

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SD-430 to conduct a hearing entitled "Implementation of the 21st Century Cures Act: Achieving the Promise of Health Information Technology."

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 10 a.m., to conduct a hearing entitled "2017 Hurricane Season: Oversight of the Federal Response."

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., to conduct a hearing entitled "2020 Census: Examining Cost Overruns, Information Security, and Accuracy."

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 9:30 a.m., in room SD-106 to conduct a hearing on the nomination of John C. Demers, of Virginia, to be an Assistant Attorney General, Department of Justice.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SH-219 to conduct a closed hearing.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE,
FISHERIES, AND COAST GUARD

The Subcommittee on Oceans, Atmosphere, Fisheries, and Coast of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SR-253 to conduct a hearing entitled "Exploring Native American Subsistence Rights and International Treaties."

SUBCOMMITTEE ON CRIME AND TERRORISM

The Subcommittee on Crime and Terrorism of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SH-216 to conduct a hearing entitled "Extremist Content and Russian Disinformation Online: Working with Tech to Find Solutions."

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic leader, pursuant to the provisions of Public Law 114-224, the appointment of the following individual to serve as a member of the Virgin Islands of the United States Cen-

tennial Commission: the Honorable BILL NELSON of Florida.

CALLING ON THE GOVERNMENT
OF IRAN TO RELEASE UNJUSTLY
DETAINED UNITED STATES CITI-
ZENS AND LEGAL PERMANENT
RESIDENT ALIENS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 244, S. Res. 245.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 245) calling on the Government of Iran to release unjustly detained United States citizens and legal permanent resident aliens, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of August 3, 2017, under "Submitted Resolutions.")

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 315, S. Res. 316, and S. Res. 317.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

UNANIMOUS CONSENT AGREE-
MENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, that at 11:30 a.m. on Wednesday, November 1, there be 30 minutes of postcloture time remaining on the Larsen nomination, equally divided between the leaders or their designees, and that following the use or

yielding back of that time, the Senate vote on the confirmation of the Larsen nomination; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ORDERS FOR WEDNESDAY,
NOVEMBER 1, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, November 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Larsen nomination under the previous order.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators CASEY and SANDERS.

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

The Senator from Pennsylvania.

OUR SYSTEM OF JUSTICE

Mr. CASEY. Mr. President, I rise this evening to talk about our system of justice. If we were to walk out from the Senate, out the front door, and across the front of the Capitol directly, we would find ourselves across the street from the U.S. Supreme Court.

As everyone knows, inscribed across the front of the U.S. Supreme Court are these words: "Equal justice under law"—a pretty simple statement about our system of justice, but of course that has a profound meaning in our system.

Hundreds of years ago, Saint Augustine said the following about justice: Without justice what are kingdoms but great bands of robbers.

So we have always had this focus on what justice means. It came into sharper focus, of course, when our Nation was born. We set up three branches of government—or, I should say, our Founders set up three branches of government—one of them being the judiciary and, of course, that was followed, after the Constitution was ratified, by the Judiciary Act of 1789. We have had that system of justice in one form or another all these years.

In so many ways, our system of justice sets us apart from the world. Our

system of justice, though it is often strained and stretched and sometimes undermined, is still the envy of the world. It does set us apart. We know that throughout our history—and even more recently—there are several examples of one judge being able to stop the executive, one judge being able to reverse policy or, at least, force the executive to make amendments to an Executive order, as has happened over the last couple of months.

I think we always have to ask ourselves whether or not our system of justice is getting it right, whether or not the balance is there. There are lots of ways to express the tension between one side and another in our system of justice. One way to express it—not the only way, but one way, when you consider the awesome appropriate power in a nation like ours—is, Will we have a system that allows everyone to get a fair shot at justice, to literally fulfill the obligation or the goal of equal justice under the law? Or will we have a system of justice that rewards, supports, or seems to find in favor of corporate interests or have a court, whether it is the Supreme Court or a Federal court of one kind or another, that is beholden to corporate interests? So one way to suggest the tension and sometimes the conflict is to have a fair shot for everyone versus a corporate tilt or a corporate court or a corporate justice system.

I would have to say that when you look at some of the evidence most recently, the Supreme Court under Chief Justice Roberts has been an ever more reliable ally to both big corporations and those with great power, those with great wealth. A major study published by the Minnesota Law Review in 2013 found that the four conservative Justices currently sitting on the Court—Justices Alito, Roberts, Thomas, and Kennedy—are among the six most business friendly Supreme Court Justices since 1946. So found the major study in the Minnesota Law Review just 4 years ago. So four Justices on the Court now were found among the six most business friendly. That is one indicator.

Another review by the Constitutional Accountability Center, which, of course, is ongoing as decisions are handed down, shows the consequences of the Court's corporate tilt, finding that the Chamber of Commerce has had a success rate of 70 percent—7–0, a success rate of 70 percent—in cases before the Roberts Court, a significant increase over previous Courts. So these are two major indicators of the corporate tilt of this Supreme Court.

Now, these cases are important to every person—cases involving, for example, rules for consumer contracts, challenges to regulations ensuring fair pay and labor standards, attempts by consumers to hold companies accountable for product safety and much, much more. Because the Supreme Court's decisions set precedents followed by every Federal district court across the Nation—hundreds of district

courts—these rulings have an impact beyond just the particular case and the particular parties or the litigants in that case, in that district, or in that Supreme Court case.

The tilt toward corporate interests at the expense of everyday Americans is not confined to the Supreme Court. I have had serious concerns about many of the judicial nominees put forward by the Trump administration, particularly those nominated to sit on the circuit courts, the highest appellate court in the land other than the Supreme Court. In essence, these circuit courts, which sometimes cover more than one State, are effectively the highest court in the land for the vast majority of cases that are not heard by the Supreme Court. The Supreme Court may take only a few cases a year, sometimes a very low percentage, or less than 5 percent in most years.

The President has plucked many of these nominees for the circuit courts from a list compiled by the Federalist Society and the Heritage Foundation, two substantial conservative organizations. I don't want the Supreme Court chosen by the Federalist Society and the Heritage Foundation. I certainly don't want circuit court judges chosen, handpicked, and designated ahead of time who only have been selected from this list. That is apparently what happened in the midst of the campaign. They gave the Republican nominee a list and said: That is your list. You choose from them only. It wasn't a suggested list. It was a directive.

I think I am joined by a lot of people across the country in my concern when groups like that have veto power over who sits on the Supreme Court or who has veto power over those who sit on Federal courts.

Like several of the conservative Justices on the Supreme Court, many of these nominees on this list from the Federalist Society and the Heritage Foundation have a corporate philosophy, a philosophy that ignores the realities faced by many Americans, the realities faced by many workers across our country.

The records of these nominees indicate that this problem will only be exacerbated and workers and their families will continue to have the deck stacked against them in the real world, not the world of briefs and the world of Supreme Court juris prudence and the world of arguments in front of the Supreme Court. But in the real world, the decks will be stacked against them—in the real world of making ends meet in a family, in the struggles that people have every day, and in the real world of working every day for long hours and sometimes in not the best working conditions and up against very powerful forces.

The fundamental promise of our court system is this principle of justice I talked about earlier—the principle that everyone should have a fair shot at justice, all the time, in every case, without exception, in every court, in

every year, in every era. That is what equal justice under the law means, and when that doesn't happen, when someone is denied equal justice under the law even one time, of course, our system hasn't worked well.

When you see the numbers that I cited earlier, that the Chamber of Commerce has a success rate of 70 percent, I am not sure we can say that equal justice under the law—that principle—has been adhered to. When that happens, of course, what Saint Augustine reminded us hundreds of year ago—that without justice, what are kingdoms but a great band of robbers—people are robbed of justice in maybe one case. Unfortunately we know from the record that it is a lot more than one case. But one is too many if you believe in equal justice under law.

So I have serious concerns that this basic promise—the ultimate promise of justice that was enshrined in our Constitution by our Founders and was brought forward by the Judiciary Act of 1789 and which has continued to this present day—of equal justice under law could be in jeopardy. Some would say that it is in jeopardy already as this administration puts its stamp on the judiciary.

We must demand that the judiciary live up to the principles of equal justice under the law for all the people in all the cases all the time.

I yield the floor.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Vermont.

HEALTHCARE

Mr. SANDERS. Mr. President, let me begin by pointing out an op-ed that appeared in the Boston Globe today. It is an op-ed that I wrote. It is called “The health care crisis no one is talking about.”

Mr. President, I ask unanimous consent that this op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Oct. 31, 2017]

THE HEALTH CARE CRISIS NO ONE IS TALKING ABOUT

(By Bernie Sanders)

The United States faces a major crisis in primary health care, and unless Congress acts immediately it is likely to become much worse.

Millions of Americans are at risk of losing their access to health care because Congress did not renew funding for the community health center program at the end of the fiscal year, Sept. 30. Unless we renew funding immediately, 70 percent of funding will be cut, the doors of 2,800 community health centers will close, and 9 million patients will lose access to quality health care. That is unacceptable.

Our nation's community health centers provide affordable, high-quality health care to more than 27 million people. This includes not only primary health care, but also dentistry, counseling, and low-cost prescription drugs. For the 13 million rural patients served, community health centers often are the only health care provider for hundreds of