

an express act of Congress authorizing such extraordinary action. And if my colleagues want to grant the government this power over their constituents, they should authorize it themselves; they shouldn't hide behind vague authorizations so the voting public doesn't know what they are doing.

This begs the question whether we would ever want to do this—whether we should ever do it. It is difficult for many of us to imagine any circumstance in which anyone would want to authorize such extraordinary action, but that is exactly the point—the point contemplated by the suspension clause in the U.S. Constitution. If something like that is going to be done, Congress needs to do it and needs to do it expressly and identify exactly what the threat, the war, the insurrection is that is being addressed.

I am offering this amendment because of my faith in our law enforcement officers and judges. And I have great faith in those people who fill those roles in our country, who have successfully apprehended and prosecuted many homegrown terrorists. Their example to us proves that our security is not dependent on a supercharged government and a weakened constitution.

Moreover, we must remember that our security and our privacy are not necessarily at odds with each other. Indeed, our privacy is part of our security. It is part of what makes us secure. We can secure the homeland without using the formidable instruments of tyrants.

It is with this objective in mind that I propose to my colleagues and request the support of my colleagues for the Due Process Guarantee Act, which should be adopted so as to make sure we are both free and safe, while remaining secure.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. MCCONNELL. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that at 5:30 p.m. on Monday, September 18, the McCain amendment No. 545 be withdrawn, the Senate adopt the McCain substitute amendment No. 1003, as modified, and the Senate vote on the motion to invoke cloture on H.R. 2810; further, that if cloture is invoked, all postcloture time be considered expired and the Senate vote on passage of the bill, as amended.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 280, 281, 283, 284, 285, 286, 304, 305, 306, 307, 308, 309, and 310.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Peter E. Deegan, Jr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years; Marc Krickbaum, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years; D. Michael Dunavant, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years; Louis V. Franklin, Sr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years; Jessie K. Liu, of Virginia, to be United States Attorney for the District of Columbia for the term of four years; Richard W. Moore, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years; Bart M. Davis, of Idaho, to be United States Attorney for the District of Idaho for the term of four years; Kurt G. Alme, of Montana, to be United States Attorney for the District of Montana for the term of four years; Donald Q. Cochran, Jr., of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years; Russell M. Coleman, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years; Brian J. Kuester, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years; R. Trent Shores, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years; and Daniel J. Kaniewski, of Minnesota, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; the President be immediately notified of the Senate's action; that no further motions be in order, and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

There being no further debate, the question is, Will the Senate advise and consent to the Deegan, Krickbaum, Dunavant, Franklin, Liu, Moore, Davis, Alme, Cochran, Coleman, Kuester, Shores, and Kaniewski nominations en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

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

MORNING BUSINESS

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

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

REMEMBERING PETE DOMENICI

Mr. HATCH. Mr. President, I would like to take a few minutes amidst the Senate's business to memorialize my good friend, fellow colleague, and long-serving Senator of New Mexico, Pete Domenici. It is altogether fitting that we may offer tribute right in the middle of a busy day. Pete was a true legislator, the kind we just don't see all that often any longer. He was at his best when we were here getting things done—and often we were getting things done because of his efforts. He will be sorely missed by those of us who had the distinct privilege of serving alongside him.

Pete's life was a testament to the American Dream; born to immigrant parents, Pete grew up working in his father's store before going on to earn his degree in education. Later, he would teach math at a local junior high school, before making his way into city politics and, from there, join the Senate in 1972. Some will no doubt recall that he was the first Republican elected as Senator of New Mexico in nearly 40 years, but most will remember that he always put the people of his State and his Nation ahead of partisan interests.

While serving in the Senate, Pete fulfilled his charge with diligence, passion, and decorum. His time here still serves as an example to many of us. Pete was regularly willing to reach across the aisle, always willing to take the first step, and never one to shrink from an opportunity presented, whether difficult or not. Pete's efforts to bring the Federal budget under control were especially admirable, and his leadership was crucial in achieving the balanced budget of 1997. That has proven a rare accomplishment. His work as an advocate for the mentally ill showed

his deep levels of compassion, and his efforts helped create a more just and equitable society for all.

Even after he retired, Pete, as was his way, refused to rest. He continued to promote bipartisan solutions in Washington and continued to remind each of us of our duties to the American people. My prayers and condolences go out to his wife, Nancy, and all of his family. Amidst their grief, I take heart they may know that his legacy outlives his days and that this body will be forever better for his service.

Mr. DURBIN. Mr. President, this week, we mourn the loss of Pete Domenici, a former Senate colleague, a respected and leading voice in bipartisanship, and, most of all, a friend.

Pete had the distinction of being the longest serving Senator in New Mexico's history. He spent almost half a century as a public servant.

Most knew Pete for his outspokenness on energy and budget issues, but I remember him best for his commitment and dedication on behalf of Americans struggling with mental illness.

In 2008, two Senators—Paul Wellstone, a liberal Democrat from Minnesota, and Pete Domenici, a conservative Republican from New Mexico—came together to pass legislation that prohibited health insurance companies from treating mental health differently from physical health benefits.

The Wellstone-Domenici Mental Health Parity and Addiction Equity Act finally set mental health and substance abuse benefits on equal footing with other health benefits, ensuring fairness in deductibles, copayments, provider networks, and lifetime limits.

Those two Senators couldn't have been more different, but they each had family members who were touched by mental illness.

Pete Domenici and Paul Wellstone asked, Why should we treat illnesses of the brain any different than a cancer, diabetes, or heart disease?

That shared bond brought them together. It is why they spent years fighting with insurance companies about the importance of mental health coverage and ultimately got a law passed.

The Wellstone-Domenici Parity Act laid the groundwork for so much of what we fought for in the Affordable Care Act: the idea that people should have access to coverage, regardless of what their medical needs are.

You see, the ACA built off this law by requiring that all individual market insurance plans cover mental health and substance abuse services as an "essential health benefit."

Thanks to Pete's hard work, millions of Americans no longer have to fight for mental health benefits or addiction treatment benefits, so important in the face of today's opioid crisis.

Pete taught us that mental illness is exactly that—an illness—and that those who suffer from any illness deserve equal rights and access to care.

Senator Domenici was also a strong advocate for immigration reform.

Back in 2002, he signed on as a cosponsor of the original DREAM Act, legislation that I introduced to give a path to citizenship to talented young immigrants who grew up in the country.

As the son of an Italian immigrant mother and an Italian-born father who earned citizenship after his service in WWI, Pete understood firsthand the immigrant experience.

He once said, "I understand this whole idea of a household with a father who is American and a mother who is not, but they are living, working, and getting ahead. I understand that they are just like every other family in America. There is nothing different. They have the same love, same hope, same will and same aspirations as those of us who were born here have."

Pete didn't just talk; he put his money where his mouth was.

In 2006, he voted for the McCain-Kennedy comprehensive immigration reform bill that included the DREAM Act.

It passed the Republican-controlled Senate on a strong bipartisan vote, but unfortunately, the Republican leadership in the House of Representatives never brought it to a vote.

Senator Domenici's work in the Senate is a great example of the good that can come from bipartisanship—of what can happen when we start working together to get something done for the American public.

It is my hope that we can carry on Pete's legacy of equal rights for all through bipartisan means.

My condolences to the Domenici family and thank you for sharing such an earnest man with us.

Mr. COCHRAN. Mr. President, I wish to honor former Senator Pete V. Domenici of New Mexico, who passed away September 13 in Albuquerque. It was a privilege to call Pete a friend and to work with him as a Senate colleague and member of the Appropriations Committee.

Senator Domenici had a great ability to bring people together to work on solutions to complicated challenges like the budget deficit, national security, and energy policy. His passing closes the book on a life well-lived as a public servant dedicated to his family, his State, and our Nation.

My condolences go out to his lovely wife, Nancy, and their family.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. NELSON. Mr. President, I was necessarily absent for yesterday's vote on the motion to table Senate amendment No. 871 to H.R. 2810, the National Defense Authorization Act, to repeal existing authorizations for the use of military force. I would have voted yea.

Mr. President, I was necessarily absent for today's vote on the motion to

invoke cloture on substitute amendment No. 1003 to H.R. 2810, the National Defense Authorization Act. I would have voted yea.

Mr. President, I was necessarily absent for today's vote on Calendar No. 109, confirmation of the nomination of Pamela Hughes Patenaude to be Deputy Secretary of Housing and Urban Development. I would have voted yea.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavoidably absent for rollcall vote No. 197, the motion to invoke cloture on McCain-Reed amendment No. 1003, as modified, the substitute to H.R. 2810, the National Defense Authorization Act for 2018. Had I been present, I would have voted yea.●

NORTH KOREA

Mr. CARDIN. Mr. President, today I wish to address one of the most pressing and most challenging national security issues facing our Nation: North Korea's growing nuclear and ballistic missile programs and its continued belligerent behavior.

North Korea has developed an active nuclear weapons program and is making considerable progress in developing nuclear-capable ballistic missiles that can reach our allies and partners in the region, including South Korea and Japan, U.S. territories like Guam, and, likely, the continental United States as well.

The time for illusions about North Korea's programs, or wishful thinking about our policy options, is past.

With each passing day, North Korea's continued defiance of the international community makes it clear that the Trump administration's policy of maximum pressure is yielding minimal results.

If the United States continues on the path laid out by President Trump, there are only two realistic outcomes, both bad: North Korea becomes a nuclear power or a large-scale conventional war breaks out on the Korean Peninsula that would result in the loss of hundreds of thousands and possibly millions of lives.

If our policy options leave us with only capitulation or war as possible outcomes, those policies are deeply flawed. There should be a lot of space between war and capitulation on the Korean Peninsula.

I strongly believe that we must therefore adjust our strategy to fill that space with an all-out "diplomatic surge," one that results in serious, hard constraints on North Korea's nuclear ambitions and a more peaceful, stable, and prosperous Northeast Asia for all.

The initial objective of this surge would be to begin a diplomatic process, with Pyongyang first verifiably halting