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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our God and Father, the fountain of every blessing, we ask You to guide us through the challenges You use to test us and to lead those who represent the people of this Nation so that they will labor with courage, strength, and civility. For those who are struggling, may they find clarity to resolve each difficulty.

Today, open our hearts to Your Divine guidance and our minds to Your peace. In a special way, be with the protectors of freedom who serve in our Armed Forces. Merciful Lord, we ask You to look after each of us in such a way that we may live up to our full potential for the glory of Your Name.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Joel M. Carson III, of New Mexico, to be United States Circuit Judge for the Tenth Circuit.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL POLICE WEEK

Mr. McCONNELL. Madam President, today is Peace Officers Memorial Day, when we honor the men and women of law enforcement.

During Police Week, thousands of officers from across the Nation and the world travel here to Washington to remember their fallen comrades and rededicate themselves to protecting our communities. I welcome them, particularly the peace officers from the State

of Kentucky. I look forward to visiting later today with members of the Louisville Metro Police Department. We owe them and the departments across the Commonwealth our heartfelt thanks for keeping the Bluegrass State safe and secure.

I also wish to pay tribute today to members of Kentucky's law enforcement community who made the ultimate sacrifice on our behalf.

Since Police Week last year, three of the Commonwealth's finest have fallen in the line of duty. Officer Scotty Hamilton, a 12-year veteran of the Pikeville Police Department, was fatally shot while on duty. The Hopkinsville Police Department lost Officer Phillip Meacham, who was killed while off duty by someone who was impersonating a police officer. Officer Rodney Smith, of the Hickman Police Department, drowned while on patrol when his vehicle was washed into the water during this spring's severe flooding. All of these men left behind spouses, children, and a Commonwealth indebted to them for their service.

We also remember Sergeant David Ray Gibbs, of the Kentucky State Police, who was killed in a car crash in 2015 while he was on the way to his grandmother's funeral. Sergeant Gibbs's name was added this year to the National Police Memorial—a fitting tribute to a fine officer. His sacrifice and that of each of these heroes will not be forgotten.

Finally, as we warmly welcome law enforcement from across the country, I would also like to especially thank the men and women of the U.S. Capitol Police. Each day, their vigilance protects Members of Congress, our staffs, and visitors from around the world. After the terrible events at the baseball park in Alexandria last June, we are all reminded of just how lucky we are to have them.

JUDICIAL NOMINATIONS

Madam President, on another matter, yesterday, the Senate voted to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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confirm two more of President Trump's fine circuit court nominees, Michael Scudder and Amy St. Eve—both of Illinois, both exceedingly qualified, and both carrying the bipartisan support of the Judiciary Committee.

Michael Scudder carries an impressive legal record, with extensive experience in both private practice and public service, and the American Bar Association's highest rating. Judge Amy St. Eve shares the ABA's unqualified confidence. She has compiled a 17-year record in the Northern District of Illinois. That is why the Senate confirmed these highly qualified nominees to serve on the Seventh Circuit Court of Appeals with a bipartisan majority.

Today, our progress will continue. We will vote to confirm John Nalbandian, of Kentucky, to serve on the Sixth Circuit and Joel Carson, of New Mexico, to serve on the Tenth Circuit.

Judge Carson has had a distinguished tenure as a U.S. magistrate judge. His peers say his "integrity, fairness, and respect for the dignity of others are top notch." A bipartisan group of New Mexico lawyers has expressed confidence "he will be an excellent addition to the Tenth Circuit." The Judiciary Committee agreed and reported Judge Carson's nomination to the full Senate in a bipartisan fashion.

We will also vote on John Nalbandian, who is from my home State of Kentucky, who has been nominated to serve on the Sixth Circuit. Mr. Nalbandian has earned respect from across the political spectrum as a top appellate advocate. He is known for his fairness, collegiality, and legal ability. In 2007, Mr. Nalbandian was appointed to be a special justice on the Kentucky Supreme Court. He later sat on the selection panel for magistrate judges in the State's Eastern District. More recently, President Obama nominated him to serve on the board of the State Justice Institute. He was confirmed by a voice vote.

In addition to well-regarded work in private practice, Mr. Nalbandian has also dedicated himself to community causes, such as economic development in Northern Kentucky and greater local representation for minority attorneys. To that end, the National Asian Pacific American Bar Association has joined the multitude of supporters of his nomination. They note that if confirmed, Mr. Nalbandian will be just the seventh active Asian Pacific American Federal appellate judge nationwide.

John Nalbandian has the impressive credentials, the preparation, the broad support—every indication that he will be a worthy and capable judge.

We should confirm both of these nominees without delay.

ECONOMIC GROWTH

Madam President, less than 16 months into the Republican government, our policies are helping to create a sea change in the economic climate in our country. The Washington Post

recently reported on new data from the National Federation of Independent Business. Forty-three percent of small business owners say they are already investing in new equipment. More than half of manufacturing firms and construction firms expect demand to keep growing, and the percentage of small businesses that has raised worker compensation is the highest it has been since 2000.

For years, Democratic policies, like high taxes and runaway regulations, have put a headwind in the faces of American job creators. Now, historic tax reform, regulatory relief, and the rest of our opportunity agenda mean the wind is once again at their backs.

Republicans understand that American workers don't win when American businesses lose. Our economy is not a zero-sum game. If we want middle-class families to thrive, we need the American businesses that compete to employ them and pay them to thrive as well. Sure enough, the Bureau of Labor Statistics reported that the amount employers spent on worker pay and benefits grew more in 2017 than it did in any calendar year under President Obama.

More prosperity, more opportunity, and more raises and bonuses for working families are just the start of what the American people can accomplish when Republicans get Washington out of the way.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

NOMINATIONS OF ANDREW OLDHAM AND WENDY VITTER

Mr. SCHUMER. Madam President, the Judiciary Committee announced that it would be voting on a slate of judicial nominees including Andrew Oldham, a nominee for the Fifth Circuit, and Wendy Vitter, a nominee for the Eastern District of Louisiana.

We prize the quality of moderation in all our judges at the district level, the circuit level, and, of course, at the Supreme Court level. Mr. Oldham and Ms. Vitter unfortunately have expressed a number of sentiments that would put them on the political extreme, including troubling statements about women's healthcare rights.

Asked separately by my colleague, Senator BLUMENTHAL, if they agreed with the decision in the landmark Supreme Court decision forbidding segregating schools in *Brown v. Board of Education*, both Mr. Oldham and Ms. Vitter demurred. Can you believe that? They would not say they supported *Brown v. Board of Education*, and this is who our colleagues are nominating

to put on the bench? It shouldn't be a tough question. Segregation and the false paradigm of "separate but equal" was a national disgrace. It remains a stain on our history. It has been widely discredited from one end of America to the other. Yet the nominees for the Fifth Circuit and the Eastern District of Louisiana could not say they agreed with the idea that we as a Nation should have one school system for all races.

The Judiciary Committee will vote on Mr. Oldham and Ms. Vitter's nominations on Thursday, 64 years to the day since *Brown v. Board* was decided and segregated schools were deemed unconstitutional. In honor of this anniversary, the 64th anniversary of *Brown v. Board*, my Senate Republican colleagues aren't rolling out a new education policy or a new civil rights policy, they are voting to give these two individuals lifetime appointments to the bench.

When we say that sometimes our Republican colleagues and this President is divisive, it is actions like this that document that and make the fact that they are being divisive irrefutable. Our Nation became a better nation—more just, more free—when the Supreme Court said that no official, high or petty, could determine where an African American child could or could not go to school. If you can't agree with that decision, you don't deserve to be a Federal judge, and my colleagues should make a stand and roundly vote against these two nominees.

TRUMP ADMINISTRATION

Madam President, next, I want to talk about an emerging theme from President Trump's Presidency, and that is his failure to deliver. For all the ballyhoo about the President being an effective dealmaker, a get-it-done business executive, President Trump has failed remarkably to deliver on his promises to the middle class and to the American people as a whole.

While sometimes I think some folks confuse chaos for activity, the truth is, the President's impulsive and erratic behavior has scuttled bipartisan legislation, impeded progress, and prevented the middle class from gaining their rightful share. The rhetoric continues unabated, the President talks a good game, but actions and accomplishments in area after area after area escape him.

President Trump, for instance, promised the American people a better healthcare system. He said better quality at lower prices. Premiums now have jumped double digits in State after State. It is clear he hasn't delivered on that promise.

President Trump promised to protect Medicaid and Medicare from cuts, and then he proposed cutting both these programs. Just recently, the President backed off from a commitment to let Medicare negotiate lower prices for prescription drugs. When he campaigned, all the President would talk about, time after time, is drug prices