

bad word about their Syrian coworker around them.

He went on to describe how the employees at his construction firm had done a number of things, including collecting funds to help the children have soccer shoes there, in Southwest Virginia. But they didn't tell me this story because it is a happy story about resettlement of a family, although that is a point of the story.

Here is why they came to see me. The community was poised to welcome a second family from Syria—a mother, father, and five minor children—to meet them at the Roanoke airport tomorrow and help them find a home in the United States. This refugee family they were supposed to meet tomorrow fled Syria 4 years ago. They had been living in a refugee camp in Jordan, undergoing 4 years of vetting in the hopes they could come to America. Now, their sponsors pressed papers into my hand and said: What will happen to this family? Are they now shut out of the dream they have worked so hard to achieve? Are we now shut out from our desire to offer them the Christian hospitality of our community?

We have been working to get answers to these questions, but as of today, we know nothing about this family's fate.

There are so many questions I struggle to answer in the aftermath of these orders. The orders single out people based on their Muslim faith by targeting primarily Muslim nations and allowing exceptions to be made for Christians and other religious minorities. Why?

The orders single out seven countries—countries where citizens have been exposed to genocide and other crimes against humanity—while leaving countries that have actually exported terrorists to the United States untouched. Why?

The order was applied to legal permanent residents of the United States until clarified and also to brave people who had helped American soldiers on the battlefield, thereby earning a special immigrant visa status. Why?

We can have security procedures that are based on the danger of an individual rather than a stereotype about where they were born or how they worship.

I am called to reflect on these events by King Abdallah's words suggesting that the world should recognize this week as World Interfaith Harmony Week. He told us today that the order is being viewed with deep anxiety in his country, which is one of our strongest allies in the Arab world—indeed, in the entire world. I am called to reflect on these events by my own citizens in Roanoke and Blacksburg, working with a church group, who just want to serve others in a way commanded by their faith and by all faiths.

At the Presiding Officer's desk, there is a book of the rules of the Senate and there is also a Bible. In a week where all are called to reflect upon their own religious traditions of tolerance and

peace, there is wisdom in that Book for our Nation.

Exodus 22:21: "You shall not wrong or oppress an alien, for you were aliens in the land of Egypt."

Leviticus 19:34: "The alien who resides with you shall be to you as a citizen among you; you shall love the alien as yourself for you were aliens in the land of Egypt."

Deuteronomy 1:16: "Give the members of your community a fair hearing and judge rightly between one person and another whether citizen or resident alien."

Deuteronomy 10:18-19: "For the Lord your God loves the strangers, providing them with food and clothing. You shall also love the stranger for you were strangers in the land of Egypt."

Deuteronomy 24:17: "You shall not deprive a resident alien or an orphan of justice."

Deuteronomy 26:5: "A wandering Aramaean was my ancestor, he went down into Egypt and lived there as an alien."

Matthew 2:13-23: Jesus began his life as a refugee in Egypt.

Matthew 25:34: "I was hungry and you fed me. I was thirsty and you gave me drink. I was a stranger and you invited me into your home."

The traditions of this nation, other nations, religions, and peoples point us in the same direction. Pope Francis reminded us of these very words when he spoke to us in the fall of 2015 and told us—as individual leaders and as a nation—that the yardstick we use to measure and evaluate others is the yardstick that will be applied to us.

On this opening day of World Interfaith Harmony Week, I pray that we commit to peaceful understanding and appreciation of people from diverse faith backgrounds. I pray that the unjust immigration orders that target suffering people based on where they were born or how they worship will be rescinded. I pray that Congress and the administration will work together to set up appropriate security procedures that do not discriminate on the grounds of religion or national origin, and I pray that we will be true to our best principles and not sacrifice them for the sake of politics.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE).  
The Senator from Colorado.

#### NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, as I stated repeatedly before the Presidential election of this past year, we stood, and continue to stand, at a very pivotal time in our Nation's history.

After 8 years of using the judicial and regulatory systems to push through its legislative agenda, the balance of power had shifted from what our Founders intended. Our Founders intended the Congress to make the laws and write the laws, the executive branch to implement the laws, and the judiciary to be guardians of the Constitution, not to make the laws.

That is why we said that the next President of the United States, wheth-

er they be Democrat or Republican, would have the opportunity to fill the vacancy on the Supreme Court, following the Biden rule—the edict that there wouldn't be a confirmation hearing for a Supreme Court nominee until after that year's Presidential election—to allow the American people to make their decision, giving the American people a say in the direction of this country for years to come. In return, they have given us this nominee.

It is with great pride that I rise today to talk about the nominee today—a fellow Coloradan, Judge Neil Gorsuch, President Trump's nominee to the Supreme Court. Judge Gorsuch comes to the Court with that unique western perspective that the Presiding Officer and I share. Our States of Utah and Colorado obviously like to see that western perspective shared at the Tenth Circuit Court, where it is housed in the West, but at every level of our courts and to the Supreme Court—adding to Justice Kennedy's background and to others who share that same perspective and history in the Supreme Court.

Born in Denver, Judge Gorsuch is a fourth-generation Coloradan, coming from a long line of individuals who have dedicated their life to service not only to the State of Colorado but to the Nation. His mother, Ann Gorsuch, served in the Colorado House of Representatives and, during the Reagan administration, she was the first female Administrator of the Environmental Protection Agency. His grandfather, John Gorsuch, founded one of Denver's largest law firms, Gorsuch Kirgis, where both he and Neil's father, Dave, practiced throughout the firm's successful 60-year-old history. His stepfather, Robert Buford, was a former speaker of the Colorado House of Representatives who went on to become the head of the Bureau of Land Management.

Judge Gorsuch is also one of our country's brightest legal minds, with a sterling reputation, and significant experience as a Federal judge and a private litigator. He has impeccable academic credentials and is a widely respected legal scholar. He received his bachelor's degree from Columbia University, graduated from Harvard Law School, and was a Marshall scholar at Oxford University, where he obtained a doctorate in legal philosophy.

Of course, I cannot forget the summer he spent at the University of Colorado as well. Judge Gorsuch clerked for two Supreme Court justices—Byron White, a Colorado native as well. In fact, in his comments last night after the announcement of his nomination, Judge Gorsuch mentioned that he worked for the only Coloradan to serve on the Supreme Court and also the only leading rusher in the NFL to ever serve on the Supreme Court.

He also clerked for Justice Anthony Kennedy, as well as for Judge David Sentelle on the U.S. Court of Appeals for the DC Circuit. Following his clerkships, Judge Gorsuch went into private

practice, eventually rising to the rank of partner in the elite litigation law firm of Kellogg Huber, leaving practice in 2005 to serve as a high-ranking official in the Bush administration Justice Department. A year later, President George W. Bush nominated Gorsuch to serve on the Tenth Circuit Court of Appeals, a position for which he was confirmed by a unanimous vote. I think it is very telling that not only was he confirmed by a unanimous vote, but roughly 11 or 12 members of the Democratic conference were there to vote for Judge Gorsuch. There are people serving today who voted for Judge Gorsuch. I believe SCOTUSblog recently reported that when Judge Gorsuch was nominated to the Tenth Circuit Court, then, Neil Gorsuch's confirmation hearing was sparsely attended. I believe it mentioned that only a few people attended. I think Senator LINDSEY GRAHAM, our colleague from South Carolina, was one of the Senators to attend his confirmation hearing. I believe Senator LEAHY, our colleague from Vermont, submitted questions for the record. But as SCOTUSblog cited, very few people attended his confirmation hearing because of the high caliber and high quality of the nomination. He was introduced by my predecessor from Colorado, Ken Salazar, and was praised from Senator Salazar's perspective for being impartial, fair, and the having the kind of temperament that we need in the circuit court.

Judge Gorsuch is an ardent faithful defender of the Constitution and has the appropriate temperament, as then-Senator Salazar noted, to serve on the Nation's highest Court. Of course, he was then talking about the Tenth Circuit Court. Judge Gorsuch recognizes that the judiciary isn't the place for social or constitutional experimentation, and efforts to engage in such experimentation delegitimizes the Court. He has said:

This overweening addiction to the courtroom as the place to debate social policy is bad for the country and bad for the judiciary. . . . As a society, we lose the benefit of the give-and-take of the political process and the flexibility of social experimentation that only the elected branches can provide.

Here we see his understanding that certain debates are to take place where debate is held by those elected directly by the people—in the Congress.

Judge Gorsuch believes in the separation of powers as established by our Founding Fathers in the Constitution. As he rightly stated, "a firm and independent judiciary is critical to a well-functioning democracy," understanding the value of three branches of government, the value of an independent judiciary, understanding that there are certain things dedicated exclusively to the judiciary, to the legislative branch, and to the executive.

Judge Gorsuch is not an ideologue. He is a mainstream jurist who follows the law as written and doesn't try to supplant it with his personal policy

preferences. He said: "Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's own abilities and conclusions always do."

Judge Gorsuch understands the advantage of democratic institutions and the special authority and legitimacy that come from the consent of the government. He said: "Judges must allow the elected branches of government to flourish and citizens, through their elected representatives, to make laws appropriate to the facts and circumstances of the day."

Judge Gorsuch appreciates the rule of law and respects the considered judgment of those who came before him. He said:

Precedent is to be respected and honored. It is not something to be diminished or demeaned.

This morning, I had the opportunity to meet with Judge Gorsuch—of course, knowing him from Colorado and the town of Boulder, where he lives today, and also where I received my law degree. We spent a lot of time talking about our favorite passions in Colorado, whether it is fly-fishing, whether it is paddle-boarding. Of course, he spends a lot of time out on the Boulder Reservoir, enjoying recreation—just like every other person in Boulder does and every other person in Colorado does—as somebody who understands the great outdoors. We talked about the rule of law. We talked about the separation of powers, his concern over originalism and textualism, and following in the footsteps of other great Justices on the Supreme Court.

We talked about something he said last night when his name was put forward for nomination by President Trump. We talked about a statement he made to this effect: If a judge likes every opinion that they have written, every decision that they have reached, they are probably a bad judge. I think this goes to his insistence that, as a judge, you must put your personal beliefs, your personal policies aside to rule as the rule of law requires and to rule as the Constitution and the statutes require.

We discussed in our meeting decisions he made of which he didn't like the outcome but believed that the rule of law required a certain outcome—whether it was a felon who possessed a handgun or whether the Federal Government had misspoken to the accused and he believed that the government had done the accused wrong.

While Judge Gorsuch personally believed that perhaps he would have liked to have found a guilty decision or agreed with a guilty decision, he couldn't do it because of the standards that were applied in the case—the grammatical gravity that had to be ignored in order to reach the conclusion the lower court had reached.

His ability to put personal opinions aside, I think, is what makes him an ideal candidate for the U.S. Supreme

Court. Over the coming days and months, we are going to have many opportunities to talk about the qualities of Judge Gorsuch, but we have already heard many people complain that perhaps they didn't pay enough attention to Judge Gorsuch 10 years ago. They talked about their concern, this new-found concern that was not available—that apparently wasn't there 10 years ago when this Senate unanimously supported Judge Gorsuch.

I have even heard complaints that they didn't like the way that his nomination was announced—a complaint about how the President announced the nomination. Those are the kinds of concerns we are hearing about Judge Gorsuch today because they didn't like the way he was announced.

We are going to have a lot of opportunity to talk about his temperament, those things he believes are important as a judge, those things he believes are important to make decisions. I look forward to having a conversation about what I believe is a brilliant legal mind—someone of a brilliant legal mind, someone with a sterling reputation, someone who has been known as a feeder judge of clerks to the highest Court in the land, someone who rules on the law and not on his personal beliefs, someone who believes in the Constitution and not in the role of legislator from the bench.

I am grateful I had this opportunity to support a Coloradan, a man of the West, to Nation's highest Court, and I look forward to working to place Judge Gorsuch as Associate Justice to the U.S. Supreme Court.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, we are in the second week of the Trump Presidency, and it is pretty clear that something is happening in our country. All across the Nation, Americans in quiet towns and boisterous cities are taking to the streets to fight for American values. They are protesting in the streets and calling their Representatives. They are getting involved in local organizations, and they are organizing around the causes they support.

We know that American values are threatened when the President issues an order banning immigrants from the country based on their religion. We know that American values are threatened when politicians try to break apart a health care system that has extended medical benefits to millions of Americans, and we know that American values are threatened when a President tries to stack his government with billionaires and insiders who have a history of grinding working people into the dirt.

Yesterday something happened that is a threat to our American values. President Trump nominated Judge Neil Gorsuch to serve on the Supreme Court. For years now, I have repeated this warning: America's promise of equal justice under the law is in danger. Over the last three decades, as the

rich have grown richer and middle-class families have struggled, the scales of justice have also tilted, tilted in favor of the wealthy and the powerful.

This is not an accident. It is part of a deliberate strategy to turn our courts into one more rigged game for folks at the top, and its effects have been devastating. Recent court decisions have protected giant businesses from accountability, made it harder for people who have been injured or cheated to get a hearing, gutted longstanding laws protecting consumers who have been swindled, and unleashed a flood of secret money into our politics that is rapidly tilting the entire government in favor of the wealthy.

Billionaires and corporate giants have launched a full-scale attack on fair-minded, mainstream judges. It has happened at every level of our judiciary, but the best example was the unprecedented blockade of Judge Merrick Garland's nomination to the Supreme Court. Judge Garland was an obvious consensus nominee and a straight shooter who followed the law. Why block him? The problem was that Judge Garland's career didn't reflect a sufficient willingness to bend the law to suit the needs of the rich and powerful. And for that sin, far-right groups, financed by Big Business interests, spent millions of dollars attacking him, to torpedo his nomination and keep that seat open.

They did something else that is even more damaging: Far-right groups also drew up a list of "acceptable" Supreme Court nominees, people who demonstrated they were sympathetic to the rich and the powerful. Judge Neil Gorsuch made the cut, and his nomination is their reward.

Judge Gorsuch is intelligent and accomplished. He is polite, respectful, and articulate. Make no mistake, his professional record, which I have reviewed in detail, clearly and consistently favors the interests of big corporations over workers, big corporations over consumers, and big corporations over pretty much anybody else.

Let's not mince words. The nomination of Judge Gorsuch is a huge gift to the giant corporations and wealthy individuals who have stolen a Supreme Court seat in order to make sure that the justice system works for them. What I am saying shouldn't be controversial. They haven't made a secret of what they were doing. This is exactly why Judge Gorsuch has been on their list for 4 months. He is the payoff for their multimillion-dollar investment.

Throughout his professional career, Judge Gorsuch has shown a truly remarkable insensitivity to the struggles of working Americans and an eagerness to side with businesses that break the rules over workers who are seeking justice.

Even before he became a judge, Judge Gorsuch famously argued in favor of limiting the ability of investors and

shareholders to bring lawsuits when companies commit fraud, whining about how annoying it is for billionaire corporations to have to face their investors when they cheat them.

As a judge for more than a decade, he has twisted himself into a pretzel to make sure that the rules favor giant companies over workers and individual Americans. Let me just count some of the ways. He has sided with employers who deny wages, employers who improperly fire workers, employers who retaliate against whistleblowers for misconduct. He has sided with employers who denied retirement benefits to their workers. He has sided with big insurance companies against disabled workers who were denied benefits. He has ruled against workers in all kinds of discrimination cases. He has even argued that the rights of corporations outweigh the rights of the people working for them, for example, allowing businesses to assert religious beliefs so they can limit their employees' access to health care.

Listen to that one again. He thinks that a company can assert a religious belief and decide whether female employees get access to birth control. Let's be clear. That means a lot of employees will be living at the whim of their employers.

Judge Gorsuch has written dismissively about lawsuits to vindicate the rights of vulnerable people. Equal marriage? Assisted suicide? Keep those issues out of his courtroom.

He is willing to open the doors wide when big corporations show up in his court to challenge health and safety rules they don't like or regulations to prevent them from polluting our air and water, poisoning our food, undermining our public safety, or just plain cheating people. When that happens, Judge Gorsuch is ready to go, to override the rules with his own views. On that score, he is even more extreme than Justice Scalia.

This is exactly the type of Supreme Court Justice that giant corporations want, but they have never been quite so brazen about it. Spending millions to slime a consensus straight shooter nominee like Merrick Garland and steal a Supreme Court seat, then drawing up a public list of "acceptable" alternatives and handing it over to a billionaire President so he can do his buddies a favor. That is bold. That is bold, and that is not how America is supposed to work.

Our courts are supposed to be neutral arbiters, dispensing justice based on the facts and the law, not people chosen to advance the interests of those at the top.

Let's be clear. This fundamental principle might be more important today than it has ever been in modern history. Every day our new President finds more ways to demonstrate his hostility for an independent judiciary, for a civil society, and for the rule of law. That is precisely the reason that our Constitution gives us a neutral,

independent judiciary. We don't need Justices who have been handpicked for their willingness to kowtow to those with money, power, and influence. We need Justices who will stand up to those with money, power, and influence.

Judge Gorsuch may occasionally write in vague terms about the importance of the independent courts. Today, right now, that simply is not good enough. Now, more than ever, the United States needs a Supreme Court that puts the law first every single time. That means Justices with a proven record of standing up for the rights of all Americans—civil rights, women's rights, LGBTQ rights, and all the protections guaranteed by our laws.

We cannot stand down when American values and constitutional principles are attacked. We cannot stand down when the President of the United States hands our highest Court over to the highest bidder, and that is why I will oppose Judge Gorsuch's nomination.

Mr. President, I yield.

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. 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.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Judge Neil M. Gorsuch to serve as the next Associate Justice of the Supreme Court of the United States. Judge Gorsuch has been nominated to fill the seat left vacant by the late Justice Antonin Scalia.

Justice Scalia was a dear friend of mine, and his death was a great loss to me and to our country, not just to me personally but for the whole Nation. Justice Scalia joined the Supreme Court after years of unbridled activism by the Court, during which time Justices imposed their own left-wing views—completely unmoored from the law as written—on the American people.

In response, he led a much needed revolution based on the enduring principle that the role of a judge is to say what the law is, not what a judge wishes it were. As the intellectual architect of the effort to restore the judiciary to its proper role under the Constitution, Justice Scalia was a singularly influential jurist.

To say that he leaves big shoes to fill is an understatement. Any worthy successor to his legacy will not only be committed to continuing his life's work but also capable of delivering the sort of intellectual firepower and leadership that Justice Scalia provided for decades.

Of all the potential candidates for this position, this vacancy, Neil Gorsuch stands out as the jurist best positioned to fill this role. His resume

can only be described as stellar: Columbia University, a Marshall Scholarship to study at Oxford, Harvard Law School, clerkships for Judge Sentelle on the DC Circuit and for Justices White and Kennedy on the Supreme Court, a distinguished career in private practice and at the Department of Justice, and more than a decade of service on the U.S. Court of Appeals for the Tenth Circuit.

Even among his many talented colleagues on the Federal bench, his opinions consistently stand out for their clarity, thoughtfulness, and airtight reasoning. In the words of one of his colleagues appointed by President Carter, Judge Gorsuch “writes opinions in a unique style that has more verve and vitality than any other judge I study on a regular basis.” He continued: “Judge Gorsuch listens well and decides justly. His dissents are instructive rather than vitriolic. In sum, I think he is an excellent judicial craftsman.”

This view of Judge Gorsuch’s capabilities is broadly shared across a wide swath of legal observers. Consider some other descriptions of his qualifications from outlets that could hardly be considered conservative. The New York Times reported on his “credentials and erudition.” The Los Angeles Times called him a “highly regarded . . . jurist,” and ABC News described how “in legal circles, he’s considered a gifted writer.”

I think there can be no doubt that Judge Gorsuch has the credentials to make him a capable and effective member of the U.S. Supreme Court. Nevertheless, I have long held that a nominee’s resume alone—no matter how sterling—should not be considered sufficient evidence to merit confirmation to the Supreme Court. Rather, we should also consider a nominee’s judicial philosophy. In this analysis, Judge Gorsuch has developed a record that should command ironclad confidence in his understanding of the proper role of a judge under the Constitution.

Judge Gorsuch’s opinions and writings show a clear fidelity to a judge’s proper role. While his body of work is replete with examples of this fidelity, I want to point to one example in particular, a lecture he delivered last year in the wake of Justice Scalia’s death that is one of the most thoughtful and persuasive cases for the proper role of a judge that I have ever read. In it, he affirmed his allegiance to the traditional account of the judicial role championed by Justice Scalia, which he described as such:

The great project of Justice Scalia’s career was to remind us of the differences between judges and legislators. To remind us that legislators may appeal to their own moral convictions and to claims about social utility to reshape the law as they think it should be in the future. But that judges should do none of these things in a democratic society. That judges should instead strive (if humanly and so imperfectly) to apply the law as it is, focusing backward, not forward, and looking to text, structure, and

history to decide what a reasonable reader at the time of the events in question would have understood the law to be—not to decide cases based on their own moral convictions or the policy consequences they believe might serve society best.

As Justice Scalia put it, “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.”

This is exactly the kind of judicial philosophy we need our judges to espouse, and Neil Gorsuch is exactly the man to embody it on the Supreme Court. If there is one line in that lecture to which I could draw attention, it is the quotation of Justice Scalia’s formulation of the very basic notion that a good judge will oftentimes reach outcomes that he does not personally agree with as a matter of policy. Such a notion should be uncontroversial.

Indeed, many of Justice Scalia’s brightest opinions came in cases in which I suspect he would have voted differently as a legislator than as a judge. Yet such a concept might seem wholly foreign to a casual observer of media coverage of the Supreme Court, in which cases are invariably viewed through a political lens. Decisions and Justices are regularly described as liberal or conservative, with little attention paid to rationale and methodology, the matters properly at the core of a judge’s work. This phenomenon reflects a regrettable dynamic observed by Justice Scalia himself. As the late Justice observed, when judges substitute their personal policy preferences for the fixed and discernible meaning of the law, the selection of judges—in particular, the selection of Supreme Court Justices—becomes what he called a mini-plebiscite on the meaning of the Constitution and laws of this country. Put another way, if judges are empowered to rewrite the laws as they please, the judicial appointment process becomes a matter of selecting life-tenured legislators practically immune from any accountability whatsoever.

If we value such a system of judicial review, a system deeply at odds with the Constitution’s concept of the judiciary, then one can easily see why judicial selection becomes a matter of producing particular policy outcomes. Thus, it is easy to see why many on the left who believe in such a system demand litmus tests on hot-button policy issues. To them, a judge is not fit to serve unless they rule in a way that produces a particular policy. Simply put, this is a terrible way to approach judicial selection. It undermines the Constitution and all of the crucial principles that it enshrines from the rule of law to the notion that our government’s legitimacy depends on the consent of the government.

A good judge is not one that we can depend on to produce particular policy outcomes. A good judge is one we can

depend on to produce the outcomes commanded by the law and the Constitution. Neil Gorsuch has firmly established himself as that kind of a judge. In Neil Gorsuch’s America, the laws that bind us are made by the people’s elected representatives, not unelected, unaccountable judges. In Neil Gorsuch’s America, the powers and limits of each branch of government are decided by the Constitution, no matter whether their enforcement produces a liberal or conservative outcome. In Neil Gorsuch’s America, the basic freedoms of the American people enumerated in the Bill of Rights are carefully protected, whether they are in fashion lately with the left, the right, both or neither. In Neil Gorsuch’s America, the views that matter are yours and mine, not those of a handful of lawyers in black robes in Washington.

For these reasons, I applaud the President for his absolutely stellar choice. Judge Gorsuch will do us proud as our next Supreme Court Justice. I will do everything in my power to ensure his confirmation. I will have more to say on this in the future, but I yield the floor at this time.

**THE PRESIDING OFFICER.** The Senator from Hawaii.

**Ms. HIRONO.** Mr. President, it hasn’t even been 2 weeks, and President Trump has already demonstrated that he has little tolerance for independent thinking and dissent. He has his own version of reality, which is why his administration resorts to alternative facts.

When the media accurately reported how small the crowd was at his inauguration, he presented us with alternative facts. When the media pointed out he lost the popular vote by the largest margin of any President, he boldly proclaimed, without any evidence, that 3 to 5 million people voted illegally. Many consider this whopper as a cynical way to encourage more States to pass voter suppression laws justified by the bogus claim of widespread voter fraud.

Just 2 days ago, the President again showed the American people how intolerant he is of principled dissent when he fired acting Attorney General Sally Yates after she refused to enforce or defend his totally unjustifiable, knee-jerk, and probably unconstitutional Executive order on Muslim immigration.

By firing Sally Yates, the President demonstrated once again that he values loyalty to himself above service to the American people and adherence to the Constitution. This is particularly disturbing as we begin to consider the President’s nomination of Judge Neil Gorsuch to sit on the Supreme Court.

I am only beginning to scrutinize Judge Gorsuch’s record, but I am very concerned that he will be a rubberstamp for President Trump’s radical agenda. You don’t have to take my word for it. You only have to listen to what the President has been saying

over the past 2 years. In June 2015, then-Candidate Trump told CNN's Jake Tapper that he would apply a pro-life litmus test for his nominees to the Supreme Court. He did it again at a press conference last March, during the third Presidential debate, and shortly after his election.

This isn't the only litmus test President Trump promised to apply. In February 2016, President Trump committed to appointing a Justice who would allow businesses and individuals to deny women access to health care on the basis of so-called religious freedom. In February 2016, President Trump told Joe Scarborough he would make upholding the Heller decision on guns another litmus test for his Supreme Court nominee. Like tens of millions of Americans, I am deeply concerned that President Trump applied each of these tests before he nominated Judge Gorsuch to the Supreme Court.

In the weeks and months ahead, I will carefully and extensively scrutinize Judge Gorsuch's record. I will question him on his judicial philosophy and how he interprets the Constitution. I will insist he clarify his position on a woman's constitutionally protected right to choose, on voting rights, and the appropriate balance between corporate interests and individual rights. I will do my job as a United States Senator. The American people deserve nothing less from each of us.

I yield the floor.

Mr. President, 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.

#### STREAM BUFFER RULE

Mr. MCCONNELL. Mr. President, for the last 8 years, the Obama administration has pushed through a number of harmful regulations that circumvent Congress, slow growth, shift power away from State and local governments toward Washington, and kill a lot of jobs. Even on the way out the door, the former administration's regulatory onslaught continued as they pushed through more midnight regulations. These nearly 40 major regulations, which were pushed through by the Obama administration since election day, would cost Americans a projected \$157 billion, according to one report.

Fortunately, with a new President, we now have the opportunity to give the American people relief and our economy a boost. One of the most important tools we have is the Congressional Review Act, which allows Congress to provide relief from heavy-handed regulations that hold our country back.

The House just took an important step by sending us two pieces of legisla-

tion that will reassert congressional authority and make a real impact for the American people.

One of those resolutions will address a regulation that puts U.S. companies at a competitive disadvantage to private and foreign companies. Passing this resolution will allow the SEC to go back to the drawing board so that we can promote transparency, which is something we all want, but to do so without giving giant foreign conglomerates a leg up over American workers. We will take it up soon.

The other resolution, which we will take up first, will address an eleventh-hour parting salvo in the Obama administration's war on coal families that could threaten one-third of America's coal-mining jobs. It is identical to the legislation I introduced this week and is a continuation of my efforts to push back against the former administration's attack on coal communities.

Appalachian coal miners, like those in my home State of Kentucky, need relief right now. That is why groups like the Kentucky Coal Association, the United Mine Workers Association, and 14 State attorneys general, among others, have all joined together in a call to overturn this regulation.

The Senate should approve this resolution without delay and send it to the President's desk. The sooner we do, the sooner we can begin undoing the job-killing policies associated with the stream buffer rule. This is not a partisan issue; this is about bringing relief to those who need it and protecting jobs across our country. I hope our friends across the aisle will support our Nation's coal miners and join me in advancing this resolution.

After we address these regulations, both the House and the Senate will continue working to advance several other CRA resolutions that can bring the American people relief.

#### MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

The PRESIDING OFFICER (Mr. TILLIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 41 Ex.]

#### YEAS—55

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeben	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCaain	Wicker
Enzi	McCaskill	Young
Ernst	McConnell	
Fischer	Moran	

#### NAYS—42

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Feinstein	Murphy	Warren
Franken	Murray	Whitehouse
Gillibrand	Nelson	Wyden

#### NOT VOTING—3

Coons	Durbin	Sessions
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The motion was agreed to.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

#### DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 38.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 38, a joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 42 Leg.]

#### YEAS—56

Alexander	Blunt	Burr
Barrasso	Boozman	Capito