



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, WEDNESDAY, FEBRUARY 1, 2017

No. 17

## Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Merciful God, enthroned above all other powers, thank You for the opportunity to be called Your children.

Lord, our heart aches because of the pain and pessimism in our world, so use our lawmakers to bring hope where there is despair. Remind our Senators that Your power is far above any conceivable command, authority, or control. Empower them to protect and defend the Constitution of this great land against all enemies foreign and domestic. Our Father, inspire our Senators through the decisions they make to build monuments of courage and moral excellence.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mrs. ERNST). The clerk will report the unfinished business.

The senior assistant legislative clerk read the nomination of Rex W. Tillerson, of Texas, to be Secretary of State.

The PRESIDING OFFICER. Under the previous order, the remaining postcloture time will be equally divided between the two leaders or their designees.

### RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

### NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Madam President, last night President Trump announced an outstanding nominee for the Supreme Court, Judge Neil Gorsuch of Colorado. While Judge Gorsuch has a significant legacy to live up to as the nominee for the seat left vacant by the loss of Justice Scalia, I am confident his impressive background and long record of service will prepare him well for the task ahead.

Like Justice Scalia, Judge Gorsuch understands the constitutional limits of his authority. He understands that a judge's duty is to apply the law evenhandedly, without bias toward one party or another. He understands that his role as a judge is to interpret the law, not impose his own viewpoint or political leanings.

He has also been recognized from people on both sides of the aisle as a consistent, principled, and fair jurist. Judge Gorsuch has a stellar reputation and a resume to match, with degrees from Harvard and Columbia, a Ph.D. in legal philosophy from Oxford, and just about every honor, award, and scholarship you can possibly imagine.

When he graduated from law school, Judge Gorsuch did not just clerk for one Supreme Court Justice, he clerked for two. They were Justices nominated by Presidents of different political parties—Anthony Kennedy, a Reagan appointee, and Byron White, who was nominated by JFK.

Judge Gorsuch received a unanimously "well qualified" rating by the American Bar Association when he was nominated to his current position on the court of appeals. He was confirmed without any votes in opposition. That is right—not a single Democrat opposed Judge Gorsuch's confirmation, not Senator Barack Obama, not Senator Hillary Clinton, not Senators Joe Biden or Ted Kennedy. In fact, not a single one of the Democrats who still serve with us opposed him, including the ranking member of the Judiciary

Committee, Senator FEINSTEIN, and the Democratic leader himself, Senator SCHUMER. In the coming days, I hope and expect that all Senate colleagues will again give him fair consideration, just as we did for the nominees of newly elected Presidents Clinton and Obama.

This is a judge who is known for deciding cases based on how the law is actually written, not how he wishes it were written, even when it leads to results that conflict with his own political beliefs. He understands that his role as a judge is to interpret the law, not impose his own viewpoint. Here is how Judge Gorsuch himself put it: "A judge who likes every result he reaches is very likely a bad judge, reaching for results he prefers rather than those the law compels."

Some of our colleagues and some others on the left see the role of a judge very differently. In last year's Presidential debate, our former colleague, Secretary Clinton, stated her view that a Supreme Court Justice—now listen to this—ought to look more favorably on certain political constituencies than others; that it was the job of the Supreme Court to "stand on the side" of this group or another over that one. Some of our current colleagues seem to share this view. The assistant Democratic leader said that what is important to him are the political views of a Supreme Court nominee, what or perhaps whom they are going to stand for.

The problem with that approach is that it is great if you happen to be the party in the case whom the judge likes; it is not so great if you are the other guy. Justice Scalia believed this to his very core. He was an eloquent champion of the Constitution who was guided by important principles like applying the law equally to all, giving every litigant a fair shake, and rulings based on the actual meaning of the Constitution and our laws, not what you or your preferred political constituency wished they meant. These principles

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



Printed on recycled paper.

helped guide Justice Scalia for many years. The record of Judge Gorsuch indicates that he will continue this legacy of fair and impartial justice.

Now, of course, that does not much matter to some over here on the far left. Despite his sterling credentials and bipartisan support, some on the far left decided to oppose Judge Gorsuch before he was even nominated. We already know what they will say about him as well. It is the same thing they have been saying about every Republican nominee for more than four decades. They said Gerald Ford's nominee, John Paul Stevens, "revealed an extraordinary lack of sensitivity to the problems women face." They said Reagan's nominee, Anthony Kennedy, was a "sexist" who would "be a disaster for women." They said George H.W. Bush's nominee, David Souter, was a threat to women, minorities, dissenters, and other disadvantaged groups. So it is not terribly surprising that they would say it again this time. What is disappointing is that leading Democrats in the Senate would adopt the same rhetoric. The ink was not even dry on Judge Gorsuch's nomination when the Democratic leader proclaimed that Judge Gorsuch had—you guessed it—demonstrated a hostility toward women's rights. I hope our colleagues will stick to the facts this time around.

We know that Justice Scalia's seat on the Court does not belong to any President or any political party; it belongs to the American people. When it became vacant in the middle of a contentious Presidential election, we followed the rule set down by Vice President Joe Biden and Democratic Leader Senator SCHUMER, which said that Supreme Court vacancies arising in the midst of a Presidential election should not be considered until the campaign ends. It is the same rule, by the way, that President Obama's own legal counsel admitted she would have recommended had the shoe been on the other foot.

I have been consistent all along that the next President, Democrat or Republican, should select the next nominee for the Supreme Court. I maintained that view even when many thought that particular President would be Hillary Clinton. But now the election season is over and we have a new President who has nominated a superbly qualified candidate to fill that ninth seat. So I would invite Democrats who spent many months insisting we need nine to join us in following through on that advice by giving the new President's nominee a fair consideration and an up-or-down vote, just as we did for past Presidents of both parties.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

UNANIMOUS CONSENT AGREEMENT—AUTHORITY FOR COMMITTEE TO MEET

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate Select Committee on Intelligence have leave to meet after 2 p.m. today.

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

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Madam President, I rise today on a matter of great importance to everyone in this body and everyone in America: the future of the Supreme Court. Last night, the President nominated Judge Neil Gorsuch. We in the Senate have a constitutional duty to examine his record robustly, exhaustively, and comprehensively, and then advise and consent if we see fit. We have a responsibility to reject if we do not. We Democrats will insist on a rigorous but fair process. There will be 60 votes for confirmation. Any one Member can require it. Many Democrats already have.

And it is the right thing to do.

On a subject as important as a Supreme Court nomination, bipartisan support should be a prerequisite; it should be essential. That is what 60 votes does.

This is nothing new. It was a bar met by each of President Obama's nominations. In my mind, 60 votes is the appropriate way to go, whether there is a Democratic President or a Republican President, Democratic Senate or a Republican Senate.

Because a 60-vote threshold is essential, those who say that at the end of this process, there are only two possible results—that the Senate will confirm this nominee or the Republicans will use the nuclear option to change the rules of the Senate—are dead wrong. That is a false choice.

If this nominee cannot meet the same standard that Republicans insisted upon for President Obama's Supreme Court nominees—60 votes in the Senate—then the problem lies not with the Senate but with the nominee.

The answer should not be to change the rules of the Senate but to change the nominee to someone who can earn 60 votes. Sixty votes produces a mainstream candidate, and the need for a mainstream, consensus candidate is greater now than ever before because we are in new territory in two ways; first, because the Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business, pro-special interest Court, siding more with corporations and employers and special interests over working and average Americans. This in an environment where starkly unequal concentrations of wealth and ever-increasing corporate power—aided and abetted by the Citizens United decision—has skewed the playing field even more decisively toward special interests and away from the American citizen. A mainstream nominee would help reverse that trend, not exacerbate it; and, second, another important reason we are in a new world here, making a 60-vote margin even more important than it was before—as important as it was before—is this: This administration, at least since its outset, seems to have less respect for the rule of law than any in recent memory and is chal-

lenging the Constitution in an unprecedented fashion. So there is a special burden on this nominee to be an independent jurist.

Let's go over each point. First, we have a special responsibility to judge whether this nominee will further tip the scales on the Court in favor of Big Business and powerful special interests instead of the average American because over two decades this Court has shifted dangerously in the direction of Big Business and powerful special interests.

According to a study by the Minnesota Law Review, the Roberts Court has been the most business-friendly Supreme Court since World War II. It is the most corporate Court in over 70 years. It was pro-corporate when it frequently favored forced arbitration as a way to settle disputes, a process that limits the ability for individuals to form a class and collectively go after large corporate interests; it was pro-corporate when it repeatedly refused to hear legitimate cases where individuals have been harmed by faulty products, discriminatory practices, or fraud; and it was pro-corporate when it came down with one of the worst decisions in the history of the Court: Citizens United. By equating money with speech, the Citizens United decision cut right at the heart of the most sacred power in our democracy: the franchise of our citizens. It has poisoned our politics by allowing dark money to cascade into the system, entirely undisclosed.

With absolutely no precedent, the Roberts Court came up with the theory that money necessarily equals speech, and under the First Amendment, you are allowed to put your ad on TV 11,000 times to drown out all others, especially average Americans. That dampens the power of their voices, dilutes the power of their votes. The Citizens United decision was the worst decision in 100 years, and it is the embodiment of this new era of the corporate special interests Court.

At a time when massive inequality plagues our economy, dark money floods our politics, and faith in institutions is low, this rightward shift in the Court is an existential threat to our democracy.

Now, more than ever, we require a Justice who will move the Court back in the direction of the people, not only because that is what the law requires but because that is what our system of government requires—summed up, of course, by President Lincoln's declaration that it is "a government of, by, and for the people."

Second, we must insist upon a strong, mainstream, consensus candidate because this Supreme Court will be tried in ways that few Courts have been tested since the earliest days of the Republic, when constitutional questions abounded, because, again, this administration seems to have little regard for the rule of law and is likely to test the Constitution in ways it hasn't been challenged for decades.

Just 2 weeks in, the new administration has violated our core values, challenged the separation of powers, stretched the bounds of statute, and tested the very fabric of our Constitution in an unprecedented fashion. The President has questioned the integrity of our elections without evidence, issued legally and constitutionally dubious Executive actions, such as the one on immigration and refugees, and fired his Acting Attorney General for maintaining her fidelity to the law, rather than pledging obedience to the President. For that, the White House accused her of betrayal.

Acting Attorney General Sally Yates offered her professional legal opinion, but because it contradicted the administration's position, she was fired, even though the very purpose of the Department of Justice is to be an independent check on any administration.

We are just 13 days into this new administration. How many more of these dismissals will take place over the next 4 years?

This is not even close to normal. Many of us have lived through the first few weeks of several administrations of both parties. This is not even close to normal.

Now, more than ever, we need a Supreme Court Justice who is independent, who eschews ideology, who will preserve our democracy, protect fundamental rights, and will stand up to a President who has already shown a willingness to bend the Constitution.

The Supreme Court is now the bulwark standing between a President who, in too many instances, has little regard for the law, for the separation of powers, for American ideals, for the power of the legislative branch, and for the sanctity of the Nation.

Now, more than ever, we require a Justice who will fulfill the Supreme Court's role in our democracy as a check and balance on the other branches of government.

Because this President has started out in such a fundamentally undemocratic way, we have to examine this nominee closely. As to the nominee himself, I have serious concerns about how he measures up on these two great issues I just described.

First, Judge Gorsuch has consistently favored corporate interests over the rights of working people. He repeatedly sided with insurance companies which wanted to deny disability benefits to employees. In employment discrimination cases, Bloomberg found he has sided with employers a great majority of the time. In one of the few cases he sided with an employee, it was a Republican woman who alleged she was fired for being a conservative.

He wrote in an article in 2005 that securities class actions were just tools for plaintiffs' lawyers to get "free ride[s] to fast riches," ignoring the fact that these lawsuits often bring justice to thousands and thousands of people who have no power without the class action suit.

On money and politics, he seems to be in the same company as Justices Thomas and Scalia, willing to restrict the most commonsense contribution limits.

It seems President Trump, who has said he would be for the working man and woman, has not chosen someone who routinely sides with the average American. Instead, it seems he has selected a nominee to the Supreme Court who sides with CEOs over citizens.

Second, Judge Gorsuch lacks a record demonstrating the kind of independence the Court desperately needs right now. He has shown a tendency to let ideology influence his decisions, criticizing "liberals" for turning to the courts to advance policy. The irony is this: Those who blame liberals for legislating through the courts are usually activist judges themselves. In recent years, conservative judges have proven to be the true activists, completely reimagining the scope of the First Amendment through *Citizens United*, gutting key provision of the Voting Rights Act that had lasted for decades and decades, and attempting to roll back the established law of the land, *Roe v. Wade*.

Judge Gorsuch has shown disdain for the use of the courtroom to vindicate fundamental rights, a viewpoint that should be anathema to anyone in the legal system but is particularly inappropriate for somebody who seeks a seat on the highest Court in the land. Because of this, women are duly worried about the preservation of their rights and equality, as is the LGBT community. With an administration that has already challenged fundamental American rights and will do so again, the courtroom must be a place where those rights can be vindicated.

As Senators, we are endowed with an awesome power to judge whether this man, Judge Gorsuch, has the right to a title that is higher than all the others in our judicial system, the title of "Justice."

Therefore, we must be absolutely certain that this person is a strong, mainstream candidate who has respect for the rule of law and the application of basic constitutional rights to all Americans, a deference to precedent, a non-ideological approach to the Court, and the resolve to be a bulwark against the constitutional encroachments of this administration.

Judge Neil Gorsuch, throughout his career, has repeatedly sided with corporations over working people, demonstrated a hostility toward women's rights, and, most troubling, hewed to an ideological approach to jurisprudence that makes me skeptical that he can be a strong, independent Justice on the Court. Given that record, I have very serious doubts that Judge Neil Gorsuch is up to the job.

The Supreme Court now rests in a delicate balance. We cannot allow it to be further captured by corporate influence or bullied by Executive overreach.

The Senate has a responsibility to weigh this nominee with the highest

level of scrutiny, to have an exhaustive, robust, and comprehensive debate on Judge Gorsuch's fitness to be a Supreme Court Justice. We Democrats will ensure that it does.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

AUTHORITY FOR COMMITTEE TO MEET VITIATED

Mr. SCHUMER. Madam President, I ask unanimous consent that the request in relation to the Senate Select Committee on Intelligence be vitiated.

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

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF NEIL GORSUCH

Mr. GRASSLEY. Madam President, last evening, I had the pleasure of being at the White House when President Trump introduced his nominee to be Associate Justice of the Supreme Court, Judge Neil Gorsuch, who happens to be serving on the Tenth Circuit Court of Appeals. It shouldn't surprise anybody that President Trump delivered on a promise made during the campaign, when he listed 21 people he would choose from. Everybody knew ahead of time what sort of a judge he would put on for this vacancy or any future vacancy.

Judge Gorsuch's decade of service on the Tenth Circuit has earned him a reputation as a brilliant, principled, and mainstream judge, just exactly the sort of mainstream that Senator SCHUMER must have been thinking about when he said he wants a mainstream judge.

It has already been widely reported that he was unanimously confirmed by a voice vote to the Tenth Circuit in 2006.

There are still 31 Senators in this body who voted for the judge at that particular time; 12 of them are Democrats, and one of them is Senator SCHUMER. Judge Gorsuch was supported, of course, by both of his home State Senators for the Tenth Circuit. One happened to be a Republican, and one a Democrat. He has been recognized as a great jurist by Members from both parties. For instance, when he was sworn into the Tenth Circuit, Senator Salazar, then a Democratic Senator from Colorado, remarked that the judge "has a sense of fairness and impartiality that is a keystone of being a judge."

The judge happens to be fourth generation Coloradan. He is eminently qualified to be the next Associate Justice of the Supreme Court. His decades of experience span many facets of our legal system. A graduate of Columbia University and Harvard Law School, the judge was also a prestigious Marshall scholar at Oxford. He served as Principal Deputy Attorney General at the Department of Justice.

Judge Gorsuch also knows the Supreme Court well, having clerked for Supreme Court Justices Byron White and also Anthony Kennedy, who is still on the Court.

He currently serves with distinction on the Tenth Circuit, where he has established himself as a mainstream judge with a reputation as a fair and brilliant jurist. As a mainstream jurist, Judge Gorsuch enjoys broad respect across the ideological spectrum. At the confirmation hearing for his current judgeship on the Tenth Circuit, he was introduced by Republican Senator Allard from Colorado and Democratic Senator Salazar from Colorado. Senator Salazar, of course, isn't exactly a conservative firebrand, having most recently served as head of the transition team of Secretary Clinton.

At his hearing in 2006, William Hughes, Jr., a Democratic candidate for the House of Representatives, authored a strong letter of recommendation for Judge Gorsuch stating:

I have never found, nor thought, Neil's views or opinions to be tainted or swayed by any partisan leanings. Quite to the contrary, his approach to all things professional and personal has always been moderate and practical.

There are plenty of other examples of strong bipartisan support for Judge Gorsuch. Even observers in the press recognize his reputation for fairness. Just last week the Denver Post endorsed the judge, saying: He "has applied the law fairly and consistently."

Judge John Kane, a colleague on the District Court of Colorado, appointed by President Carter, says this about Judge Gorsuch:

[He] listens well and decides justly. His disses are instructive rather than vitriolic. In sum, I think he is an excellent judicial craftsman.

After his nomination was announced last evening, the highest praise so far came from President Obama's former Solicitor General, Neal Katyal, who described the nominee this way:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law. To boot, as those of us who have worked with him can attest, he is a wonderfully decent and humane person. I strongly support his nomination to the Supreme Court.

To me, following the law wherever that law and case may lead is perhaps the most important attribute for a Supreme Court Justice to possess. That principle guided Justice Scalia's decisionmaking and it is also how Judge Gorsuch has said judges should approach the law.

The judge once wrote, quoting Justice Scalia:

If you are going to be a good and faithful judge, you have to resign yourself to the fact that you are not always going to like the conclusion you reach. If you like them all the time, you are probably doing something wrong.

That gets back to something very basic. A judge is supposed to be dispassionate. A judge is supposed to leave their personal views out of it. A judge looks at the law on the one hand and the facts of the case on the other and makes the decision based on just

those two things. So from what I have learned so far, the judge's judicial record reflects this philosophy of being dispassionate, following the Constitution and the laws passed by Congress. I think he said last night something like this: A judge is supposed to judge and a legislature is supposed to legislate, and a judge should not be legislating.

Judge Gorsuch doesn't legislate from the bench, nor does he impose his own beliefs on others. To quote from a speech at Case Western, he said that judges should strive "to apply the law as it is, focusing backward, not forward, and looking to the text, structure, and history to decide what a reasonable reader at the time of the events in question would have understood the law to be—not to decide cases based on their own moral convictions or the policy consequences they believe might serve society best."

I believe it is this fundamental sense of fairness and sense of duty in upholding the Constitution and the laws passed by Congress that has led Judge Gorsuch to be a highly regarded jurist.

After the tragic passing of Justice Scalia, we made it clear that the Senate would wait for the American people to have a say in the future of the Court. I said even before the election that no matter who won the Presidential election, we would move forward with the new President's nominee. I maintained this position even on the eve of the election, and I maintained that position even when everyone seemed to believe that our next President would be Secretary Clinton. I have been consistent.

Unfortunately, some of my Democratic colleagues—the very Senators who held all those rallies chanting "we need nine"—have already said they intend to do everything they can to stop this eminently qualified judge. That is very, very unfortunate. I hope and trust that approach won't be uniform on their side.

So I look forward to moving forward with a hearing, when we will learn a great deal more about Judge Gorsuch, and I look forward to an up-or-down vote on his nomination.

I thank the Senate, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, finally, on Monday, the Senate moved forward with the nomination of Rex Tillerson to be the next Secretary of State. His confirmation before this Chamber to serve as our top diplomat should have been a no-brainer, but we know that our Democratic colleagues are still trying to relitigate the election of November 8, and because their

preferred candidate lost, they are now trying to do everything they can to slow-walk and to hamper the ability of the winner, President Trump, to get his Cabinet up and running to govern the country. While they think they may be hurting the President and his administration, what they are really doing is hurting the American people whom the government serves. I hope they will reconsider.

It is really sad it has taken this long due to the foot-dragging of our colleagues across the aisle who are sort of in a resistance mode. I really do believe it is like the stages of grief, like the Kubler-Ross stages, where the first one, of course, is denial, the second is anger, and then ultimately you get to acceptance. But they are a long way to acceptance, and they are still in the anger phase of their grieving the outcome of the November 8 election.

When the shoe was on the other foot, we confirmed seven of President Obama's Cabinet nominees on the day he was inaugurated—January 20, 2009—but apparently this is the new normal.

I just hope our Democratic colleagues realize that this is not serving the public interest, and it is not, frankly, good politics, it strikes me, to be so angry and throw a temper tantrum—or, as I said yesterday to some folks, growing up, people used to talk about throwing a hissy fit, and this really strikes me as throwing a hissy fit.

Much has been made of Rex Tillerson's incredible leadership role in a major corporation. Obviously, he has done a tremendous job for one of the largest businesses in the world. He was working for the shareholders of that corporation in that capacity. Now his enormous experience and aptitude and talent are going to be put to work for the American Nation and for the American people.

I believe that not only is he a person of conviction and competence, he is also a man of character. He believes in putting this country first, and I have no doubt he will serve the United States with great integrity and care.

It is none too early for us to transition to somebody of his great qualifications and experience. Our country is no longer respected by many of our friends around the world because we have withdrawn from international leadership. We are no longer feared by our adversaries, who are all too quick to fill the leadership vacuum around the world—Russia being perhaps the most obvious example not only in Crimea and in Ukraine but obviously in Syria and now in Libya. It is dangerous. It is destabilizing. So I am very pleased that we will have a new Secretary of State and a new national security leadership team.

If there is one thing that I think President Trump has done right, it is select good people, from MIKE PENCE as the Vice President, Gen. Jim Mattis as Secretary of Defense, Rex Tillerson as Secretary of State, and Gen. John Kelly of the Department of Homeland

Security. I think he has chosen very well. I could go on and on with his Cabinet members and say the same thing about each one of them.

We will vote on the confirmation of Mr. Tillerson shortly, between 2 and 2:30 p.m. or in that time frame.

NOMINATION OF NEIL GORSUCH

Madam President, what I want to talk about as well is the announcement that President Trump made last night about his choice to fill the Supreme Court vacancy left open by the tragic death of Justice Antonin Scalia. I couldn't be more pleased with his nomination of Judge Neil Gorsuch of the U.S. Court of Appeals for the Tenth Circuit. I can't imagine that the President could have chosen a more qualified, more principled, or more mainstream pick for the job of Justice of the U.S. Supreme Court.

We have all heard some of the details of his personal background, including that he is a Colorado native and that he served in the Denver-based Tenth Circuit Court for a decade, and he is well known and respected in legal circles for his intellect, his brilliant writing, and his faithful interpretation of the Constitution and laws passed by Congress. In short, he is a tremendous jurist with an impeccable legal and academic record. He went to schools like Columbia University, Harvard Law School, and Oxford as a Marshall scholar.

In addition to his decade on the bench, his professional experience includes many years practicing law. As a recovering lawyer myself and recovering judge, I can say that one of the things I think the Supreme Court needs is more people with practical experience, serving as lawyers for clients in court. We have some people with great academic credentials but very few people with any practical experience as practicing lawyers. It is important because once they get on the U.S. Supreme Court, Justices are totally isolated from the rest of the world by the nature of their job. So people need to come to that job with the experience of working with individuals, understanding the strengths and the weaknesses of the legal system and what their role should be.

He not only practiced law at a top law firm as a partner, he had prestigious clerkships, including on the Supreme Court of the United States. He actually clerked for two Supreme Court Justices—Justice Byron White and Justice Anthony Kennedy—as well as served in the Department of Justice.

There is absolutely no question that Judge Gorsuch is a qualified, high-caliber nominee, and I have no doubt that he will serve the Nation well. The reason I say he is a qualified, high-caliber nominee is because when he was confirmed to the Tenth Circuit Court of Appeals, he was confirmed by the Senate on a voice vote. In other words, he was essentially voted for unanimously, including by people like Senator SCHUMER, the Democratic leader, who was

here at the time, and others of our colleagues across the aisle. So I think it is going to be very important for the American people, as they hear the inevitable criticism of this nomination, to remember the Senators who were here at the time Judge Gorsuch was confirmed to the Tenth Circuit, and they expressed none of those concerns or reservations then.

I think, most importantly, Judge Gorsuch will honor the legacy of Justice Antonin Scalia on the U.S. Supreme Court, but even more importantly, he will honor the U.S. Constitution and the unique role of our judiciary and our system of government. I think one of the things Justice Scalia made a point of during his professional lifetime was to point out how judges had unfortunately become policymakers rather than interpreters and appliers of the Constitution and the written law. Of course, the problem with that is that judges in the Federal system don't stand for election, so we have lifetime-tenured, unelected Federal judges becoming, in effect, a trump card or super-legislature for our system of government. That certainly isn't what James Madison and the Founding Fathers contemplated. Justice Scalia was a tribute to that traditional role of interpreter of a written Constitution and written laws and respecting the limited, albeit important, role judges play in our system of government.

Put another way, Judge Gorsuch meets every test, and he passes all of them with flying colors.

We have heard from the Democratic leader that President Trump needed to appoint a mainstream nominee. Well, there is no doubt that if that is the litmus test for our friends on the other side of the aisle, Judge Gorsuch meets that test. He has the respect of even people who served on the other side of him in litigation and people whose ideological views differ quite a bit.

Here is what a former Solicitor General under President Obama had to say about Judge Gorsuch:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law.

He goes on to say:

I strongly support his nomination to the Supreme Court.

This is the sort of respect Judge Gorsuch, in his tenure as a judge, has generated. He has gained respect even from people who are on the opposite end of the ideological spectrum because they realize that Judge Gorsuch will be, first and foremost, somebody who applies the written Constitution and enforces the rule of law—laws passed by the political branches of government—and does not attempt to supplant his own personal agenda for that of the chosen representatives of the American people. As I said, that is why 11 years ago Democrats joined with Republicans to confirm him unanimously

to the Tenth Circuit. I mentioned Senator SCHUMER, who was here at the time, as well as Senator DURBIN and several members of the Judiciary Committee still serving in the Senate, including the ranking member, Senator FEINSTEIN from California, and the senior Senator from Vermont, Senator LEAHY. All of them were here at the time. Because of the voice vote, they didn't note any dissent or disagreement, so we would say that essentially is a unanimous vote of the U.S. Senate. So it will be interesting to hear from them about any reservations or concerns they now voice. I hope that at least they will allow us to have an up-or-down vote on the nomination of this outstanding nominee.

To hear Judge Gorsuch last night and to look at his biography, to read his extensive record and appreciate his scholarship and his commitment to the rule of law—all of this is to see precisely the kind of person who should be confirmed to the Supreme Court. I believe the American people will see that as clear as day.

I hope our colleagues across the aisle will resist the temptation to obstruct and drag their feet when it comes to this important nomination. I hope they will not kowtow to some of the extreme factions in their own party.

They have repeatedly argued for the importance of having nine Justices on the Supreme Court. Now that the American people have spoken by electing President Trump, and he has now announced his pick, they should honor that selection. That pick is superb, the kind of nominee who was supported unanimously by Democrats in the past and is endorsed by President Obama's own Solicitor General.

Let's move forward with an undeniably qualified nominee.

Madam President, I ask unanimous consent that all remaining quorum calls during consideration of the Tillerson nomination be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Madam President, I yield the floor.

I suggest the absence of a quorum.

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

Mr. SCHUMER. Madam President, I am coming back to the floor to correct the record on my earlier comments, where I said Republicans "insisted" on 60 votes for each of President Obama's nominees. Sixty votes is a bar that was met by each of President Obama's nominees, but at the time, there was no need for a cloture vote because we knew each of them would garner 60.

This is important to clarify because I believe 60 votes is the right standard

for this nominee—not because they did it to us or we did it to them but because 60 votes, as I mentioned in my remarks, produces a mainstream candidate and, as I laid out earlier, the Supreme Court requires a mainstream candidate now more than ever.

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

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

Mr. HEINRICH. Madam President, since President Trump was inaugurated, he has unveiled a series of damaging and truly un-American Executive orders—in particular, the Executive order banning refugees and individuals from Muslim-majority countries from entering our country.

For President Trump and his team, it is a projection of an inward-looking, isolationist vision for America. For many New Mexicans, myself included, it is also seen as an attempt to fundamentally change our American values. We are not a country that discriminates based on how you pray. We are not a nation that turns our back on the innocent victims of terrorism or the allies who have risked their own lives so that American soldiers might live.

President Trump's actions seek to turn us into the kind of authoritarian Nation that we have always stood against. He has promoted this dark vision instead of asserting America's longstanding role as a voice for democracy, for freedom, human rights, the environment, tolerance, and respect for women—values which extend far beyond our shores.

In essence, this selfish and bully-like mentality abandon the values that we hold dear and which have defined our great Nation as a global power.

It should come as no surprise that President Trump's nominees to be our Nation's top diplomats—Nikki Haley, Rex Tillerson—have no diplomatic experience. On Nikki Haley's first day on the job, President Trump announced that he would be cutting funding for the United Nations by 40 percent, and Ambassador Haley announced to the world that the United States is now "taking names" of those who disagree with us.

In an attempt to show strength, the Trump administration is actually creating weakness. By stepping away from multinational organizations that we helped establish—organizations like the U.N. and NATO—and by presenting a hostile attitude to other countries and allies, the United States is walking away from its role as the indispensable Nation.

This morning, former CIA Director and retired GEN David Petraeus warned that the global alliances of the United States are at risk, stating:

Americans should not take the current international order for granted. It did not will itself into existence. We created it.

Likewise, it is not naturally self-sustaining. We have sustained it. If we stop doing so, it will fray and, eventually, collapse.

Just as I am not confident in President Trump's nominee for Ambassador to the United Nations, I am equally concerned, if not more so, about his choice for Secretary of State. During his Senate confirmation hearing, Rex Tillerson, the former CEO of ExxonMobil, demonstrated that he is blatantly unaware of global affairs. He failed to recognize and condemn human rights violations around the world, including in Saudi Arabia and the Philippines, and declared dangerous policy positions without knowing what those policies would actually mean.

In his hearing, Mr. Tillerson repeatedly avoided answering the most rudimentary questions about foreign policy by stating things like "I'd need more information on that issue."

For as long as I can remember, throughout grade school and college, women in Saudi Arabia have lacked basic freedoms. Yet Mr. Tillerson either had no knowledge of women's issues in Saudi Arabia or fails to value the importance of that issue, which I believe to be an American value.

The United States faces an increasing number of global threats, including North Korea, Russia, China, Iran, and terrorist organizations across multiple continents. We face evolving threats from nonstate actors and terrorist organizations such as Al Qaeda and the Islamic State. Instability and civil war in the Middle East have led to the greatest global refugee crisis since World War II. Russia and China are acting aggressively to assert their influence and challenge and provoke American interests and allies. Global threats such as pandemic disease, nuclear proliferation, and climate change require international cooperation and responses.

The next Secretary of State will be diving headfirst into all of these incredibly daunting and gravely important foreign policy challenges. Mr. Tillerson's lack of foreign policy experience, combined with a President who promotes an isolationist world view, leaves me deeply concerned for the future of American foreign policy.

The world looks to America to uphold human rights, to promote democratic values, and to take the lead on many challenges we face as an international community. The American people look to the White House and to the State Department to represent our fundamental American values on that international stage. The American people expect their leaders to show that their only interest is in representing the public's best interest.

Americans have reason to doubt where Rex Tillerson's interests rest. His world view has been shaped through the lens of looking out for what is best for his company's profits,

not what is best for the American people, not what is best to address complex international challenges. Just like negotiating a real estate deal does not prepare one to lead the Nation, negotiating oil deals does not prepare you to be a diplomat whose primary interest is in advocating for American values.

When Mr. Tillerson has worked with foreign governments to pursue lucrative oil deals and profits, he has been agnostic to human rights and to America's diplomatic and security interests as well. As Exxon's CEO during the Iraq war, Mr. Tillerson undermined the State Department's efforts to keep Iraq cohesive as a nation and instead served the interest of his company's financial gain, in direct conflict to the American interest.

Under Mr. Tillerson's guidance, ExxonMobil signed a deal directly with the Kurdish administration in the country's northern region, a move that fueled Kurdish secessionist ambitions and undercut the legitimacy of Iraq's central government. This deal was drawn despite the State Department's recommendation that they wait until national legislation was passed because a law governing nationwide oil investments was being reviewed by Parliament.

In Russia, Mr. Tillerson worked closely with Vladimir Putin's government to forge deals to drill for oil in the Arctic, the Black Sea, and Siberia. Mr. Tillerson developed such a cozy relationship with the Kremlin that in 2013 he was awarded the Order of Friendship by Vladimir Putin, the highest honor awarded to non-Russians.

After Russia unlawfully invaded the Ukraine and took Crimea, the United States and the European Union enacted sanctions against Russia that Mr. Tillerson would be partly responsible for overseeing as Secretary of State. Right now, when we are trying to hold Russia accountable for its illegal aggression in Eastern Europe, for its war crimes in Aleppo, and for its interference in our own Nation's election, how on Earth can we trust someone with such a cozy relationship with the Putin government to be our Secretary of State?

Mr. Tillerson's record also leads one to wonder how he will address the imperative to implement the Paris climate agreement, especially since President Trump is now exploring how to withdraw from it. At the height of the debate on climate change legislation in Congress, Mr. Tillerson spent tens of millions of dollars to kill a bill that would have reduced our carbon emissions sooner. It has also been reported that his scientists at Exxon have known about the relationship between carbon emissions and climate since the 1980s and that Exxon even made business decisions about what resources to develop and how based on that knowledge. Yet, under Mr. Tillerson's leadership, they chose to withhold those findings and fund

groups determined to sow confusion and doubt. How can we be confident that Mr. Tillerson will help America address the impacts of climate change and put America's security and values first as our top diplomat?

Those conflicts of interest are troubling enough, but the most troubling reason I cannot support Mr. Tillerson's nomination is this: In just the first week and a half of the Trump White House, we have seen numerous cases of Trump nominees saying one thing during their confirmation hearings before this body and then the administration turning around and doing something entirely different. After Secretary Mattis told us that he opposed the Muslim travel ban and Director Pompeo stated his opposition in hearings to torture, we saw this administration move forward with both.

I have seen nothing that shows me that Rex Tillerson will stand up to President Trump's dangerous vision for American foreign policy. What will he do to stand up for NATO? What indications do we have that he will call on the President to act in the interests of the American people and not the interests of President Trump's business holdings in numerous nations around the world?

The Secretary of State sits on the National Security Council. Will Mr. Tillerson stand up to Steve Bannon, President Trump's political strategist who has been outrageously placed on the National Security Council, while, I would add, the Chairman of the Joint Chiefs and the Director of National Intelligence were demoted? President Trump has shown that he trusts the former leader of the far-right Web site Breitbart News more than our leading generals and his appointed leader of the intelligence community. You can already see the influence of Mr. Bannon, who has made a career out of selling hateful and divisive propaganda aimed at women, Hispanics, African Americans, Jews, and other minorities in the actions President Trump has taken in his first days in office.

During his first week in office, President Trump floated the idea of bringing back the CIA's use of "black site" prisons and torture techniques, imposed a gag order on our Federal agencies, and renewed talk of a wall on our southern border.

All of this culminated with an Executive order blocking refugees from around the world from entering the United States. This is not greatness. In fact, this is un-American. I will not stand aside as the values that created the greatest Nation on Earth are trampled upon.

This dangerous Executive action has already had a clear human impact. In New Mexico, the Albuquerque Journal reports that our universities have issued an advisory to foreign students and faculty: "Don't leave the country if you want to come back." Think about that.

My office has already heard from New Mexicans who fear for their safety

and the safety of their families abroad as a direct result of this order. A man who moved to the United States as a refugee from Iraq and settled in my hometown told me that his wife and two kids went to Baghdad to attend his mother-in-law's funeral. They are currently in Iraq and scheduled to return in February. They are all green card holders. They are part of our community. President Trump's Executive order has left him and his family feeling in limbo. He said: "I am afraid about our destiny as a family, I am afraid I will lose them."

The heartbreaking human impact we have already seen is only part of why the Muslim travel ban was such an appalling action for the President to take.

George Washington once said: "I had always hoped that this land might become a safe & agreeable Asylum to the virtuous & persecuted part of mankind, to whatever nation they might belong." It is very clear that President Trump is clearly no George Washington. This Executive order flies in the face of that sentiment and, I believe, the sentiment we share as Americans.

I joined my colleagues in sending a letter to President Trump about this order. I am particularly outraged about the absurd and careless nature of the order, which will have a profound effect on many Iraqi men and women who risked their lives and the lives of their families on behalf of our soldiers, on behalf of American soldiers.

Late last summer, I traveled to Iraq, to Kuwait, to the heart of Africa, and I met with top military officials to discuss operations against ISIL, Al Qaeda, and other terrorist organizations. In order to find a lasting solution in that volatile region, we must take a smart approach that provides training, resources, and support to our regional allies, like the Iraqi security forces, rather than putting tens of thousands of U.S. troops on the frontlines there ourselves. Alienating our regional allies, alienating Muslims as a whole puts all of that at risk.

Former Cabinet Secretaries, senior government officials, diplomats, military servicemembers, and intelligence community professionals who have served in the Bush administration and the Obama administration together have expressed their deep concern this week with President Trump's Executive order. In a letter, they warned:

This Order not only jeopardizes tens of thousands of lives, it has caused a crisis right here in America and will do long-term damage to our national security.

In the middle of the night, just as we were beginning our nation's commemoration of the Holocaust, dozens of refugees onboard flights to the United States and thousands of visitors were swept up in an Order of unprecedented scope, apparently with little to no oversight or input from national security professionals.

Also this week, the Iraqi Parliament, in direct response to President Trump's Muslim travel ban, voted to implement an identical visa ban on Americans.

How can we possibly think this is in our national security interests?

Rex Tillerson has not answered questions about President Trump's Muslim travel ban. Mr. Tillerson needs to tell us where he stands on this un-American policy. If we are going to move forward on his nomination, Mr. Tillerson needs to reassure the American people and he needs to reassure this body that he understands the repercussions of these kinds of appalling actions. He needs to show us that he will stand up for American values and against the President's dangerous impulses that will isolate our Nation, alienate our allies, and abdicate our role as leader of the free world. Mr. Tillerson has not shown any of that to me, to this body, or to the American public.

Thousands of New Mexicans have flooded my office with letters, emails, and phone calls urging me to oppose his nomination. I share New Mexicans' well-founded concerns about Mr. Tillerson's qualifications to lead the State Department and to stand up for our Nation's interests.

I will not support his nomination, and I urge my colleagues on both sides of the aisle to stop and think carefully about this vote we are about to take. Our Nation's future role in the world is at stake.

Mrs. FEINSTEIN. Madam President, I rise today in opposition to Rex Tillerson's nomination to be our next Secretary of State. I don't believe Mr. Tillerson is an appropriate selection to be our Nation's chief diplomat.

During his confirmation hearing, Mr. Tillerson repeatedly evaded questions related to transparency and corporate responsibility. For instance, on multiple occasions Mr. Tillerson stated that he was unaware of Exxon's history of lobbying Congress; yet, according to lobbying disclosure forms, Exxon lobbied against a variety of Iran and Russia-related sanctions since at least 2010. When pressed on the matter, Mr. Tillerson even claimed he didn't know if Exxon lobbied for or against these energy-related sanctions bills.

Additionally, I am troubled by Mr. Tillerson's response to questions about Exxon's dealings with Iran, Syria, and Sudan. According to public documents, Exxon established a joint venture with Shell to conduct business with state sponsors of terror. That joint venture—Infineum—sold petroleum products to Iran, Sudan, and Syria, when those nations were being sanctioned by the United States.

During that time, Mr. Tillerson rose from senior vice president to president and director and eventually to chairman and CEO of Exxon; yet, during his testimony, Mr. Tillerson claimed to be unaware of Infineum's purposeful evasion of sanctions. Instead of recognizing the larger national interest, Mr. Tillerson suggested that American companies could legally avoid sanctions by setting up shell companies outside of the United States.

Infineum is not the only example of Exxon's history of undermining American policy. Under Mr. Tillerson's leadership, Exxon signed oil exploration contracts with the Kurds in Iraq. Doing so undermined the United States "one Iraq" policy and exacerbated the long-simmering conflict between the central government and the Kurds. That is because Exxon signed contracts to explore oil at six sites. Three of those sites were on disputed land claimed by both the Kurds and the Iraqi central government.

By agreeing to explore in disputed territory on behalf of the Kurds, Exxon changed the facts on the ground in favor of the Kurds. Exxon's decision may have been good for Exxon, but it certainly did not benefit a stable, unified Iraq.

I am also concerned by Mr. Tillerson's response to questions about Russia. Russia has invaded Ukraine, annexed Crimea, intervened in Syria, and meddled in our own elections; yet Mr. Tillerson refuses to offer support for international sanctions against Russia.

He refuses to describe Russia's bombing of Syrian hospitals and schools—and a U.N. humanitarian aid convoy—as war crimes.

Russia remains in violation of the Minsk agreement and continues to occupy Crimea, indiscriminately bomb in Syria, and hack American think tanks.

Now is not the time to remove sanctions against Russia, and I have little confidence Mr. Tillerson is committed to pushing back against Russian aggression.

Finally, Mr. Tillerson's indifference to the two-state solution between Israel and the Palestinians is unacceptable. Specifically, Mr. Tillerson said that a two-state solution is a "dream" and openly questioned whether or not it could ever become a reality. The reality is that, without a two-state solution, Israel cannot be both a democracy and a majority-Jewish state.

Today Israel is constructing settlements throughout the West Bank. Palestinian terror and incitement continue. Mr. Tillerson's almost casual dismissal of the two-state solution is disqualifying for a Secretary of State. Our chief diplomat must understand the urgency of the situation and must be willing to engage both sides in the pursuit of peace.

I simply do not believe Mr. Tillerson is interested in doing so.

Mr. Tillerson's lack of transparency, history of working against our national interests, close ties to Russia, and indifference to Israel's future make him unfit to serve as the Secretary of State.

I intend to oppose Mr. Tillerson, and I urge my colleagues to do the same.

Mr. VAN HOLLEN. Madam President, my father served in the Foreign Service at the Department of State, so I spent some of my early years overseas. I was proud to be part of a family that represented our great country. I

learned firsthand the critical role of our Nation's diplomats, the risks that they take to serve our country, and the part that they play in spreading American ideals of freedom and democracy around the world.

The cabinet position of Secretary of State is as old as our Nation. Thomas Jefferson served as President Washington's Secretary of State. The Secretary is the President's top foreign policy adviser and our Nation's chief representative abroad. Today the State Department reaches across the world, advancing our interests, shaping our relationships, advocating for human rights, and working to advance peace.

In addition, the Secretary of State will encounter a department of employees who are deeply concerned about the role that they will play and the actions that they may be expected to take in service to the new President. Last week, the Washington Post reported that the State Department's entire senior management resigned, including officials who had worked in both Republican and Democratic administrations. This was an unprecedented loss of institutional knowledge.

And by yesterday afternoon, a dissent letter by State Department staff saying that President Trump's executive order to temporarily bar citizens from seven Muslim-majority countries would not make the Nation safer had attracted around 1,000 signatures, far more than any dissent cable in recent years.

President Trump's campaign rhetoric has shaken our allies—wavering on our commitment to NATO, gratuitously escalating arguments with China and Mexico, and empowering an increasingly aggressive Russia. Mr. Trump has made fawning statements about Russian President Vladimir Putin. In October 2007, Mr. Trump said of Putin, "he's doing a great job." In December 2011, Mr. Trump praised Putin's "intelligence" and "no-nonsense way." In June 2013, Mr. Trump wondered if Putin would be his "new best friend." And in July 2015, Mr. Trump said, "I think I'd get along very well with Vladimir Putin."

And Mr. Trump has questioned the reality of climate change. He tweeted, "The concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive."

The Secretary of State thus must play a crucial role in maintaining relationships between the United States and our allies around the world. In the face of Mr. Trump's statements and actions, the need for a strong Secretary of State is all the more important.

President Trump has nominated Rex Tillerson, the former CEO of ExxonMobil, to take on this critical role. Mr. Tillerson, who has never served in government, has spent many years building business relationships with Russia and Vladimir Putin, and in 2013, even received the Russian Order of Friendship, an award given to for-

eigners who work to improve relations with Russia.

Mr. Tillerson has had particularly close dealings with Igor Sechin, the head of a state-owned Russian oil company whom the United States has sanctioned and banned from entering the United States.

In 2014, Mr. Tillerson opposed sanctioning Russia for its actions in Ukraine and reportedly lobbied the government against those sanctions. According to Reuters, "[Tillerson] added that Exxon does not 'generally' support sanctions and has made that view known to the U.S. Government. . . . 'We're having conversations such that our views are being heard at the highest levels.' Tillerson told reporters." And yet, in his confirmation hearing, Mr. Tillerson denied that he or Exxon directly lobbied against the sanctions.

Given Russia's interference with U.S. elections and Russia's increased provocation of our allies, we need to be able to rely on our Secretary of State to advance U.S. interests above all. Mr. Tillerson's long and close relationship with Russia casts doubt on his ability and inclination to pursue additional sanctions as necessary and on the quality of advice that he will give the President. And despite the active national conversation about Russia, Mr. Tillerson said in his hearing that he and President Trump had not even discussed Russian policy with any specificity.

I am also concerned that Mr. Tillerson does not seem to view human rights as a critical issue for the State Department. In addition to refusing to condemn Russian and Syrian atrocities as war crimes, he did not condemn Philippine President Duterte's extrajudicial killings. This is particularly disturbing, as President Duterte has alleged that President Trump approves of his actions. Mr. Tillerson appeared hesitant to weigh in on human rights abuses. But the State Department cannot be silent and must be an outspoken voice for human rights, even to our allies.

Mr. Tillerson appears not to appreciate America's role as a beacon of light around the world that stands up for the rule of law and human rights. This is especially troubling, as President Trump's order last Friday to suspend America's refugee programs is an attack on everything for which our country stands. President Trump's order has made us less safe by playing into ISIS's propaganda, casting our fight against terrorism as a fight against an entire religion. That is not who we are as a nation. We must remain vigilant and resolute against efforts to sow fear and division, and we must fight together to protect the rights and freedoms of all people.

President Trump's executive order highlights the need for a Secretary of State who will push back against President Trump's worst impulses. Mr. Tillerson, however, seems ready to do

the opposite and reinforce many of President Trump's worst instincts. Mr. Tillerson's lack of focus on human rights and the rule of law indicate that he seems not to appreciate the role of American in the world—particularly dangerous traits when President Trump is retreating from America's 70-year special role in the world, retreating—in the words of a recent article in *The Atlantic*—to a pre-1941 world of “closed borders, limited trade, intolerance to diversity, arms races, and a go-it-alone national race to the bottom.”

Finally, I seriously question Mr. Tillerson's commitment to working with our allies and cosigners of the Paris Climate Agreement to confront one of our greatest global challenges. While at certain points, he has acknowledged the dangers of climate change, he has more recently questioned the science and the human contribution. In his hearing, he acknowledged that climate change does exist and that the United States needed to have a seat at the table, but he failed to express any urgency to respond or a clear commitment to the Paris Agreement.

While Mr. Tillerson may be a skilled business dealmaker, the job of the Secretary of State and the leader of our State Department requires the experience and determination to meet our current challenges. Given his extensive ties to Russia and questionable commitment to advancing human rights and combatting climate change, I do not believe that Mr. Tillerson is the right person for this job, and I will vote against his confirmation.

The PRESIDING OFFICER. The Senator from South Dakota.

#### NOMINATION OF NEIL GORSUCH

Mr. THUNE. Madam President, last night President Trump announced the nomination of Judge Neil Gorsuch to the Supreme Court. He will fill the spot left vacant by the death of Justice Antonin Scalia.

Justice Scalia left a profound mark on our judicial history. He had a brilliant mind, a ready wit, and a vivid and colorful writing style that made reading his decisions not only illuminating but enjoyable. But most importantly, Antonin Scalia had a profound respect for the rule of law and the Constitution. He knew that he was a judge, not a legislator, and his job was not to make the law but to interpret the law. That is exactly what he did.

For 30 years, Justice Scalia ruled on the plain meaning of the laws and the Constitution. His politics, his personal opinions, his own feelings about a case—none of those was allowed to play a role in his decision. He asked what the law said, what the Constitution said, and he ruled accordingly, even when he didn't like the result. Justice Scalia once said:

If you are going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you are probably doing something wrong.

Needless to say, Justice Scalia left some big shoes to fill. But after learning a little about Judge Gorsuch, I have to say that if anyone can come to fill them, I think Judge Gorsuch can. Like Justice Scalia, Judge Gorsuch has a brilliant mind. He shares Justice Scalia's gift for the written word. The *Washington Post* noted the many people “who have praised Gorsuch's lucid and occasionally lyrical writing style.” *Slate* called Judge Gorsuch's writing “superb, incisive, witty, and accessible.”

But most importantly, like Justice Scalia, Judge Gorsuch understands the role of a Supreme Court Justice. He knows that a Justice's job is to interpret the law, not write it. In a speech last year, Judge Gorsuch said the following: “Perhaps the greatest project of Justice Scalia's career was to remind us of the differences between judges and legislators.”

Understanding those differences is indispensable. Brilliance, eloquence, learning, compassion—none of those things matter if you don't understand the proper role of the Supreme Court. That role is to interpret the law, not make the law—to judge, not legislate; to call balls and strikes, not to try and rewrite the rules of the game.

It is great to have strong opinions. It is great to have sympathy for causes or organizations. It is great to have plans for fixing society's problems. But none of those things has any business influencing your ruling when you sit on the Supreme Court. Judge Gorsuch understands this. That is why I trust him to sit on the Supreme Court.

When Judge Gorsuch was nominated to the Tenth Circuit Court of Appeals 10 years ago, he was confirmed by a unanimous vote here in the Senate. You can't really get a more bipartisan confirmation than that. At the time, then-Senator Ken Salazar, a Colorado Democrat who later became Interior Secretary under Obama, noted that Judge Gorsuch “has a sense of fairness and impartiality that is a keystone of being a judge.”

Given the wide respect in which Judge Gorsuch is held, his outstanding record, and his previous overwhelmingly bipartisan confirmation, I am hopeful that his nomination will move quickly through the Senate. Senate Democrats have spoken a lot about the need to fill the ninth seat on the Supreme Court. Now is the chance.

I congratulate Judge Gorsuch on his nomination, and I look forward to seeing him confirmed to the Supreme Court.

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.

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

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

#### NOMINATION OF BETSY DEVOS

Ms. COLLINS. Madam President, I come to the floor to announce a very difficult decision that I have made; that is, to vote against the confirmation of Betsy DeVos to be our Nation's next Secretary of Education. This is not a decision that I have made lightly. I have a great deal of respect for Mrs. DeVos. I believe she is a good person. I know she cares deeply about the children of this Nation. But for the reasons that I will explain, I simply cannot support her confirmation.

Later today, the Senate will vote on a motion to proceed to the DeVos nomination. I will vote to proceed to the nomination because I believe that Presidents are entitled to considerable deference for the selection of Cabinet members, regardless of which political party is in power, and that each and every Senator should have the right to cast his or her vote on nominees for the Cabinet. That is why, during President Obama's administration, I voted for procedural motions, including cloture, to allow the President's nominees for Secretary of Defense and for Secretary of Labor to receive up-or-down votes by the full Senate, even though I ultimately voted against those two nominees on the Senate floor. At the time, I stated that it is appropriate for every Senator to have an opportunity to vote for or against an individual Cabinet member, and I still believe that is the right approach.

Let me again make clear what I said at the beginning of my remarks, which explains why this has been a decision that I have not made lightly. I know that Mrs. DeVos cares deeply about children. I recognize that she has devoted much time and resources to try to improve the education of at-risk children in cities whose public schools have failed them. I commend her for those efforts.

I wrote to Mrs. DeVos, seeking her assurances in writing that she would not support any Federal legislation mandating that States adopt vouchers nor would she condition Federal funding on the presence of voucher programs in States. She has provided that commitment, and I ask unanimous consent that the exchange of correspondence with Mrs. DeVos be printed in the RECORD at the conclusion of my statement.

Nevertheless, like all of us, Mrs. DeVos is the product of her experience. She appears to view education through the lens of her experience in promoting alternatives to public education in Detroit and other cities where she has, no doubt, done valuable work. Her concentration on charter schools and vouchers, however, raises the question about whether she fully appreciates that the Secretary of Education's primary focus must be on helping States and communities, parents, teachers, school board members, and administrators strengthen our public schools.

While it is unrealistic and unfair to expect a nominee to know the details

of all the programs under the jurisdiction of the Department of Education, I am troubled and surprised by Mrs. DeVos's apparent lack of familiarity with the landmark 1975 law, the Individuals with Disabilities Education Act—known as the IDEA—that guarantees a free and appropriate education to children with special needs.

The mission of the Department of Education is broad, but supporting public education is at its core. I am concerned that Mrs. DeVos's lack of experience with public schools will make it difficult for her to fully understand, identify, and assist with those challenges, particularly for our rural schools in States like Maine.

In keeping with my past practice, I will vote today to proceed to debate on Mrs. DeVos's nomination. But I will not, I cannot, vote to confirm her as our Nation's next Secretary of Education.

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

U.S. SENATE,

Washington, DC, January 24, 2017.

Mrs. BETSY DEVOS,  
Education Secretary-Designate,  
Washington, DC.

DEAR MRS. DEVOS: I am writing to follow up on the questions posed to you in your confirmation hearing regarding your position on school vouchers should you be confirmed as Secretary of Education. I have concerns about the impact of such a voucher program, especially on rural school districts with limited budgets and numbers of students.

The needs of public schools in Maine are very different from those in large urban areas, where some schools have failed our children. The majority of Maine's schools and school districts are small and rural, and the constraints on resources and the realities of distance greatly influence the policies and practices for delivering high-quality education in those settings. The concern I hear in Maine from teachers, administrators, and parents is that school vouchers will divert scarce resources from public schools.

During my time as a U.S. Senator, I have visited more than 200 schools in Maine. At each visit, I have seen repeatedly the skilled and dedicated teachers, administrators, and staff working closely with parents to deliver the best possible education for their students. Likewise, I have spoken with students who are vibrant members of their communities and excited about learning. Our public schools have a tremendous impact on students and communities, and the U.S. Department of Education is an important partner in fulfilling the promise of high-quality public education for all students.

Please respond in writing to the following question: Would you oppose a federal mandate that would require states to adopt private school vouchers? I ask that you respond prior to the Senate Health, Education, Labor, and Pensions Committee mark-up on January 31.

Sincerely,

SUSAN M. COLLINS,  
United States Senator.

JANUARY 25, 2017.

Hon. SUSAN COLLINS,  
U.S. Senate,  
Washington, DC.

Dear SENATOR COLLINS: Thank you for the opportunity to answer your question about my position on federal education mandates regarding private school vouchers.

As a strong proponent of local control, I believe the decision of whether to provide vouchers, scholarships, or other public support for students who choose to attend a nonpublic school should not be mandated by the federal government. Rather, this is a state and school district matter.

The Every Student Succeeds Act made great strides in returning control over education decisions to states and local communities, and I applaud your efforts in passing that important law. Decisions about whether to provide parental choice will vary from state to state and district to district, reflecting local needs.

As I stated during my confirmation hearing before the U.S. Senate Health, Education, Labor, and Pensions Committee on January 17, while I am a strong supporter of school choice, I am also respectful of state and local decisions on this issue. Therefore, if confirmed, I will not impose a school choice program on any state or school district.

Senator Collins, I look forward to working with you to support Maine's teachers, schools and districts as they work to provide a high quality education to every student.

Sincerely,

BETSY DEVOS.

Ms. COLLINS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak on the upcoming motion to proceed to the DeVos nomination for a period of 5 minutes.

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

Ms. MURKOWSKI. Mr. President, I would like to share my thoughts with my colleagues today about the President's nominee to be Secretary of Education. I shared many of these thoughts yesterday with my colleagues on the Senate HELP Committee.

Like my colleague from Maine, this nomination has been a very difficult one for me. It has been very personal. As I mentioned in committee, I take very personally the education of the children in my State. I take very personally the contributions that our educators, our administrators in the schools—all that they provide and the importance that we should all place on the education of America's children.

I don't think it is an overstatement to say that I have struggled with how I will cast my vote on the nomination of Mrs. DeVos. Again, I take very personally the success of Alaska's schools and the success of Alaska's schoolchildren. We have a lot of schools in Alaska, as we all do around the country. My schools, I would challenge you all, are a little bit more diverse than

perhaps in other parts of America just because of our geography. We are isolated. Eighty-two percent of the communities are not attached by a road. The communities are small. The schools are smaller.

In our urban centers, what some find unusual is we have more diversity in our populations than most people could understand or even imagine. One of the neighborhoods in my hometown of Anchorage hosts the most ethnically diverse schools in the United States of America. So I have urban schools that have rich diversity, and I have very rural, very remote, extremely remote schools that face challenges when it comes to how we deliver education. So knowing that we have the strongest public school system is a priority for me.

I have spent considerable time one-on-one with Mrs. DeVos before and after the committee hearing. I spent the entirety of the Senate HELP Committee listening carefully to the questions that colleagues put to her. Afterward, I reviewed not only her written responses to me but those that she had responded to other colleagues. I requested further that she provide certain commitments in writing. After speaking with her at length and considering everything that I have learned, I have the following comments to share:

First, I must state that I absolutely believe Betsy DeVos cares deeply for all children. I think we all acknowledge that she could have spent her time, her energy, and her considerable resources on almost anything else that she chose to do. I admire her for choosing to help children to access a better education because she could have chosen to do many other things, but she chose to work for children, and I appreciate that.

Now, as Senators, we are in the position to provide advice and consent on the President's nominee. My view has been—and has been since I came to the U.S. Senate—that under almost all circumstances, a President has the right to have their nominees considered and to receive a full vote by the entire Senate.

So I have gone back, and I have looked at how I, as a Senator, have handled confirmations under President Bush and President Obama. When cloture votes have been called on Cabinet nominees, my practice has been to vote aye. I voted aye twice for Secretary of Defense Hagel. I voted aye for Secretary of Labor Perez, even though I voted against his confirmation in the final vote.

So, Mrs. DeVos.

She has answered thousands of questions that have been put to her. Neither the Office of Government Ethics, the Senate HELP Committee, nor I have found any substantive reason to question Mrs. DeVos's name or reputation, but yet I have heard from thousands—truly thousands of Alaskans who share their concerns about Mrs. DeVos as Secretary of Education. They

have contacted me by phone, by email, in person, and their concerns center—as mine do—on Mrs. DeVos's lack of experience with public education and the lack of knowledge she portrayed in her confirmation hearing.

Alaskans are not satisfied that she would uphold Federal civil rights laws in schools that receive Federal funds. They question her commitment to students with disabilities' rights under IDEA. They fear that the voucher programs that are intended to serve them may actually rob them of the opportunity to benefit from an education in an inclusive environment with their nondisabled peers.

After 8 years of the micromanagement that we have seen from this previous administration, quite honestly, they are very concerned that Mrs. DeVos will force vouchers on Alaska. Now, she has said that she has not. She has committed publicly and to me personally that she will not seek to impose vouchers on our States. She has committed to implementing Federal education laws as they are written and intended, and this is a welcome departure from what we had seen with the two previous Secretaries of Education.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for an additional 1½ minutes.

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

Ms. MURKOWSKI. Thank you, Mr. President.

She has committed that the focus she will give, not only to Alaska but to all States will not undermine, erode, or ignore public schools and that she will, in fact, work to support our public schools. She has committed to me that she will come to Alaska in order to learn from Alaska's educators, our parents, school board members, and our tribal representatives to see for herself the challenges we face.

I still continue to have concerns. I think Mrs. DeVos has much to learn about our Nation's public schools, how they work and the challenges they face.

I have serious concerns about a nominee to be Secretary of Education who has been so involved in one side of the equation—so immersed in the push for vouchers—that she may be unaware of what actually is successful within the public schools and also what is broken and how to fix them.

Betsy DeVos must show us that she truly understands the children of Alaska and across America, both urban and rural, who are not able to access an alternative choice in education, as in so many of my communities. She must show us that she will work to help the struggling public schools that strive to educate children whose parents are unable to drive them across town to get to a better school. That she will not ignore the homeless students whose main worry is finding somewhere safe to sleep and for whom their public school

is truly a refuge. And that she will fight for the children whose parents don't even know how to navigate these educational options.

I believe that my colleagues here in the Senate and the many, many they represent have the right to debate these questions, to air their thoughts and concerns and perspectives about this nomination, and again I believe that any President has the right to expect that we do so.

I conclude my remarks to make clear that my colleagues know firmly that I do not intend to vote, on final passage, to support Mrs. DeVos to be Secretary of Education. I thank the chairman of the committee for working with me and with my colleagues on this matter, but I cannot support this nominee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Mr. ALEXANDER. Mr. President, I come to the floor to thank the Senator from Alaska and the Senator from Maine for this reason: They are following a long and venerable tradition in the United States Senate that too many Senators do not follow. They are allowing—despite their final view on the substance of an issue—the full Senate to make a decision on an important issue.

It used to be that a motion to proceed to an issue was routine. It used to be that after a certain period of time, we would cut off the vote so we could have an up-or-down vote, 51, on an important issue.

We have gotten away from that, but Senator COLLINS and Senator MURKOWSKI have been among the most consistent Senators who would say, absent extraordinary circumstances, “I am going to vote to allow the vote to come to the floor so the full Senate can make its decision,” and I thank them for that.

Madam President, as to Mrs. DeVos, I ask unanimous consent to have printed in the RECORD, following my remarks, an article about why the Senate should promptly confirm Betsy DeVos as U.S. Education Secretary, which I believe it will do so.

Mrs. DeVos will be an excellent Education Secretary. She has commitment to public education. She has said that. There is no better example of that than her work on the most important reform of public schools in the last 30 years, which is charter schools.

Charter public schools are the fastest growing form of public education to give teachers more freedom and parents more choices, and she has been at the forefront of that public school activity. Second, she has spent her time truly helping to give low-income parents more choices and better schools for their children, but is that a reason not to support her? I would be sur-

prised if any President supported an Education Secretary who didn't support charter schools. I would be surprised if a Republican President nominated an Education Secretary who didn't believe in school choice.

What I especially like about Mrs. DeVos is that she believes in the local school board, instead of the national school board. She has made it clear that there will be no mandates from Washington to adopt Common Core in Arkansas or Tennessee if she is the Education Secretary, there will be no mandate in Washington to evaluate teachers in Washington State this way or that way if she is the Secretary, and there will be no mandate from Washington to have vouchers in Maine or Alaska if she is the Secretary.

She believes in the bill we passed in December of 2015, with 85 votes, that restores to States and classroom teachers and local school boards the responsibility for making decisions about standards, about tests, about how to help improve schools, about how to evaluate teachers. That passed because people were so sick and tired of Washington telling local schools so much about what to do.

She will be that kind of Education Secretary. She will be an excellent Education Secretary. The two Senators have followed a venerable and honorable tradition in the Senate by saying they will vote to allow the full Senate to consider her nomination, and when we do, I am confident she will be confirmed.

There being no objection, the material was ordered to be printed in the RECORD, as follows: [Jan. 24, 2017]

SENATE SHOULD PROMPTLY CONFIRM BETSY DEVOS

(By Sen. Lamar Alexander)

Democrats desperately are searching for a valid reason to oppose Betsy DeVos for U.S. Education Secretary because they don't want Americans to know the real reason for their opposition.

That real reason? She has spent more than three decades helping children from low-income families choose a better school. Specifically, Democrats resent her support for allowing tax dollars to follow children to schools their low-income parents' choose—although wealthy families choose their children's schools every day.

Tax dollars supporting school choice is hardly subversive or new. In 2016, \$121 billion in federal Pell Grants and new student loans followed 11 million college students to accredited public, private or religious schools of their choice, whether Notre Dame, Yeshiva, the University of Tennessee or Nashville's auto diesel college. These aid payments are, according to Webster's—“vouchers”—exactly the same form of payments that Mrs. DeVos supports for schools.

America's experience with education vouchers began in 1944 with the GI Bill. As veterans returned from World War II, federal tax dollars followed them to the college of their choice.

Why, then, is an idea that helped produce the Greatest Generation and the world's best colleges such a dangerous idea for our children?

Mrs. DeVos testified that she opposes Washington, D.C., requiring states to adopt vouchers, unlike her critics who delight in a

National School Board imposing their mandates on states, for example, Common Core academic standards.

So, who is in the mainstream here? The GI Bill, Pell Grants, student loans, both Presidents Bush, President Trump, the 25 states that allow parents to choose among public and private schools, Congress with its passage of the Washington, D.C. voucher program, 45 U.S. senators who voted in 2015 to allow states to use existing federal dollars for vouchers, Betsy DeVos—or her senate critics?

The second reason Democrats oppose Mrs. DeVos is that she supports charter schools—public schools with fewer government and union rules so that teachers have more freedom to teach and parents have more freedom to choose the schools. In 1992, Minnesota's Democratic-Farmer-Labor party created a dozen charter schools. Today there are 6,800 in 43 states and the District of Columbia. President Obama's last Education Secretary was a charter school founder. Again, who is in the mainstream? Minnesota's Democratic-Farmer-Labor party, Presidents Bush, Clinton and Obama; the last six U.S. Education Secretaries, the U.S. Congress, 43 states and the District of Columbia, Betsy DeVos—or her senate critics?

Her critics dislike that she is wealthy. Would they be happier if she had spent her money denying children from low-income families choices of schools?

Mrs. DeVos' senate opponents are grasping for straws. We didn't have time to question her, they say, even though she met with each one of them in their offices, and her hearing lasted nearly an hour and a half longer than either of President Obama's education secretaries.

Now she is answering 837 written follow up questions from Democratic committee members—1,397 if you include all the questions within a question. By comparison, Republicans asked President Obama's first education secretary 53 written follow-up questions and his second education secretary 56 written follow-up questions, including questions within a question. In other words, Democrats have asked Mrs. DeVos 25 times as many follow-up questions as Republicans asked of either of President Obama's education secretaries.

Finally, Democrats are throwing around conflict of interest accusations. But Betsy DeVos has signed an agreement with the independent Office of Government Ethics to divest, within 90 days of her confirmation, possible conflicts of interest identified by the ethics office, as every cabinet secretary is required to do. That agreement is on the internet.

Tax returns? Federal law does not require disclosure of tax returns for cabinet members, or for U.S. Senators. Both cabinet members and senators are already required to publish extensive disclosures of their holdings, income and debts. Cabinet members must also sign an agreement with the Office of Government Ethics to eliminate potential conflicts of interest.

One year ago, because I believe presidents should have their cabinet in place in order to govern, I worked to confirm promptly President Obama's nomination of John King to be Education Secretary, even though I disagreed with him.

Even though they disagree with her, Democrats should also promptly confirm Betsy DeVos. Few Americans have done as much to help low-income students have a choice of better schools. She is on the side of our children. Her critics may resent that, but this says more about them than it does about her.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### TRAVEL BAN

Mrs. SHAHEEN. Mr. President, I came to the floor today to join with Senators and people across this country in speaking out against the President's misguided and, I believe, destructive Executive order that has abruptly closed our borders to all refugees as well as citizens from seven Muslim-majority countries.

During the campaign, Candidate Trump called for a "total and complete shutdown of Muslims entering the United States." I had certainly hoped that once in office, he would receive wise and prudent counsel and he would realize that elevating such a Muslim ban to the status of official U.S. policy would have very negative consequences.

Instead, what we have seen is that a small group in the White House acting in secret produced this Executive order. They did so without legal review and even without the knowledge of the Secretary of Homeland Security, the Secretary of Defense, or the nominee to be Secretary of State. As a result, as we all know, we saw a weekend of chaos and confusion—a self-inflicted wound to our national security and to our reputation in the world.

The consequences go far beyond the scenes of disorder that we witnessed in recent days. By singling out Muslim-majority countries and banning their citizens from entry into the United States and by denying entry to all refugees, the President has greatly damaged America's image across the world and, perhaps, worst of all, this Executive order is a gift to ISIS, Al Qaeda, and to every other radical jihadist group. On social media they celebrated the travel ban as a confirmation to their narrative that the United States is at war with Islam and that they are engaged in a clash of civilizations. One ISIS sympathizer praised the Executive order as a "blessed ban," comparing it to what he called "the blessed invasion" of Iraq, which inflamed anti-American anger across the Islamic world. This is dangerous because this is a powerful recruitment tool for our enemies.

I am also deeply concerned that this Executive order endangers our troops and our diplomats who are in the field. Today, more than 5,000 American troops are supporting Iraqi troops in the fight to reclaim Mosul and drive ISIS out of Iraq. By discriminating based on religion and nationality, the President's order undermines the local alliances and the trust established by our troops and diplomats in the field. This order is so ill-considered that, as originally drafted, it even barred Iraqi civilians, including translators who provided essential assistance to the U.S. mission.

Just to be clear, this Muslim ban is un-American. It is offensive to our Nation's core values and ideals. The right way forward is not to carve out small

exceptions to the Muslim ban. It is to repeal the ban entirely. The President has called for what he has termed "extreme vetting," but the truth is that our vetting procedures are already thorough and rigorous. It takes as long as 24 months for a refugee to make it through the process and come to the United States. The entire screening process takes place outside the United States. So it doesn't pose a threat to people here in America.

In my home State of New Hampshire, the President's Executive order has caused shock and profound concern, especially in our business and academic communities, as well as in our immigrant communities. T.J. Parker is the CEO of PillPack, a company that employs nearly 400 people in Manchester, which is the largest city in New Hampshire. He said on Monday: "This ban is wrong and goes against our values as a company and as Americans."

He continued: "I'm also deeply concerned about any measures that could discourage talented individuals from studying and working in the U.S."

The Union Leader newspaper reported yesterday that more than 700 refugees who settled in New Hampshire over the past decade are from the seven countries singled out in the Executive order and would have been banned from entry. These immigrants are not Iraqis, Somalis, Sudanese or Syrians. They are proud loyal members of our diverse American family. Many of them have spouses or children still in refugee camps, and they hope to be united with their families. The President's order has now slammed the door on these hopes.

Yesterday the Associated Press in New Hampshire reported on Dr. Omid Moghimi, an internist at New Hampshire Dartmouth-Hitchcock Medical Center. An American citizen, he fell in love with a childhood friend in Iran and married her in Tehran in 2015. Here is the picture of the two of them on their wedding day. After months of vetting for entry to the United States, his wife had an appointment for her visa interview. That appointment was abruptly canceled after the President's Executive order, and Dr. Moghimi worries that this could become permanent. He is now in his first year of a 3-year residency, and he fears he will have to leave the United States in order to live with his wife, who volunteers at daycare centers and an orphanage. Dr. Moghimi told the AP: "There's no evidence that she is in any way even a miniscule threat, security risk, and there are many, many cases like her out there."

If this Executive order stays in effect, we lose the opportunity to have Dr. Moghimi practice in the United States and maybe serve a community in New Hampshire, and it has a real impact on their lives. The ill-advised words and actions, including this Executive order, have damaged America's standing in the world and harmed our national security. But the Senate has

an opportunity to send a very different message to our allies and to our enemies across the globe. We can make clear that America's democracy is founded on a system of checks and balances, and that the President doesn't speak for America or make policy all by himself. I urge my Senate colleagues to join with us in supporting legislation to repeal the President's order. We need to send a clear message to the world that America does not support discrimination based on religion. We welcome appropriately vetted refugees from wars and violence, and we respect our Muslim allies, including our friends in Iraq who have sacrificed so much in the fight against ISIS.

In recent days we have seen what happens when America betrays its ideals and its allies. The Senate has a responsibility to reassert those ideals and to reassure our allies. I urge my colleagues to support legislation that Senator FEINSTEIN put forward to repeal the President's Executive order.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I rise today to speak about the nominee for Secretary of State. I will be brief and to the point.

Mr. Rex Tillerson led his last organization in a lobbying campaign to undermine the national security interests of the United States in favor of Russia, Iran, and corporate profit. Putting narrow corporate interests ahead of America's national security interests is inexcusable for a CEO and disqualifying for a nominee to be our Nation's chief diplomat.

I will vote against Rex Tillerson's nomination for Secretary of State, and I encourage my colleagues to do the same.

Thank you, Mr. President. I yield back the remainder of my time.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Mr. President, I yield back the remainder of our time.

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

All postcloture time has expired. The question is, Will the Senate advise and consent to the Tillerson nomination?

Mr. ISAKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll. The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—56

Alexander Gardner Paul
Barrasso Graham Perdue
Blunt Grassley Portman
Boozman Hatch Risch
Burr Heitkamp Roberts
Capito Heller Rounds
Cassidy Hoeven Rubio
Cochran Inhofe Sasse
Collins Isakson Scott
Corker Johnson Sessions
Cornyn Kennedy Shelby
Cotton King Sullivan
Crapo Lankford Thune
Cruz Lee Tillis
Daines Manchin Toomey
Enzi McCain Warner
Ernst McConnell Wicker
Fischer Moran Young
Flake Murkowski

NAYS—43

Baldwin Gillibrand Peters
Bennet Harris Reed
Blumenthal Hassan Sanders
Booker Heinrich Schatz
Brown Hirono Schumer
Cantwell Kaine Shaheen
Cardin Klobuchar Stabenow
Carper Leahy Tester
Casey Markey Udall
Cortez Masto McCaskill Van Hollen
Donnelly Menendez Warren
Duckworth Merkley Whitehouse
Durbin Murphy Wyden
Feinstein Murray
Franken Nelson

NOT VOTING—1

Coons

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on confirmation.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. MCCONNELL. Mr. President, I move to table the motion to reconsider, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to reconsider the vote on confirmation.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER (Mr. TOOMEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—55

Alexander Capito Cornyn
Barrasso Cassidy Cotton
Blunt Cochran Crapo
Boozman Collins Cruz
Burr Corker Daines

Ernst Kennedy Rounds
King King Rubio
Fischer Lankford Sasse
Flake Lee Scott
Gardner Manchin Shelby
Graham McCain Sullivan
Grassley McConnell Thune
Hatch Moran Tillis
Heitkamp Murkowski Toomey
Heller Paul Warner
Hoeven Perdue Wicker
Inhofe Portman Young
Isakson Risch
Johnson Roberts

NAYS—43

Baldwin Gillibrand Peters
Bennet Harris Reed
Blumenthal Hassan Sanders
Booker Heinrich Schatz
Brown Hirono Schumer
Cantwell Kaine Shaheen
Cardin Klobuchar Stabenow
Carper Leahy Tester
Casey Markey Udall
Cortez Masto McCaskill Van Hollen
Donnelly Menendez Warren
Duckworth Merkley Whitehouse
Durbin Murphy Whitehouse
Feinstein Murray Wyden
Franken Nelson

NOT VOTING—2

Sessions

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Alabama (Mr. SESSIONS) and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—53

Alexander Flake Moran
Barrasso Gardner Murkowski
Blunt Graham Paul
Boozman Grassley Perdue
Burr Hatch Portman
Capito Heitkamp Risch
Cassidy Heller Roberts
Cochran Hoeven Rounds
Collins Inhofe Rubio
Corker Isakson Sasse
Cornyn Johnson Scott
Cotton Kennedy Shelby
Crapo King Sullivan
Cruz Lankford Thune
Daines Lee Toomey
Enzi McCain Wicker
Ernst McConnell Young
Fischer Menendez