

this right for American families. It is what the people who sent us here have called for, and it remains among our top priorities here in the Senate.

#### NOMINATIONS

Mr. McCONNELL. Mr. President, on yet another matter, the Senate has been working to put the President's Cabinet in place with several important agencies that serve the American people. I am pleased to share that, by the end of the week, we will have confirmed even more nominees, including Representative ZINKE, whom we approved yesterday, as well as Dr. Ben Carson and Gov. Rick Perry. Both Carson and Perry received bipartisan support in committee, and I expect to see the same when the Senate votes to confirm them. Once we do, Dr. Carson can begin bringing much needed reforms to the Department of Housing and Urban Development, while Governor Perry can begin leading on smarter policies at the Energy Department.

I also look forward to confirming another important nomination before the Senate. Judge Neil Gorsuch continues to earn praise from both sides of the aisle, including many on the political left. President Obama's legal mentor calls Gorsuch "brilliant."

His former Solicitor General praises Gorsuch for his "fairness."

Alan Dershowitz says Gorsuch is "highly credentialed" and "hard to oppose on the merits."

Justice Ruth Bader Ginsburg recently had praise for the judge, too, complimenting his collegiality and excellent writing abilities.

Judge Gorsuch has received wide support in his local community as well, with more than 200 Colorado lawyers from across the political spectrum voicing their support for his nomination. Here is what they said in a letter to Colorado's Senators just last week. They wrote:

We know Judge Gorsuch to be a person of utmost character. He is fair, decent, and honest, both as a judge and a person. His record shows that he believes strongly in the independence of the judiciary. Judge Gorsuch has a well-earned reputation as an excellent jurist. He voted with the majority in 98 percent of the cases he heard on the Tenth Circuit, a great portion of which were joined by judges appointed by Democratic presidents.

We all agree that Judge Gorsuch is exceptionally well-qualified to join the Supreme Court. He deserves an up or down vote.

That is from 200 Colorado lawyers.

It is praise that has been reiterated by other Coloradans as well. Here is how the Colorado Springs Gazette put it this week in an editorial supporting the nomination. The paper said:

To vote against Judge Gorsuch would favor . . . party over someone who clearly ranks among the top-qualified nominees in the court's history.

The considerable praise we have heard regarding Judge Gorsuch is not surprising when we consider the reputation he has earned across his State,

in the Federal judiciary, and among those who have worked with him through the years. That includes Judge John Kane, a senior district court judge in Colorado appointed by President Carter. He also shared his view this week on what type of jurist Judge Gorsuch has been, and will continue to be, if confirmed to the Supreme Court. Here is what he had to say. This is a Carter appointee:

[Judge Gorsuch's] opinions, concurrences and dissents are clear, cogent and mercifully to the point. I have been affirmed and reversed by him and in each instance I thought he was right and fair.

Let me repeat what Judge Kane, a Carter appointee, said:

I have been affirmed and reversed by him and in each instance I thought he was right and fair.

Judge Kane added that Judge Gorsuch's "writings indicate a strong respect for tradition and precedent" and, he said, "I don't find his decisions reflecting any sort of ideological bias."

"I am very comfortable with this nomination," Judge Kane concluded, and "I'm not sure we could expect better, or that better presently exists."

Let me say that again. This is a Carter appointee to Federal courts. He said: "I'm not sure we could expect better, or that better presently exists."

In other words, no one is better.

It is high acclaim from someone who not only has professional experience with the nominee before us but also someone who, as a judge himself, has a clear-eyed understanding of the standards a jurist must uphold.

In the coming days, we can expect to see more examples of bipartisan support for Judge Gorsuch. He is an outstanding nominee. He is both well qualified and well respected, and he deserves fair consideration and an up-or-down vote.

The PRESIDING OFFICER. The Senator from Mississippi.

#### THANKING THE MAJORITY LEADER

Mr. COCHRAN. Mr. President, let me thank the distinguished majority leader for his generous remarks about my service in the Senate, as has been reflected by the last long number of years. It is heartwarming, and it also reminds me of how important our collective efforts are for the future of our country, our economy, peace in our time, and in helping ensure that we make our time here a positive influence over the opportunities that are available for our citizens to enjoy life, safe and secure, with good leaders and commonsense leaders. That is what our leader is.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Benjamin S. Carson, Sr., of Florida, to be Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate equally divided.

If nobody yields time, the time will be charged equally.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I stand this morning just before we vote on Dr. Benjamin Carson as the next Secretary of the Department of Housing and Urban Development to strongly urge my colleagues to support his nomination.

Dr. Carson was advanced in the committee by a voice vote, as Senator BROWN and I worked with the Banking Committee to assure that his nomination moved through smoothly. I thank Senator BROWN for his cooperation and work to help us move this nomination promptly.

Dr. Carson also received numerous letters of support from former HUD Secretaries and housing stakeholders alike. There truly is an excitement for his leadership to be brought to the Department.

As I highlighted yesterday, Dr. Carson has said that once confirmed, he is committed to embarking on a listening tour, where he will hear stories and concerns from housing stakeholders across America. This presents a real opportunity for Americans to weigh in on how housing issues affect them in their local communities—input that can make a lasting impact on HUD policies.

Once Dr. Carson is confirmed, we can begin working on several important issues under HUD's jurisdiction. Homelessness, especially among our Nation's veterans, needs to be addressed. We need to streamline regulatory burdens on local public housing agencies so that they can more efficiently serve the communities that rely on them. Financing arrangements for small and rural affordable housing developments should also be strengthened.

For years, there has been bipartisan interest in a number of these reforms. I look forward to having a strong partner at HUD so that we can tackle these important issues and many others head-on. I am eager to get that process started and to start work with Dr. Carson, with Ranking Member BROWN, and

with other members of the Banking Committee on these critical issues.

Again, I urge my colleagues to vote to confirm Dr. Carson so that this important work can begin.

Mr. LEAHY. Mr. President, the Department of Housing and Urban Development plays a vital role ensuring that all Americans have access to safe affordable housing. Affordable housing should not be a political issue; it is a moral issue. Programs like Section 8 and the Community Development Block Grant, CDBG, Program keep families in their homes and support and maintain affordable housing. That is not up for debate.

I am disappointed that President Trump did not look to our knowledgeable housing advocates across the country to identify a qualified, experienced nominee to serve as Secretary of the Department of Housing and Urban Development and instead nominated Dr. Ben Carson to this important position. In testimony before the Senate Banking Committee, Dr. Carson, like many nominees, said the right things. He made the right promises. I want to believe that he will fulfill those commitments.

Programs administered by the Department of Housing and Urban Development keep shelter over the heads of our Nation's struggling and low-income families. They combat homelessness among adults and children alike by building and maintaining affordable housing and helping families buy their first homes. I am proud of the progress we have made in Vermont and across the Nation through programs implemented by the Department of Housing and Urban Development. During his confirmation hearing, Dr. Carson testified to the crucial role of rental assistance programs. He pledged to be an advocate for funding for housing assistance programs. He turned away from his previous call for a 10-percent across-the-board cut to housing programs. I hope that Dr. Carson will fulfill these commitments.

I continue to have concerns regarding Dr. Carson's seeming animosity toward the affirmatively furthering fair housing, AFFH rule, which he called a "failed socialist experiment" in an op-ed in the Washington Times. While Dr. Carson tried to minimize those comments in his hearing, I remain concerned that Dr. Carson doesn't understand the AFFH rule. This rule asks cities and towns receiving Federal dollars to look at their housing patterns to identify racial bias and to take action to rectify any bias they find. Dr. Carson has called it social engineering. I call it social justice and support the examination of policies to promote equality and eliminate discrimination. During his confirmation hearing, he pledged to enforce our fair housing laws. I believe this includes upholding the AFFH.

I am concerned that Dr. Carson lacks the necessary experience to successfully serve as our Secretary of Housing

and Urban Development. He will be confirmed, of that there is no doubt. I hope that Dr. Carson will work with both sides of the aisle to further the mission of the Department, strengthen the successful programs that keep families in their homes, build and support and maintain affordable housing in Vermont and across the Nation, and help first-time home buyers realize their homeownership goals.

Mr. VAN HOLLEN. Mr. President, Congress created the Department of Housing and Urban Development in 1965 to create strong, sustainable, inclusive communities and quality affordable homes for all Americans. During last year's Presidential campaign, however, President Trump often called into question his commitment to an inclusive America. Thus, the abilities and commitment of the Secretary of Housing and Urban Development are all the more important.

I voted, along with others in the Banking Committee, to report Dr. Carson's nomination to the full Senate because I wanted to allow the nomination to proceed to the floor for consideration and debate. During that time, I have further examined the nomination. I reviewed the statements and letters that I have received from organizations and individuals who are directly impacted by the work of HUD.

Dr. Carson is a gifted neurosurgeon, but nothing in his experience indicates that he is prepared to run an 8,400-employee government agency. Armstrong Williams, a business manager and close friend of Dr. Carson's, told Reuters in November, "His life has not prepared him to be a Cabinet secretary." Mr. Williams told CNN, "He's never run an agency and it's a lot to ask. He's a neophyte and that's not his strength." And Mr. Williams told The Hill newspaper, "Dr. Carson feels he has no government experience, he's never run a federal agency."

Moreover, Dr. Carson's past statements have questioned the mission of the agency that he would lead. He has implied that housing assistance provided by the Department is harmful. He has characterized it as if it were calculated to create dependency, ignoring the real world needs of people who rely on this important safety net. Dr. Carson was dismissive when, during his confirmation hearing, I noted that so many millions of people who receive housing assistance are seniors or people with disabilities, and I asked Dr. Carson about his past advocacy of abolishing Medicare and Medicaid. Dr. Carson's testimony in committee did not show understanding of the importance of these safety net programs to seniors or people with disabilities.

Dr. Carson has also made several statements that call into question his view of the role of the Department in ensuring fair housing for all. Specifically, he has said disparaging things about housing desegregation efforts. In July of 2015, Dr. Carson wrote in the Washington Times that the Depart-

ment of Housing and Urban Development rule designed to desegregate housing, the "affirmatively further" rule, was a "social experiment" and he likened it to "failed socialist experiments."

Dr. Carson likened housing desegregation to "what you see in communist countries." After HUD issued a letter declaring that the city of Dubuque's implementation of the section 8 housing voucher program was intentionally discriminatory against Black applicants from Chicago, Dr. Carson told Iowa radio show host Jan Mickelson, "This is what you see in communist countries, where they have so many regulations encircling every aspect of your life that if you don't agree with them, all they have to do is pull the noose."

Dr. Carson has also shown a lax attitude toward holding accountable those who triggered the housing crisis and financial collapse.

In the February 2016 CBS Republican Presidential debate, Dr. Carson seemed to question the penalty that the Justice Department and the New York Attorney General extracted from a big New York bank for contributing to the mortgage crisis. The Wall Street Journal's Kimberly Strassel asked Dr. Carson: "This week Morgan Stanley agreed to pay a \$3.2 billion fine to state and federal authorities for contributing to the mortgage crisis. You have a lot of Democrats out saying that we should be jailing more executives, so two questions. Should financial executives be held legally responsible for financial crisis, and do you think fines like these are an effective way to deter companies from future behavior like that?"

Dr. Carson replied: "Now, the—as far as these fines are concerned, you know? Here's the big problem. We've got all these government regulators, and all they're doing is running around looking for people to fine. And, we've got 645 different federal agencies, and sub-agencies. Way, way too many, and they don't have anything else to do. I think what we really need to do is start trimming the regulatory agencies rather than going after the people who are trying to increase the viability, economic viability of our society."

While criticizing the Justice Department for its work to hold Wall Street accountable, Dr. Carson also advocated for a policy that would have made housing less affordable. His campaign website called for "privatizing housing giants Fannie Mae and Freddie Mac." Fannie Mae and Freddie Mac play an important role providing liquidity to the nation's mortgage finance system. A large number of advocacy groups, academics, and industry stakeholders alike agree that some form of government backstop is necessary to ensure a stable housing market and to maintain the 30-year fixed-rate mortgage.

I am also deeply troubled by statements made by Dr. Carson that indicate intolerance. When, in September

2015, Chuck Todd of NBC's Meet the Press asked Dr. Carson whether he thought Islam is consistent with the Constitution. Dr. Carson answered, "No, I don't, I do not." Dr. Carson's remarks revealed a fundamental misunderstanding about the First Amendment and religious liberty. And Dr. Carson's remarks about the LGBT community also raise concerns about tolerance.

Because of all the concerns that I have raised, I will not be able to support Dr. Carson's nomination for this post. However, should he be confirmed, I will do everything possible to help make his tenure successful. Specifically, I was heartened by Dr. Carson's statements about wanting to address the hazards of lead paint. I was pleased that, at his confirmation hearing, Dr. Carson agreed that he would urge President Trump to continue the White House task force that President Obama created after the Freddie Gray tragedy in Baltimore to help Baltimore by trying to break down some of the silos among different Federal agencies. We have a lot of work to do in Baltimore and throughout Maryland.

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

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

Mr. CRAPO. Mr. President, I yield back all time.

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

The question is, Will the Senate advise and consent to the Carson nomination?

Mr. CRAPO. 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. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 77 Ex.]

YEAS—58

Alexander	Cornyn	Graham
Barrasso	Cotton	Grassley
Blunt	Crapo	Hatch
Boozman	Cruz	Heitkamp
Brown	Daines	Heller
Burr	Donnelly	Hoeven
Capito	Enzi	Inhofe
Cassidy	Ernst	Johnson
Cochran	Fischer	Kennedy
Collins	Flake	King
Corker	Gardner	Lankford

Lee	Risch	Tester
Manchin	Roberts	Thune
McCain	Rounds	Tillis
McConnell	Rubio	Toomey
Moran	Sasse	Warner
Murkowski	Scott	Wicker
Paul	Shelby	Young
Perdue	Strange	
Portman	Sullivan	

NAYS—41

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

NOT VOTING—1

Isakson

The nomination was confirmed. The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination, and I move to table the motion to reconsider.

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

The motion was agreed to.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate, equally divided.

Mr. MCCONNELL. Mr. President, I yield back the time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James Richard Perry, of Texas, to be Secretary of Energy.

John Boozman, Chuck Grassley, Johnny Isakson, John Cornyn, James Lankford, James M. Inhofe, Michael B. Enzi, Roger F. Wicker, Pat Roberts, Lamar Alexander, Bill Cassidy, John Barrasso, Orrin G. Hatch, Jerry Moran, David Perdue, John Thune, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of James Richard Perry, of Texas, to be Secretary of Energy shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 78 Ex.]

YEAS—62

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

NAYS—37

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

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 62, and the nays are 37.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of James Richard Perry, of Texas, to be Secretary of Energy.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will speak briefly, as I know the distinguished senior Senator from Alaska is waiting to speak.

I ask unanimous consent to speak as in morning business.

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

#### CALLING FOR THE APPOINTMENT OF A SPECIAL COUNSEL

Mr. LEAHY. Every day we learn more about the troubling connections between the Russian Government and both President Trump's administration and his campaign, but last night kind of topped everything—a revelation that Attorney General Sessions met with Russian officials during the height of the Presidential campaign, which raises a new level of alarm.

One of the reasons is, we now know the Attorney General, under oath, misled the Senate Judiciary Committee in response to my direct question about his contacts with Russian officials. I asked then-Senator Sessions if he had