

FILLING THE SUPREME COURT VACANCY AND SUBPOENA ENFORCEMENT RESOLUTION

Mr. McCONNELL. Mr. President, let me state an obvious point. When it comes to filling the current Supreme Court vacancy—which could fundamentally alter the direction of the Court for a generation—Republicans and Democrats simply disagree. We simply disagree. Republicans think the people deserve a voice in this critical decision; the President does not. So we disagree in this instance, and as a result, we logically act as a check-and-balance.

There is no reason one area of disagreement should stop us from looking for other areas of agreement, though. We will continue our work in the Senate as the American people make their voices heard in this important national conversation. For instance, we will address another very important issue today, which I would like to talk about now.

Senator PORTMAN and Senator MCCASKILL are the top Republican and top Democrat on the Homeland Security Committee's Permanent Subcommittee on Investigations. Over the past year, they have worked together in a bipartisan way to examine human trafficking. Their probe has revealed how trafficking has flourished in the age of the Internet. It has also revealed how many cases of sex trafficking, including cases involving children, have been linked to one Web site in particular: backpage.com.

One national group who tracks the issue has told the subcommittee this: Nearly three-quarters of all suspected child sex trafficking reports it receives from the public through its tip line have a connection to backpage.

Chairman PORTMAN and Ranking Member MCCASKILL have wanted to do something about this. They know they have to keep investigating. So they issued a subpoena to backpage. They wanted documents about the company's business practices. They wanted to know how it screens advertisements for warning signs of trafficking. As the leaders of the Permanent Subcommittee on Investigations, they had every right to make these requests in the course of their investigation, but backpage has refused to comply. Does that mean Senators PORTMAN and MCCASKILL give up? Of course not. And we shouldn't, either. They jointly submitted a Senate resolution that would hold the company in civil contempt and force it to turn over this required information. This resolution passed through the committee with unanimous bipartisan support 15 to 0, and today it can be adopted by the full Senate with overwhelming bipartisan support too. We will have that opportunity this afternoon. If we do, it will allow the Senate's legal counsel to bring a civil suit in court and ask the court to order compliance with the subpoena. That is critical for allowing this bipartisan investigation to move forward.

I thank Ranking Member MCCASKILL for all she has done. I thank Chairman PORTMAN for all he has done.

We saw Senator PORTMAN's great work last week in passing bipartisan legislation to help address America's heroin and opioid crisis, and again today we will see Senator PORTMAN's great work in leading on another important issue and doing so once more in a bipartisan manner.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:45 p.m., with Senators permitted to speak therein for up to 10 minutes each.

NOMINATION OF MERRICK GARLAND

Mr. BOOKER. Mr. President, I rise today to address what I believe is the urgency of the moment, really the test of the time. We have a Constitution that was designed for three coequal branches of government. We know the importance of each of those branches of government and the roles they have are spelled out in the Constitution.

A fully functioning Supreme Court—one of the coequal branches—is of the utmost importance to the proper function of our democracy. Justices decide cases that shape the daily lives of all Americans. Even one Justice can deeply affect the rights and liberties of the American people for generations to come.

Yesterday, the President nominated Chief Judge Merrick Garland to the Supreme Court of the United States.

A clear and plain reading of the text of the Constitution says explicitly in article II, section 2, that it is the duty of the Senate to provide "advice and consent" to the President on key nominations, particularly Justices to the Supreme Court.

I, along with my 99 colleagues, took an oath of office. We swore to support and defend the Constitution of the United States and to faithfully discharge the duties of the offices we hold. There was no addendum to that oath that excused us from our responsibil-

ities during a Presidential election year. The people of New Jersey elected me to serve a full 6-year term. That means my duties and obligations as a Senator—or the duties and obligations of each of the 100 Senators in this body—should not be interrupted by a Presidential year. That is especially true when those duties are explicitly laid out in the Constitution and when the duties impact a coequal branch of government, such as the Supreme Court.

I have only served in the Senate since October of 2013. This is my first Supreme Court nominee to consider, and I look forward to thoroughly reviewing Chief Judge Garland's record, to meeting with him face to face, and hopefully, I believe rightfully, taking an up-or-down vote on his confirmation.

That is what all of us swore an oath and signed up to do when a vacancy occurs on the Supreme Court. That is the duty the American people expect of us—to abide by the Constitution and provide our advice and consent regarding a Presidential nomination of this significance—a lifetime appointment—to the Supreme Court, a coequal branch of government.

We may not ultimately agree on whether Chief Judge Garland should be confirmed. The Senate can vote no. Senators have that independent choice. It happens almost every day here where we disagree on issues. There is no guarantee in the Constitution that the President's nominee should get confirmed. But we should agree at least to do the job we were elected to do and to allow the confirmation process to move forward. That is bigger than any one party.

Now, as I understand it, Chief Judge Garland is highly respected, experienced, and is considered by many to be a deliberate jurist whom the Senate overwhelmingly confirmed in 1997 to the U.S. Court of Appeals for the District of Columbia, which is known as the second highest court in the land. His nomination to be an Associate Justice on the Supreme Court is certainly deserving of our consideration.

Chief Judge Garland, in fact, has more Federal judiciary experience than any other Supreme Court nominee in history.

He currently serves as Chief Judge of the D.C. Circuit Court, a court where he has served for almost 19 years. Previously, he has served under both Democratic and Republican Presidents at the U.S. Department of Justice. He first worked as Deputy Assistant Attorney General for the Criminal Division of DOJ and later served as the Principal Associate Deputy Attorney General. In those posts, he supervised high-profile cases at the Department of Justice such as the prosecution of the Oklahoma City bomber, which ultimately brought Timothy McVeigh to justice.

To call his qualifications impressive is an understatement. Chief Judge Garland has dedicated his life to public