartbreaking human impact we have already seen is only part of why the Muslim travel ban was such an appalling action for the President to take.

George Washington once said: "I had always hoped that this land might become a safe & agreeable Asylum to the virtuous & persecuted part of mankind, to whatever nation they might belong." It is very clear that President Trump is clearly no George Washington. This Executive order flies in the face of that sentiment and, I believe, the sentiment we share as Americans.

I joined my colleagues in sending a letter to President Trump about this order. I am particularly outraged about the absurd and careless nature of the order, which will have a profound effect on many Iraqi men and women who risked their lives and the lives of their families on behalf of our soldiers, on behalf of American soldiers.

Late last summer, I traveled to Iraq, to Kuwait, to the heart of Africa, and I met with top military officials to discuss operations against ISIL, Al Qaeda, and other terrorist organizations. In order to find a lasting solution in that volatile region, we must take a smart approach that provides training, resources, and support to our regional allies, like the Iraqi security forces, rather than putting tens of thousands of U.S. troops on the frontlines there ourselves. Alienating our regional allies, alienating Muslims as a whole puts all of that at risk.

Former Cabinet Secretaries, senior government officials, diplomats, military servicemembers, and intelligence community professionals who have served in the Bush administration and the Obama administration together have expressed their deep concern this week with President Trump's Executive order. In a letter, they warned:

This Order not only jeopardizes tens of thousands of lives, it has caused a crisis right here in America and will do long-term damage to our national security.

In the middle of the night, just as we were beginning our nation's commemoration of the Holocaust, dozens of refugees onboard flights to the United States and thousands of visitors were swept up in an Order of unprecedented scope, apparently with little to no oversight or input from national security professionals.

Also this week, the Iraqi Parliament, in direct response to President Trump's Muslim travel ban, voted to implement an identical visa ban on Americans.

How can we possibly think this is in our national security interests?

Rex Tillerson has not answered questions about President Trump's Muslim travel ban. Mr. Tillerson needs to tell us where he stands on this un-American policy. If we are going to move forward on his nomination, Mr. Tillerson needs to reassure the American people and he needs to reassure this body that he understands the repercussions of these kinds of appalling actions. He needs to show us that he will stand up for American values and against the President's dangerous impulses that will isolate our Nation, alienate our allies, and abdicate our role as leader of the free world. Mr. Tillerson has not shown any of that to me, to this body, or to the American public.

Thousands of New Mexicans have flooded my office with letters, emails, and phone calls urging me to oppose his nomination. I share New Mexicans' well-founded concerns about Mr. Tillerson's qualifications to lead the State Department and to stand up for our Nation's interests.

I will not support his nomination, and I urge my colleagues on both sides of the aisle to stop and think carefully about this vote we are about to take. Our Nation's future role in the world is at stake.

Mrs. FEINSTEIN. Madam President, I rise today in opposition to Rex Tillerson's nomination to be our next Secretary of State. I don't believe Mr. Tillerson is an appropriate selection to be our Nation's chief diplomat.

During his confirmation hearing, Mr. Tillerson repeatedly evaded questions related to transparency and corporate responsibility. For instance, on multiple occasions Mr. Tillerson stated that he was unaware of Exxon's history of lobbying Congress; yet, according to lobbying disclosure forms, Exxon lobbied against a variety of Iran and Russia-related sanctions since at least 2010. When pressed on the matter, Mr. Tillerson even claimed he didn't know if Exxon lobbied for or against these energy-related sanctions bills.

Additionally, I am troubled by Mr. Tillerson's response to questions about Exxon's dealings with Iran, Syria, and Sudan. According to public documents, Exxon established a joint venture with Shell to conduct business with state sponsors of terror. That joint venture—Infineum—sold petroleum products to Iran, Sudan, and Syria, when those nations were being sanctioned by the United States.

During that time, Mr. Tillerson rose from senior vice president to president and director and eventually to chairman and CEO of Exxon; yet, during his testimony, Mr. Tillerson claimed to be unaware of Infineum's purposeful evasion of sanctions. Instead of recognizing the larger national interest, Mr. Tillerson suggested that American companies could legally avoid sanctions by setting up shell companies outside of the United States.

Infineum is not the only example of Exxon's history of undermining American policy. Under Mr. Tillerson's leadership, Exxon signed oil exploration contracts with the Kurds in Iraq. Doing so undermined the United States "one Iraq" policy and exacerbated the long-simmering conflict between the central government and the Kurds. That is because Exxon signed contracts to explore oil at six sites. Three of those sites were on disputed land claimed by both the Kurds and the Iraqi central government.

By agreeing to explore in disputed territory on behalf of the Kurds, Exxon changed the facts on the ground in favor of the Kurds. Exxon's decision may have been good for Exxon, but it certainly did not benefit a stable, unified Iraq.

I am also concerned by Mr. Tillerson's response to questions about Russia. Russia has invaded Ukraine, annexed Crimea, intervened in Syria, and meddled in our own elections; yet Mr. Tillerson refuses to offer support for international sanctions against Russia.

He refuses to describe Russia's bombing of Syrian hospitals and schools—and a U.N. humanitarian aid convoy—as war crimes.

Russia remains in violation of the Minsk agreement and continues to occupy Crimea, indiscriminately bomb in Syria, and hack American think tanks.

Now is not the time to remove sanctions against Russia, and I have little confidence Mr. Tillerson is committed to pushing back against Russian aggression.

Finally, Mr. Tillerson's indifference to the two-state solution between Israel and the Palestinians is unacceptable. Specifically, Mr. Tillerson said that a two-state solution is a "dream" and openly questioned whether or not it could ever become a reality. The reality is that, without a two-state solution, Israel cannot be both a democracy and a majority-Jewish state.

Today Israel is constructing settlements throughout the West Bank. Palestinian terror and incitement continue. Mr. Tillerson's almost casual dismissal of the two-state solution is disqualifying for a Secretary of State. Our chief diplomat must understand the urgency of the situation and must be willing to engage both sides in the pursuit of peace.

I simply do not believe Mr. Tillerson is interested in doing so.

Mr. Tillerson's lack of transparency, history of working against our national interests, close ties to Russia, and indifference to Israel's future make him unfit to serve as the Secretary of State.

I intend to oppose Mr. Tillerson, and I urge my colleagues to do the same.

Mr. VAN HOLLEN. Madam President, my father served in the Foreign Service at the Department of State, so I spent some of my early years overseas. I was proud to be part of a family that represented our great country. I

learned firsthand the critical role of our Nation's diplomats, the risks that they take to serve our country, and the part that they play in spreading American ideals of freedom and democracy around the world.

The cabinet position of Secretary of State is as old as our Nation. Thomas Jefferson served as President Washington's Secretary of State. The Secretary is the President's top foreign policy adviser and our Nation's chief representative abroad. Today the State Department reaches across the world, advancing our interests, shaping our relationships, advocating for human rights, and working to advance peace.

In addition, the Secretary of State will encounter a department of employees who are deeply concerned about the role that they will play and the actions that they may be expected to take in service to the new President. Last week, the Washington Post reported that the State Department's entire senior management resigned, including officials who had worked in both Republican and Democratic administrations. This was an unprecedented loss of institutional knowledge.

And by yesterday afternoon, a dissent letter by State Department staff saying that President Trump's executive order to temporarily bar citizens from seven Muslim-majority countries would not make the Nation safer had attracted around 1,000 signatures, far more than any dissent cable in recent years.

President Trump's campaign rhetoric has shaken our allies—wavering on our commitment to NATO, gratuitously escalating arguments with China and Mexico, and empowering an increasingly aggressive Russia. Mr. Trump has made fawning statements about Russian President Vladimir Putin. In October 2007, Mr. Trump said of Putin, "he's doing a great job." In December 2011, Mr. Trump praised Putin's "intelligence" and "no-nonsense way." In June 2013, Mr. Trump wondered if Putin would be his "new best friend." And in July 2015, Mr. Trump said, "I think I'd get along very well with Vladimir Putin."

And Mr. Trump has questioned the reality of climate change. He tweeted, "The concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive."

The Secretary of State thus must play a crucial role in maintaining relationships between the United States and our allies around the world. In the face of Mr. Trump's statements and actions, the need for a strong Secretary of State is all the more important.

President Trump has nominated Rex Tillerson, the former CEO of ExxonMobil, to take on this critical role. Mr. Tillerson, who has never served in government, has spent many years building business relationships with Russia and Vladimir Putin, and in 2013, even received the Russian Order of Friendship, an award given to for-

eigners who work to improve relations with Russia.

Mr. Tillerson has had particularly close dealings with Igor Sechin, the head of a state-owned Russian oil company whom the United States has sanctioned and banned from entering the United States.

In 2014, Mr. Tillerson opposed sanctioning Russia for its actions in Ukraine and reportedly lobbied the government against those sanctions. According to Reuters, "[Tillerson] added that Exxon does not 'generally' support sanctions and has made that view known to the U.S. Government. . . . 'We're having conversations such that our views are being heard at the highest levels.' Tillerson told reporters." And yet, in his confirmation hearing, Mr. Tillerson denied that he or Exxon directly lobbied against the sanctions.

Given Russia's interference with U.S. elections and Russia's increased provocation of our allies, we need to be able to rely on our Secretary of State to advance U.S. interests above all. Mr. Tillerson's long and close relationship with Russia casts doubt on his ability and inclination to pursue additional sanctions as necessary and on the quality of advice that he will give the President. And despite the active national conversation about Russia, Mr. Tillerson said in his hearing that he and President Trump had not even discussed Russian policy with any specificity.

I am also concerned that Mr. Tillerson does not seem to view human rights as a critical issue for the State Department. In addition to refusing to condemn Russian and Syrian atrocities as war crimes, he did not condemn Philippine President Duterte's extrajudicial killings. This is particularly disturbing, as President Duterte has alleged that President Trump approves of his actions. Mr. Tillerson appeared hesitant to weigh in on human rights abuses. But the State Department cannot be silent and must be an outspoken voice for human rights, even to our allies.

Mr. Tillerson appears not to appreciate America's role as a beacon of light around the world that stands up for the rule of law and human rights. This is especially troubling, as President Trump's order last Friday to suspend America's refugee programs is an attack on everything for which our country stands. President Trump's order has made us less safe by playing into ISIS's propaganda, casting our fight against terrorism as a fight against an entire religion. That is not who we are as a nation. We must remain vigilant and resolute against efforts to sow fear and division, and we must fight together to protect the rights and freedoms of all people.

President Trump's executive order highlights the need for a Secretary of State who will push back against President Trump's worst impulses. Mr. Tillerson, however, seems ready to do

the opposite and reinforce many of President Trump's worst instincts. Mr. Tillerson's lack of focus on human rights and the rule of law indicate that he seems not to appreciate the role of American in the world—particularly dangerous traits when President Trump is retreating from America's 70-year special role in the world, retreating—in the words of a recent article in *The Atlantic*—to a pre-1941 world of “closed borders, limited trade, intolerance to diversity, arms races, and a go-it-alone national race to the bottom.”

Finally, I seriously question Mr. Tillerson's commitment to working with our allies and cosigners of the Paris Climate Agreement to confront one of our greatest global challenges. While at certain points, he has acknowledged the dangers of climate change, he has more recently questioned the science and the human contribution. In his hearing, he acknowledged that climate change does exist and that the United States needed to have a seat at the table, but he failed to express any urgency to respond or a clear commitment to the Paris Agreement.

While Mr. Tillerson may be a skilled business dealmaker, the job of the Secretary of State and the leader of our State Department requires the experience and determination to meet our current challenges. Given his extensive ties to Russia and questionable commitment to advancing human rights and combatting climate change, I do not believe that Mr. Tillerson is the right person for this job, and I will vote against his confirmation.

The PRESIDING OFFICER. The Senator from South Dakota.

#### NOMINATION OF NEIL GORSUCH

Mr. THUNE. Madam President, last night President Trump announced the nomination of Judge Neil Gorsuch to the Supreme Court. He will fill the spot left vacant by the death of Justice Antonin Scalia.

Justice Scalia left a profound mark on our judicial history. He had a brilliant mind, a ready wit, and a vivid and colorful writing style that made reading his decisions not only illuminating but enjoyable. But most importantly, Antonin Scalia had a profound respect for the rule of law and the Constitution. He knew that he was a judge, not a legislator, and his job was not to make the law but to interpret the law. That is exactly what he did.

For 30 years, Justice Scalia ruled on the plain meaning of the laws and the Constitution. His politics, his personal opinions, his own feelings about a case—none of those was allowed to play a role in his decision. He asked what the law said, what the Constitution said, and he ruled accordingly, even when he didn't like the result. Justice Scalia once said:

If you are going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you are probably doing something wrong.

Needless to say, Justice Scalia left some big shoes to fill. But after learning a little about Judge Gorsuch, I have to say that if anyone can come to fill them, I think Judge Gorsuch can. Like Justice Scalia, Judge Gorsuch has a brilliant mind. He shares Justice Scalia's gift for the written word. The *Washington Post* noted the many people “who have praised Gorsuch's lucid and occasionally lyrical writing style.” *Slate* called Judge Gorsuch's writing “superb, incisive, witty, and accessible.”

But most importantly, like Justice Scalia, Judge Gorsuch understands the role of a Supreme Court Justice. He knows that a Justice's job is to interpret the law, not write it. In a speech last year, Judge Gorsuch said the following: “Perhaps the greatest project of Justice Scalia's career was to remind us of the differences between judges and legislators.”

Understanding those differences is indispensable. Brilliance, eloquence, learning, compassion—none of those things matter if you don't understand the proper role of the Supreme Court. That role is to interpret the law, not make the law—to judge, not legislate; to call balls and strikes, not to try and rewrite the rules of the game.

It is great to have strong opinions. It is great to have sympathy for causes or organizations. It is great to have plans for fixing society's problems. But none of those things has any business influencing your ruling when you sit on the Supreme Court. Judge Gorsuch understands this. That is why I trust him to sit on the Supreme Court.

When Judge Gorsuch was nominated to the Tenth Circuit Court of Appeals 10 years ago, he was confirmed by a unanimous vote here in the Senate. You can't really get a more bipartisan confirmation than that. At the time, then-Senator Ken Salazar, a Colorado Democrat who later became Interior Secretary under Obama, noted that Judge Gorsuch “has a sense of fairness and impartiality that is a keystone of being a judge.”

Given the wide respect in which Judge Gorsuch is held, his outstanding record, and his previous overwhelmingly bipartisan confirmation, I am hopeful that his nomination will move quickly through the Senate. Senate Democrats have spoken a lot about the need to fill the ninth seat on the Supreme Court. Now is the chance.

I congratulate Judge Gorsuch on his nomination, and I look forward to seeing him confirmed to the Supreme Court.

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.

Ms. COLLINS. Madam 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 BETSY DEVOS

Ms. COLLINS. Madam President, I come to the floor to announce a very difficult decision that I have made; that is, to vote against the confirmation of Betsy DeVos to be our Nation's next Secretary of Education. This is not a decision that I have made lightly. I have a great deal of respect for Mrs. DeVos. I believe she is a good person. I know she cares deeply about the children of this Nation. But for the reasons that I will explain, I simply cannot support her confirmation.

Later today, the Senate will vote on a motion to proceed to the DeVos nomination. I will vote to proceed to the nomination because I believe that Presidents are entitled to considerable deference for the selection of Cabinet members, regardless of which political party is in power, and that each and every Senator should have the right to cast his or her vote on nominees for the Cabinet. That is why, during President Obama's administration, I voted for procedural motions, including cloture, to allow the President's nominees for Secretary of Defense and for Secretary of Labor to receive up-or-down votes by the full Senate, even though I ultimately voted against those two nominees on the Senate floor. At the time, I stated that it is appropriate for every Senator to have an opportunity to vote for or against an individual Cabinet member, and I still believe that is the right approach.

Let me again make clear what I said at the beginning of my remarks, which explains why this has been a decision that I have not made lightly. I know that Mrs. DeVos cares deeply about children. I recognize that she has devoted much time and resources to try to improve the education of at-risk children in cities whose public schools have failed them. I commend her for those efforts.

I wrote to Mrs. DeVos, seeking her assurances in writing that she would not support any Federal legislation mandating that States adopt vouchers nor would she condition Federal funding on the presence of voucher programs in States. She has provided that commitment, and I ask unanimous consent that the exchange of correspondence with Mrs. DeVos be printed in the *RECORD* at the conclusion of my statement.

Nevertheless, like all of us, Mrs. DeVos is the product of her experience. She appears to view education through the lens of her experience in promoting alternatives to public education in Detroit and other cities where she has, no doubt, done valuable work. Her concentration on charter schools and vouchers, however, raises the question about whether she fully appreciates that the Secretary of Education's primary focus must be on helping States and communities, parents, teachers, school board members, and administrators strengthen our public schools.

While it is unrealistic and unfair to expect a nominee to know the details