

I am talking, first and foremost, about killing al-Qaida's key leaders and undermining the terrorist group's operations. We, of course, remember the raid that killed Osama bin Laden 7 years ago, which was the culmination of many years of advanced intelligence operations by people just like Gina Haspel. The CIA is responsible for collecting the dots and then connecting the dots so that policymakers can make important decisions, as in President Obama's decision to take out Osama bin Laden once he had been located. The CIA and Gina Haspel deserve tremendous credit for the indispensable role she and they played.

There are also things like the disruption of Najibullah Zazi's plot to bomb the subway in New York in 2009—another major intelligence and law enforcement success. An al-Qaida recruit, Zazi trained with the group in Pakistan and returned to the United States to build explosives for what could have been a devastating attack. According to news reports, it was through our intelligence collection efforts that we identified Zazi and that he was eventually arrested and convicted. The CIA is involved in far more than just counterterrorism operations. It deserves credit for all other equally important work, as well, some of which Ms. Haspel and her colleagues, undoubtedly, participated in.

We know the intelligence community targets all aspects of international criminal organizations, for example, and, of course, there are many more successes that will never see the light of day because those wins must be kept secret so that ongoing operations and sources that supply information and tactical methods are protected so they can remain useful in the future.

As Jane Harman—a 9-term former Democratic Member of the House of Representatives—wrote not long ago:

The [Intelligence Community] has been the tip of America's spear for decades. Selfless men and women have put their lives on the line—often doing work their families are unaware of—to keep us safe, and they have. Yes, there have been some tragic failures, but far more impressive successes.

That is from one of our former Democratic colleagues. Her words, of course, apply to Ms. Haspel's career as much as they do to any other intelligence professional's.

Ms. Haspel has put her life on the line to keep us safe, not for the glory, because most of what she has done has happened undercover in a way that does not reveal important sources and methods or expose other people to retaliation or attack. When we consider her nomination this week, we must see it in the light of all of the CIA's successes, not as a caricature and misrepresentation of a couple of events that occurred post-9/11. Men and women like her do what they do not because of the notoriety. It is just the opposite. They do it because they love their country and want to prevent it from harm. Ms. Haspel is no exception,

and she is deserving of our profound appreciation. To demonstrate that appreciation, we need to get her confirmed.

PRISON REFORM

Mr. President, one other thing on my mind today is prison reform.

Last week, my colleagues Congressmen COLLINS and JEFFRIES announced they had reached a bipartisan deal that will be marked up tomorrow in the House Judiciary Committee. I filed the same revised bill in the Senate yesterday with Senator WHITEHOUSE, our Democratic colleague from Rhode Island. I have been focused on this issue of prison reform for some time, along with a number of our colleagues on both sides of the aisle, and now it has gotten some real traction thanks to President Trump and a roundtable he hosted at the White House earlier this year.

More than 11 million people go to jail each year in the United States, and there are currently 2.3 million people in confinement. Conservatives should be concerned by those statistics for multiple reasons. For starters, the vast majority of people who end up in prison, of course, eventually reenter society. That is something we should be concerned about no matter where we stand on the ideological spectrum because people in prison will typically get out of prison. The question is: Will they be prepared for a life of crime or will they be prepared to enter a lawful society and contribute as law-abiding members?

For too long, our prisons have simply been warehouses. They have just warehoused people and not prepared or helped them to reenter society by teaching them the skills and giving them the training they need to become productive. These people leave prison and often return to a life of crime. Many have drug or alcohol addictions. Many of them lack the basic education or skills they need in order to get jobs in a lawful society.

We believe that the revolving door of recidivism—going to prison, getting out of prison, ending up back in prison—must end. Incarceration is expensive and separates offenders from their families. In other words, there is more than just the person behind bars who pays the price when someone goes to prison. We need to consider the families who are separated from their loved ones who suffer as well. This, of course, adds stresses that we can only imagine—single parenthood for those left behind and the heightened challenges of raising children as single parents in individual households.

States like Texas and others across the country have used prison reform to tackle their recidivism rates and have improved lives, lowered crime rates, and saved money too. I am glad that the legislation the House will mark up this week mirrors Texas reforms.

Among its other provisions, the bill will increase the number of good time credits for good behavior in prison—a good incentive for people to cooperate

and behave while in prison. It will limit the use of restraints on pregnant prisoners, which seems entirely appropriate, and it will improve audits to reduce or eliminate prison rape. Prison guards will be required to receive so-called de-escalation training, and the Federal Prison Industries will be able to sell products to private nonprofit organizations much more easily so that inmates will be able to learn skills they can use productively while they are still in prison and that they can use once they leave prison.

In conclusion, I look forward to a bill that will have broad bipartisan and bicameral support not only by the House but by the Senate and accomplish this important goal.

Some of the sentencing reform legislation that I and others have previously supported has proved to be so controversial that we have been unable to get it passed here in the U.S. Senate because of there being a lack of support for that combination of sentencing reform and prison reform. What we have tried to do in a way that, I believe, is entirely pragmatic and appropriate is to take the first step on prison reform and get that passed by both Houses and signed by the President. Then we can continue our work on other aspects of criminal justice reform following that success.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

REMEMBERING MICHAEL BEAVER

Mr. MERKLEY. Mr. President, we have all heard the sad news. While we were back in our districts last week, our Assistant Parliamentarian, Michael Phillip Beaver, passed away unexpectedly at the very young age of 39. Family and friends gathered this morning to celebrate his life.

Born in Mount Pleasant, he was the son of Linda Susan Beaver and William R. Beaver. He was a graduate of Saint Vincent College, where he studied political science with a minor in graphic design, and he earned his juris doctorate from the Ohio State University Moritz College of Law. He was a member of the Ohio and the California State Bar Associations.

Most recently, he served here in this Chamber as the Assistant Parliamentarian. Prior to that, he served as the deputy legislative counsel for the State of California. Aside from being a brilliant attorney, Michael was passionate about hockey and music. He was a talented cook, an avid gardener, and a gifted artist.

He was a loving husband to his wife, Gilda, and was a caring, fun, and patient father to his two young boys, Bradley Dastan Beaver, age 3, and Connor Milad Beaver, age 2.

It is hard to believe that an unexpected medical condition could end his life so soon at the age of 39. He was contributing so much to the United States and so much to his family. We will greatly miss him here as I know he will be missed by a very wide expanse of family and friends and community.

Mr. President, I come to the floor to address one aspect of our “we the people” Nation. In writing the Constitution, our forefathers put those words, “We the people,” in supersized font, so even if you are far away and you can’t read the fine print, you know the mission statement of our Constitution. It was all about, as President Lincoln summarized, a “government of the people, by the people, [and] for the people,” always intended to be the opposite of governments by and for the powerful.

Yet what have we seen in 2017? Much of the year was spent on a healthcare bill designed to destroy healthcare for some 22 to 30 million Americans. That is not government by the people or for the people; that is government by and for the powerful.

We saw a tax bill that borrowed \$1.5 trillion from the people of the United States—which our children will have to repay—and gave it to the wealthiest Americans. That is not government by and for the people; that is government by and for the powerful.

We saw the theft of a Supreme Court seat for the first time in our history—a Supreme Court seat sent when it was vacated by the death of Antonin Scalia from one Presidency to the next, more than a year in the future in order to sustain a 5-to-4 Court decision called *Citizens United*, which allows a powerful America to spend unlimited sums, contaminating our political system with hundreds of millions of dollars, corrupting this Nation. That is not government of, by, and for the people; that is government of, by, and for the powerful.

Now we see the ongoing effort to pack the courts. Although I have heard complaints from some of my Republican colleagues about the slow pace of nominees, we see that the pace is very fast compared to the pace that existed for President Obama. For the first 14 circuit court nominations, they waited under President Obama an average of 251 days, but under President Trump, in less than half the time at 125 days—a breakneck pace—we have seen more nominees confirmed. If we compare from the start of the Presidency to this far into the Presidency under President Obama, we had a total of 21 nominees—9 circuit court nominees, 11 district court nominees, and 1 Supreme Court nominee, totaling 21. We see that under President Trump there are confirmations for 15 circuit court nominees, 17 district court nominees, and the filling of a Supreme Court seat, a stolen seat. There are 33—12 more—and more than 50 percent faster. So the argument that anything is being slow-walked is completely false.

We see all kinds of efforts, though, to rush nominees through without proper consideration. Last year, we had cloture votes on four circuit court nominees in a single week. We had cloture filled on three nominees within hours of being reported out of committee—and not reported out of committee

unanimously but with divided votes. We know that when something comes out of the committee, there needs to be time for the rest of the body to be able to exercise their efforts to understand the background of that nominee. Often new information is turned up. For example, with Brett Talley—nominated for the district court—after he came out of committee, then it became known that he had written controversial commentaries defending the KKK, and he had belittled the Sandy Hook tragedy where little children were slaughtered. We found that out after he came out of committee. Yet cloture is being filed right after nominations come out of committee. We even had an individual who was rated “not qualified” by the American Bar Association. That, my colleagues, is rare.

The tradition of bipartisanship and cooperation involving the blue slip goes back a long way—since about 1917, a little more than a century. Senator Thomas Hardwick objected to President Wilson’s district court nominee. He wrote on a blue slip of paper, saying: “I object to this appointment—the same is personally offensive and objectionable to me, and I can not consent to the confirmation of the nominee.” Thus began the blue-slip tradition of courtesy and respect for the viewpoint of Senators from a variety of States.

Under President Obama the blue slips were honored, whether they came from a Democrat or from a Republican. In fact, 18 of President Obama’s nominees were blocked by Republican blue slips because they were honored by the Democrats.

In 2009, we had a letter from my Republican colleagues, and it said about the practice of observing senatorial courtesy that “we, as a Conference, expect it to be observed, even-handedly and regardless of party affiliation.” Isn’t the sentiment expressed in 2009 appropriate for 2018?

Let me state that in the history of these 100 years, not a single nominee has been approved over the objection of two Senators from the relevant State. The former Republican chairman, Senator HATCH, said:

Weakening or eliminating the blue slip process would sweep aside the last remaining check on the President’s judicial appointment power. Anyone serious about the Senate’s constitutional “advice and consent” role knows how disastrous such a move would be.

I would like to know how many folks in this Chamber are still serious about the Senate’s constitutional advice and consent role.

Chairman GRASSLEY said in 2015:

This tradition is designed to encourage outstanding nominees and consensus. . . . I appreciate the value of the blue-slip process and also intend to honor it.

He did honor it while President Obama was in office, but now, apparently, the world is a different place. Look what is happening on the Senate floor this week. We have a nominee, Michael Brennan, whose views on wom-

en’s rights, civil rights, education, criminal justice, sexual discrimination, and judicial precedent are out of the mainstream. His nomination has moved forward despite the opposition and over the objections of a home State Senator. This is a seat, by the way, that is open because the blue-slip process was honored. The objection through a blue slip was honored under President Obama.

There are more extreme nominees coming through. So if we think back to that point made by Senator GRASSLEY that “the tradition is designed to encourage outstanding nominees and consensus,” we are seeing that the decision not to honor it is doing the reverse.

There is Kurt Engelhardt, a nominee for the Fifth Circuit. His record on the district court is deeply troubling, particularly when it comes to cases regarding sexual harassment, discrimination, civil rights, discriminating against women in the workforce who choose to have children—a right that should be open to every American woman without fear of losing one’s job. Yet, last night, this body voted for cloture and is sending his nomination to a final vote.

We have Joel Carson, nominee for the Tenth Circuit, who has spent most of his career deeply embedded in advocating for fossil fuel interests. That is a huge conflict of interest for being able to weigh in as a judge on any issue regarding energy.

Then we have the case in Oregon. The chairman of the Judiciary Committee has scheduled a hearing for Mr. Ryan Bounds tomorrow, despite the fact that Senator WYDEN and I have not returned our blue slips. Should this nomination come forward to this floor and be confirmed, this will be the first time in the history of the blue slips that the combined objections of both home State Senators have been ignored.

One might ask: Why is it that Senator WYDEN and I feel so strongly about this particular nominee? Well, first, the White House didn’t consult with us. They brought him in for an interview and decided they were going to nominate him without consulting the home State Senators. Any Member of this body who wants to stand up for consultation would stand against this nomination. Oh, the White House says that they consulted. They have a very strange definition of consultation. I think they mean it to say that they informed us about their decision. We asked the White House to stand aside until our committee back in Oregon had completed its work, but they chose not to. That is not consultation.

There are the inflammatory writings of this individual regarding the rights of workers, people of color, and the LGBTQ community. The Alliance for Justice said in their report on this nominee, Mr. Ryan Bounds, that his “writings reveal strong biases that call into question his ability to fairly apply the law and maintain confidence in the

justice system's ability to dispense even-handed justice to all."

Shouldn't that be the heart of the nomination process, that we make sure we are sending forward individuals who add to the integrity of our judicial system, not individuals who take away from it?

During his interviews with our committee out in Oregon—this committee continued its work, even though the President nominated him without waiting for the committee to finish its work. The committee asked him if he had controversial writings or events in his life that he needed to disclose, and he said that he did not. He did not disclose them. This is not an ancient failure of integrity; this is an immediate, recent past failure of transparency and integrity.

The letter we received from the chair of Oregon's Federal Judicial Selection Advisory Committee states:

I am writing to you as Chair of the [Oregon] Federal Judicial Selection Advisory Committee. I have reviewed a recent piece in the Wall Street Journal titled "Give Amnesty for College Writings." The piece concerns Ryan Bounds, a candidate for the Ninth Circuit Court of Appeals vacancy, and specifically states that our committee recommended him. The piece notes Mr. Bounds' writings, but fails to point out Mr. Bounds never disclosed those writings to the committee at any point in the interview process. Since that time, I have heard from four members of the judicial selection committee specifically with regard to this omission. I can say with confidence that those four committee members as well as myself would not have ranked Mr. Bounds as we did had we known about these deeply troubling writings.

Mr. Bounds' writings themselves are objectionable not only for the views they express, but for the intemperate and demeaning tone that he uses to express his opinion. Equally, if not more disturbing, Mr. Bounds failed to disclose these writings when specifically asked by the committee about his views on equity and diversity. Although he felt free to volunteer details about his life going back to childhood, he misled the committee in response to this important inquiry. For this reason, five of the seven committee members no longer recommend Mr. Bounds.

That is what we heard from the Oregon committee.

We have a responsibility to the institutions of governance of the United States of America, with the fundamental principle embedded in those three words: "We the People"—government of, by, and for the people. We have seen a series of significant bills where it is the exact opposite of this: bills designed to destroy healthcare for millions of Americans, bills that put us deep in debt in order to deliver the proceeds to the richest Americans. It is perhaps the biggest bank heist in the history of the world.

Now we see an effort to sully the integrity, to damage the legitimacy of our courts. That is unacceptable, and we need to rethink our course and honor our responsibility to strengthen, not undermine, the beautiful architecture of our "we the people" Nation.

Thank you.

The PRESIDING OFFICER (Mr. HOEVEN). The assistant Democratic leader.

NUCLEAR AGREEMENT WITH IRAN

Mr. DURBIN. Mr. President, I think we should be honest with ourselves and the people around the world and present the reality of what Iran is today.

Iran pursues a host of dangerous activities around the world that threaten the United States, its interests, and its allies. It is fomenting a proxy war in Yemen. It supports Hezbollah and Hamas. It appears to be using its foothold in Syria to test Israel's defenses. And in tragic irony, Iran supports the Syrian butcher Bashar al-Assad, who has stooped to using chemical weapons and barrel bombs to kill his own people. How a regime like the Iranian regime—whose own people suffered under heinous chemical attacks from Iran during the Iran-Iraq War—can stand behind Assad and Syria is incredible.

Having said that, we entered into an agreement with Iran to stop them from developing a nuclear weapon. Despite all these other challenges and all the differences we continue to have with Iran, we said that—gathering together with allies around the world—we wanted to make certain that Iran did not develop a nuclear weapon. There were lengthy negotiations and agreements, which led to the nuclear agreement with Iran to stop its development of nuclear weapons. I think it was a critically important step forward because Iran with a nuclear weapon would be a danger not only to Israel and the Middle East but also to the world.

It was that agreement which I supported and which was overwhelmingly supported by Democrats in the Senate when President Obama negotiated it. The Republicans opposed it. The candidate for President on the Republican side, Mr. Trump, said that it was a terrible agreement, and he thought we should never have entered into it. He had all sorts of derogatory things to say about the Iran nuclear agreement. But the fact is, that agreement went in place and was implemented. International inspectors were sent into Iran. Those inspectors enforced that agreement and have reported to the United States—and personally to Members of the Senate, including me—repeatedly that Iran is complying with the terms of this agreement and is not developing a nuclear weapon. For all of the differences we have with Iran, the facts and the evidence are clear: They were living up to the terms of the nuclear agreement so that they would not develop a nuclear weapon and threaten Israel and that region of the world.

Despite the progress made by this agreement, today President Trump announced his decision to halt the waiver of sanctions related to Iran and the nuclear agreement—in essence, to step away from the agreement and to say that the United States will no longer be party to it. That nuclear agreement with Iran removed the threat of nu-

clear weapons being used to pursue destabilizing Iranian activities. Just imagine how hard and difficult it would be to push back on Iranian aggression if, in fact, they had a nuclear weapon. The purpose of the agreement was to avoid that possibility—the very agreement President Trump walked away from today.

Because of this agreement, Iran's nuclear weapon program has been stopped in its tracks. In fact, you have to go back over 10 years to find any plans being made in Iran in the past to even consider it. The agreement was working. International inspectors have unprecedented access to Iran to watch for cheating. Iran does not have a nuclear weapon or a quick breakout ability to make one. These are real accomplishments toward world peace.

We live in a dangerous world. President Trump's decision today will make it more dangerous. By eliminating U.S. participation in this agreement to stop the development of nuclear weapons in Iran, we run the real possibility that terrible things will follow—terrible things that will cost human life and cause even more misery around this world.

Let's be clear. That agreement clearly states that "Iran reaffirms that under no circumstances will Iran ever seek, develop, or acquire any nuclear weapons." That is an unequivocal statement. And to ensure that Iran never does, the agreement provided for ongoing inspections by the International Atomic Energy Agency. They weren't just inspecting the obvious places; they were inspecting the entire supply chain that Iran would have to turn to to develop a nuclear weapon.

Ernest Moniz was Secretary of Energy under President Obama. He is a physicist by training. He has received global recognition for his expertise. He sat at the table because he knows what it takes to develop a nuclear weapon. He put into this agreement which President Trump is walking away from today the kind of access for inspection that gives us the assurance that Iran cannot cheat, and if they tried, we would catch them.

Anyone arguing that Iran is allowed to build a nuclear bomb under this agreement after a certain period is simply wrong and misleading the American people. I have met with IAEA Director General Amano several times. Each time, I was very blunt and direct with him: Tell me what your experience has been in Iran. Tell me, if your inspectors wanted to go through a certain door, inspect a certain installation, go inside a certain facility, were they stopped by Iran?

He told me: If we were stopped and protested, they opened the door. We have never had a failure of access.

That is what he told me repeatedly, over and over again. He said the same thing to Democratic Senators he spoke with—that Iran was in compliance with the nuclear agreement and that IAEA inspectors were able to resolve any