

will certainly be contentious. We hope that people will remind themselves of the benefits of civility and decorum. We have seen some of our friends across the aisle talk about the battle lines that are being drawn, and we have heard other hyperbolic language. They have indicated their unwavering opposition to President Trump's nominee no matter who he or she is and before they even know who he or she is. That is extremely disappointing.

Our colleagues' pledge to stop the nominee at all costs is not encouraging, to say the least. Yet I assure you we will not back down from the fight, and we will see President Trump's nominee confirmed on a timely basis, consistent with the confirmations of previous nominees. The stakes are too important, and the character of the eventual nominee, we expect, will be too high to allow these sorts of things to happen without our pushing back. The American people deserve better.

During the first 18 months of this administration, President Trump has nominated and we have confirmed 42 members of the Federal judiciary, including Justice Gorsuch. We look forward to another outstanding selection, and we will move efficiently and thoroughly throughout the confirmation process. Like I said, we will vote to confirm the President's nominee this fall.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

FILLING THE UPCOMING SUPREME COURT VACANCY

Mr. MCCONNELL. Mr. President, "sexist," "a disaster for women," "totally unacceptable"—these are just a few of the ad hominem attacks the far-left special interest groups hurled at a Federal circuit court judge whom a Republican President nominated to the Supreme Court. The name of the Federal judge—Anthony Kennedy.

After President Reagan nominated then-Judge Kennedy to the Court in 1987, these far-left special interest groups impinged his character. They cooked up apocalyptic warnings about all of the terrible things that would happen to Americans if he were to be confirmed to the Court. Of course, the American people didn't buy it, and a majority of Senators saw through the hyperbole and hysteria and confirmed that qualified nominee. Believe it or not, the sky didn't fall, but decades later, our Democratic colleagues still haven't tired of crying wolf whenever a Republican President nominates any-

one to the Supreme Court. We have seen this same movie time after time.

Less than 3 years after Justice Kennedy's confirmation, President Bush nominated David Souter to the Supreme Court. Guess what leftwing pressure groups said about David Souter right after President Bush selected him. That is right, the very same things we are hearing today. The same things you have heard from these same corners about every Supreme Court nominee named by a Republican President.

One organization proclaimed that Justice Souter might "undo the advances made by women, minorities, dissenters and other disadvantaged groups."

That was about Justice Souter.

Back in 1975, they assailed the nomination of John Paul Stevens. They said he lacked impartiality and opposed women's rights. That is what was said about John Paul Stevens. So these far-left groups have been at these same scare tactics for over 40 years. The consistency is really quite amazing. Decade after decade, nominee after nominee, the far-left script hardly changes at all.

Anyone and everyone the Republican President nominates to the Supreme Court is some kind of threat to the public, according to the hysterical press releases that inevitably follow. No matter their qualifications, no matter their record, no matter their reputation, it is the same hyperbole, the same accusations, the same old story.

Tonight, President Trump will announce his nominee to fill the current Supreme Court vacancy. We don't know whom he will name, but we already know exactly what unfair tactics the nominee will face. They will not be new, and they will not be warranted. We can expect to hear how they will destroy equal rights or demolish American healthcare or ruin our country in some other fictional way.

Justice Kennedy's resignation letter had barely arrived in the President's hands before several of our Democratic colleagues began declaring their blanket opposition to anyone and all—anyone the President might name. One Democratic Senator stated she would resist any attempt to confirm any nominee this year: "It doesn't matter who he is putting forward." It doesn't matter who.

Earlier today, just today, another Democratic Senator issued a press release declaring preemptively that he plans to oppose whomever the President nominates tonight, no matter who they are.

Another of our Democratic colleagues offered this assessment: "We are looking at the destruction of the Constitution of the United States as far as I can tell."

It is hard to keep a straight face when you hear stuff like that. There is not even a nominee yet. Justice Kennedy just announced his retirement, and they are talking about the destruc-

tion of the Constitution? Please, give the American people some credit. This far-left rhetoric comes out every single time, but the apocalypse never comes.

Americans see beyond this far-left fearmongering they have tried over and over again for 40 years, and Senators should do the same. We should evaluate this President's nominee fairly based on his or her qualifications, and we should treat the process with the respect and dignity it deserves.

The Judiciary Committee under the able leadership of Senator GRASSLEY will hold hearings, and the nomination will come to the full Senate for our consideration. One more round of 40-year-old scare tactics will not stop us from doing the right thing.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Florida.

Mr. NELSON. Madam President, I would just say to my friend the majority leader, that is exactly what I intend to do—to be fair, respectful, and talk with and have a conversation with the nominee and then exercise my judgment of what is in the best interest of the country as well as my State of Florida.

ALGAE BLOOMS IN FLORIDA

Madam President, I am here to talk about a condition that is in the State of Florida which is not a very good one.

What has happened is the accumulation of hot weather and extra nutrients in the water, aided and abetted by the release of fresh water as Lake Okeechobee rises. That water is having to be released because of the pressure on the dike. Excess water is released to the west in the Caloosahatchee River and to the east in the St. Lucie River, and all of that has created a condition—with the humidity and the heat of the summer—in which the water is so fully laden with nutrients that algae starts to grow, then it starts to bloom, and then it starts to get excessive. It is toxic. It is slimy. It is called blue-green algae, and the bloom is spreading over those waterways.

As a matter of fact, there are a lot of waterways in Florida that have an overgrowth of algae because of the excess nutrients in this water. This is particularly acute to the east of Lake Okeechobee and to the west of Lake Okeechobee.

This past week, this Senator went from one coast to the other. I started in Fort Myers examining the Caloosahatchee River and talking with the elected leadership and environmental leadership. I then flew on to the lake, landing at the Pahokee Airport. I went to the Belle Glade Marina along with my colleague from Florida, Congressman ALCEE HASTINGS. That is his district.

We had a townhall meeting there and were able to announce some good news. Congressman HASTINGS, Senator RUBIO, and I have requested the use of disaster relief money for the hurricanes—the last tranche was upward of \$80 billion. We asked to use a portion of that to help us speed up the construction of

the dike so it can be reinforced to hold more lake water without the communities around the lake being threatened that the dike might give way due to the pressure of the higher water levels of the lake.

At that meeting, we passed on the announcement from the U.S. Army Corps of Engineers and the White House, having utilized part of that money, their recommendation to utilize that \$80 billion as a source of money to speed up the dike construction.

That was a very welcome announcement, but it is only part of what has to be done. The algae is still there. The one thing I heard over and over from the people is, they are worried about the potential health risks associated with the algae bloom. They feel they are not getting timely, accurate information on what to look for and what they should do if a bloom takes place in the waterways in their particular area.

I want to give some idea of the situation by showing these pictures, which are from 2 years ago, but they are fairly accurate as to what we are seeing today. You can see the blue-green algae located where some boats are tied up. You can see the effects of this same kind of algae out in more of a brackish water estuary. We are talking about some serious growth of algae. That is not pretty.

Let me state that when this stuff starts rotting, the smell is awful. The question is, What are the health effects of this? The people are demanding answers. They want to know, and they should know.

One young woman in Fort Myers told me something that was really rather surprising. She is a diver, and she had been 20 miles out in the Gulf of Mexico. There she encountered the slimy green algae that is usually in more of the freshwater and perhaps brackish waterways. She said she couldn't believe it.

She told me she was worried that she may have been exposed to not just the toxic algae but also the red tide as well. That is another phenomenon that occurs in waters in the Gulf of Mexico. The red tide periodically appears. It is a toxin, and it is very noxious to human beings when it is breathed in. Of course, what the young woman who is a diver way out 20 miles in the Gulf of Mexico is saying is, when that blue-green algae meets the red tide, is that going to stimulate the red tide to release more toxins? We don't know.

We have the same questions from residents in Stuart, FL. After I left Lake Okeechobee, I flew to Stuart, which is on the Atlantic coast. I started on the gulf coast and went to the Atlantic coast by late afternoon, where they were worried as well about the potential consequences to their health from the algae.

Officials in Stuart were putting up signs in the emergency rooms warning people about the possible health risks. They were urging them to report any

algae sightings or exposure as soon as possible. Even with those precautions, we still don't know the full picture of what the algae could mean for people's long-term health.

That is why I have written to the Centers for Disease Control and Prevention, the CDC, to ask that they provide the people of Florida with the information they need, including the warning signs they need to look out for, the immediate health risk associated with swimming in or near the algae, or even breathing it in. That is just the short-term effect.

I have also asked the CDC to look into the possible long-term effects of the algae exposure so we can begin to take whatever protective steps now in order to protect the people living in and around these blooms.

Madam President, I ask unanimous consent that my letter to the Centers for Disease Control be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 9, 2018.

HON. ROBERT REDFIELD,
Director, Centers for Disease Control and Prevention, Atlanta, GA.

DEAR DIRECTOR REDFIELD: As toxic, neon-green algae blooms once again coat Lake Okeechobee and spread to Florida's coasts, I'm writing to ask for emergency federal assistance to properly communicate the potential health risks associated with algae exposure, and a study of the long-term health effects, especially for vulnerable populations like children, the elderly, and fishermen who spend their days on the water. As I travel across Florida, I continue to hear from residents and officials that there is confusion about the potential health impacts of living near or coming into contact with algae, including cyanobacteria and *Karenia brevis*.

Last week, I visited with residents and community leaders in Fort Myers and Stuart, Florida, to discuss the algae plaguing the local waterways there and I repeatedly heard the same message: we need trustworthy, timely information about the potential health consequences of exposure to toxic algae for prolonged periods.

During the "lost summer" of 2016, the blue-green algae that overtook much of Florida's east coast was severe enough to garner national attention. Yet even then, local officials and residents say they did not receive enough information from state agencies about the quality of the water or the risks of exposure to toxic algae.

Floridians and tourists need to know with certainty whether or not the water is safe. If the Centers for Disease Control and Prevention needs a specific request from the state of Florida to provide assistance, and has not yet received one, please let me know. I appreciate your attention to this time-sensitive issue.

Sincerely,

BILL NELSON.

Mr. NELSON. Just last week, the Army Corps of Engineers announced that additional money, the \$514 million in disaster supplemental funding for the Herbert Hoover Dike, and that will complete that project earlier than 2025, accelerating completion to 2022, as Senator RUBIO and I had requested. This funding is on top of what we have

already spent over a decade and a half—\$1 billion shoring up the dike. This didn't happen just yesterday. This happened 15, 20 years ago, and we have already spent \$1 billion.

We are going to get it accelerated all the way to 2022. That is coming in time. While getting that additional funding to speed up work on the dike is certainly good news, it is important to remember that fixing the dike is important for public safety, to protect the communities that are living around Lake Okeechobee. It is not the solution to ending the discharges, and it is not solving the algae crisis. It is one step on the road to try to stop all of this algae bloom that occurs every year.

Once that dike is fully repaired, the Army Corps then expects to be able to store about 6 more inches of water. In a big lake like that, that is a lot of water. That is good news because that flexibility helps, especially during the algae bloom breakouts, because you can hold more water back in the lake and you don't have to dump it into the St. Lucie or the Caloosahatchee. The only way to end those damaging discharges is to move ahead with Everglades restoration projects north of the lake, as well as the projects designed to take water from the lake, clean it, and send it south, as Mother Nature initially intended it to go.

That is why we need to get critical projects like the Central Everglades Planning Project and the new reservoir in the Everglades Agricultural Area south of the lake moving as fast as we can. To do that, we need more than the small amount the President has requested for next year. In fact, we need upward of \$200 million a year to really start making progress in restoring the Everglades.

Voters in Florida overwhelmingly passed a constitutional amendment to dedicate a portion of the documentary stamp tax to land acquisition for environmental projects. Florida is sensitive to the environment, and that is why the voters voted an increase in the documentary stamp tax for themselves. What happened is that the government of the State of Florida hasn't been using that money for what the people intended when they voted in a referendum. Instead of using that money as it was intended, the State of Florida is trying to divert it to other purposes, such as filling in budget shortages or employees' salaries or other items unrelated to environmental expenses, and now we have suits that have tied all that up in litigation. It is further distracting from the overall goal of restoring the Everglades.

The Federal Government should take the lead and do what is right. We should move forward and fully fund the ongoing Everglades restoration projects. We also need to get the House of Representatives to pass the harmful algal bloom reauthorization bill, which was introduced by this Senator, and the Senate passed it unanimously a year ago. This bill would reauthorize

funding for the Federal task force that is studying the harmful algae blooms like the one I have been describing here.

I hope every Member of the Florida delegation—especially those who are in areas where water is allowing algae to bloom—will join this Senator in calling on the Speaker of the House to take up and pass this important bill in the House. We need to do it fast while all of this algae is blooming, and that would be before the House goes out in recess for their August break. Time is critical.

Again, I want to show you what this algae looks like. You can see these thick chunks on the surface of the water where it almost looks like a blue-green carpet. When that algae dies, you can't believe the smell that comes from it. We must act, and the time to act is now.

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

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

FILLING THE UPCOMING SUPREME COURT VACANCY

Mr. GRASSLEY. Madam President, tonight the President will announce his nominee for Associate Justice of the Supreme Court of the United States. That announcement is because of a vacancy created by Justice Kennedy's recent retirement.

Justice Kennedy left an important legacy of more than three decades on the Supreme Court. I voted for his confirmation 30 years ago. Justice Kennedy demonstrated his deep commitment to our constitutional liberties. It is no surprise that some of his greatest opinions defended free speech and religious liberty. I hope Justice Kennedy's successor carries forward this legacy.

I am optimistic that the person the President nominates tonight will be highly qualified and committed to the rule of law. I am optimistic because President Trump already appointed one such Supreme Court Justice: Neil Gorsuch.

The President's selection process is the most transparent in history. He issued a list of potential Supreme Court nominees directly to the American people during his 2016 campaign. To my knowledge, no other Presidential candidate has ever done that. The list demonstrated the types of Justices he would appoint to the Bench. The American people voted for President Trump in part because of that list of names and what it reflected and his promise to nominate these types of jurists.

Any of the 25 people on the President's list would be an excellent choice and worthy of the Senate's serious consideration, but already we are seeing

from liberal outside groups and some of the Democratic leadership a desperate attempt to block the nominee—any nominee—by whatever means necessary. Democratic leaders have pledged to block anyone from the President's list without even knowing who that nominee is and regardless of his or her qualifications. Think about that a while. The President has a list of 25 names, but some Democratic leaders have already said that not one of them is acceptable, zero out of 25 highly respected, highly qualified individuals—not even worthy of this body's consideration. That is an incredible statement by some of the leaders on the other side of the aisle.

This preemptive attack on a yet-to-be-named nominee is a preview of the obstacles and calls for needless delays we are sure to see from some of my colleagues. I have already heard several weak arguments made in an attempt to delay the confirmation hearing, but the Democratic leaders have shown their hand. The motive is to block any nominee from the President's list. Whatever reasons for delay, it is clear that their single motivating factor is blocking the nominee selected tonight, whoever he or she is.

The first delay tactic I heard was that the Senate shouldn't confirm a nominee during a midterm election, but the Senate has never operated like that. Justice Kagan and Justice Breyer were confirmed in midterm election years, in addition to many Justices who served before them. Democratic leadership and outside groups are so desperate to block this nominee that they are willing to rewrite history to do it.

We have a long history of confirming Justices nominated during a midterm election year. We don't have a long history of confirming Justices nominated during a Presidential election year. It has been nearly 80 years since we have done that. Former chairman Joe Biden announced in 1992 that the Senate shouldn't confirm any Justices during a Presidential election year. Senator SCHUMER said something similar in 2007—the year before a Presidential election. The Biden-Schumer rule pertains only to Presidential elections, not midterm election years.

It is important to let the American people decide who should choose a nominee for a Supreme Court vacancy. That is why I waited until after the 2016 Presidential election to hold hearings for a Supreme Court nominee. But the individual who selects nominees—the President of the United States—is not on the ballot in midterm elections. The rule simply doesn't apply during a midterm election, and that is this year.

Another losing talking point is that we shouldn't confirm any nominee while Robert Mueller's investigation is ongoing. And who knows when that is going to end. This argument is again inconsistent with the historical precedent. Look at what President Clinton was involved in—an investigation of

that President over Whitewater. At the same time, Justice Breyer was appointed to the Supreme Court—at a time when the independent counsel was doing that investigation. At the time, his documents were under a grand jury subpoena. What other constitutional powers do the proponents of this argument believe that the President should surrender simply because of an investigation?

This is obstruction masquerading as silliness. What drives this preemptive obstruction, you might ask. It is liberal outside groups' stated fear that the President's nominee will vote to invalidate the Affordable Care Act or overturn *Roe v. Wade*. Well, the same five-Justice majority who preserved the Affordable Care Act is still on the Court. Justice Kennedy voted to strike it down. Replacing him with a like-minded Justice would not change the outcome. We hear the same thing about *Roe v. Wade* every time there is a Supreme Court vacancy. It was a big deal when Sandra Day O'Connor was appointed to the Court 37 years ago. Yet *Roe v. Wade* is still the law of the land.

It is pretty clear that Justices have a way of surprising us. Who could have predicted that Justice Scalia would strike down a ban on flag-burning? It is a fool's errand to try to predict how a Justice will rule on some hypothetical future case.

This regular uproar about *Roe v. Wade* shows the difference between how many Democrats and Republicans view the courts.

Liberal outside groups and many Democrats have a litmus test. They seem to be very results-oriented and focus on policy outcomes of judicial decisions. They expect—they even demand—their judges to rule in favor of their preferred policies. Liberal outside groups and their allies simply want judges to be politicians hiding under robes. That is why Senate Democrats were so blatant in changing Senate rules so that they could stack the DC Circuit Court of Appeals. Former Democratic leader Harry Reid made no bones about making sure there were enough DC Circuit judges to protect the Obama administration's policies on regulations.

Republicans, on the other hand, want judges who will rule according to the law and leave policymaking to elected representatives, where the Constitution prefers and demands that it be.

I don't want judges who decide cases based upon whether the results are liberal or conservative. Judges should rule according to the law, no matter what their views are on policy outcomes. Judge Gorsuch recently said that judges wear "robes, not capes." I agree with that assessment.

Liberal outside groups and their allies want judges who will decide cases with liberal policy results. Republicans expect judges to leave their policy aside when deciding a case. That is the