

NOMINATION OF MUSTAFA TAHER KASUBHAI

Mr. MERKLEY. Mr. President, last fall, Senator WYDEN and I had the privilege of introducing Judge Mustafa Kasubhai to the Senate Judiciary Committee.

Judge Kasubhai is unquestionably qualified to be the next U.S. district judge for the District of Oregon. I know that he will do an exceptional job for the people of our State and the people of the United States under the vision of equal justice for all.

His record on the bench reflects his commitment to the U.S. Constitution, to the rule of law, and to precedent.

I will quote the judge directly. He said:

I have presided over 5,000 matters in my judicial career, and I have issued over 400 written opinions as a United States Magistrate Judge. My judicial opinions have been upheld over ninety percent of the time.

Some in this Chamber have asked: But is the judge in the mainstream?

Absolutely you are in the mainstream when you have that type of stellar record.

It is no surprise that he brings support from across Oregon, from across the legal profession, and from across the political spectrum to his judicial nomination.

He has been endorsed with the “full support” of the Oregon Association of Chiefs of Police for his unwavering commitment to supporting crime victims and law enforcement, which, in the police chief’s opinion, “make him an exemplary candidate for this esteemed position.”

He brings bipartisan support. He was nominated by President Biden, and his nomination has been endorsed by appointees of both President George Bush and President Donald J. Trump. President Bush’s appointee, a senior judge for the U.S. district court of Oregon, called Judge Kasubhai “the very soul of fairness.”

Let me tell you about the judge some things that Oregon has known for more than 30 years. His leadership in the law has been grounded in public service since he served as president of the Student Bar Association at the University of Oregon School of Law.

After graduation, he went into private practice—not in a high-rise downtown, working for a big corporation, but serving ordinary folks in small towns and rural communities in southern and eastern Oregon. He has seen firsthand the day-to-day difficulties working families face in these rural areas.

He brings to the bench a sense of fairness and justice for all. Shouldn’t that be the foundation for a judge, that they really understand the perspective of justice for all—not justice for the powerful, not justice for the billionaires, justice for all?

His service to Oregon and leadership in the law only increased in the following years, serving as a member of the Oregon Workers’ Compensation Board, serving as a judge on the Lane

County Circuit Court until, in 2018, he was elected by the active and senior Federal court judges of the District of Oregon to serve alongside them as a U.S. magistrate judge. When you are elected by other judges, you are a judge’s judge. It says a lot about how highly he is respected.

He was honored in 2022 with the Wallace P. Carson Award for Judicial Excellence, which recognizes those who make exemplary contributions to Oregon’s judiciary.

He is a standout judicial nominee with sterling credentials, an exemplary record, endorsement of law enforcement, and bipartisan support. He has earned the respect and admiration of his peers and colleagues. He is an outspoken champion for justice for all, a fierce believer in our democratic republic, and a passionate defender of the rule of law.

When he visited Washington last fall, he told me he went to the National Archives to, in his words, “pay tribute” to the Constitution. He just wanted to see an original copy of the Constitution directly.

So it is with some pride in his record in Oregon and a substantial amount of admiration for his service to the people of our State and the service he will give to the people of our Nation that I urge my colleagues to support Judge Mustafa Kasubhai to be the next U.S. district judge for the District of Oregon.

VOTE ON OLER NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Oler nomination?

Mr. WHITEHOUSE. 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 legislative clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Arizona (Ms. SINEMA), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from North Dakota (Mr. HOEVEN).

Further, if present and voting: the Senator from North Dakota (Mr. HOEVEN) would have voted “nay.”

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 199 Ex.]

YEAS—52

Baldwin	Carper	Hassan
Bennet	Casey	Heinrich
Blumenthal	Collins	Hickenlooper
Booker	Coons	Hirono
Brown	Cortez Masto	Kaine
Butler	Duckworth	Kelly
Cantwell	Gillibrand	King
Cardin	Graham	Klobuchar

Lujan
Manchin
Markey
Merkley
Murkowski
Murphy
Murray
Ossoff
Padilla
Peters

Reed
Romney
Rosen
Sanders
Schatz
Schumer
Shaheen
Smith
Stabenow
Tester

Tillis
Van Hollen
Warner
Warnock
Warren
Welch
Whitehouse
Wyden

NAYS—42

Barrasso
Blackburn
Boozman
Braun
Britt
Budd
Capito
Cassidy
Cornyn
Cotton
Crapo
Cruz
Daines
Ernst

Fischer
Grassley
Hagerty
Hawley
Hyde-Smith
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Mullin

Paul
Ricketts
Risch
Rounds
Rubio
Schmitt
Scott (FL)
Scott (SC)
Sullivan
Thune
Tuberville
Vance
Wicker
Young

NOT VOTING—6

Cramer
Durbin

Fetterman
Hoeven
Menendez
Sinema

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate’s action.

The majority leader.

CLOTURE MOTION WITHDRAWN

Mr. SCHUMER. Mr. President, I ask unanimous consent that the cloture motion with respect to the Kasubhai nomination be withdrawn.

The PRESIDING OFFICER. Is there objection?

Not hearing an objection, it is withdrawn.

The cloture motion was withdrawn.

UNANIMOUS CONSENT AGREEMENT—S. 870

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate resume legislative session and the Chair execute the order of June 13, 2024; further, I ask unanimous consent that the order be modified so that the time until 5:45 p.m. be for debate, equally divided, with all other provisions of the previous order remaining in effect.

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

LEGISLATIVE SESSION

FIRE GRANTS AND SAFETY ACT OF 2023

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House.

The senior assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 870) entitled “An Act to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs,” do pass with an amendment and an amendment to the title.

MOTION TO CONCUR

Mr. SCHUMER. Mr. President, I move to concur in the House amendment to S. 870.

RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. to allow for the weekly caucus meetings.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOOKER).

FIRE GRANTS AND SAFETY ACT
OF 2023—Continued

The PRESIDING OFFICER. The Senator from Hawaii.

U.S. SUPREME COURT

Ms. HIRONO. Mr. President, I rise today deeply concerned that the far-right majority on the Supreme Court is preparing to sow further chaos in our country.

Any day now, the Court is expected to rule on two cases pertaining to the Chevron doctrine, a 40-year-old doctrine with roots that go back to our country's founding that is critical to a functioning Federal Government.

The Chevron doctrine is pretty simple. It recognizes that Congress delegates authority to technical experts at Federal Agencies so that those Agencies can effectively and efficiently implement Federal laws in their areas of expertise in line with congressional intent. As a result, for nearly four decades, courts generally have deferred to reasonable interpretations by administrative Agencies where the law is unclear or ambiguous.

In fact, before 1984, lower court judges were criticized for overriding agency experts and imposing their own policy views. That is why the Court handed down the Chevron decision in the first place.

The Chevron doctrine was originally favored by conservative judges, including the conservative majority on the Supreme Court during the Reagan administration who viewed it as a check against judicial activism.

In recent years, however, many on the right have turned against the Chevron doctrine, viewing it as an impediment to their efforts to consolidate power and enable far-right judges to legislate from the bench.

Now the same far-right ideologues who fought to end Roe are all in for ending Chevron as well. Justice Gorsuch, one of the most outspoken critics of Chevron, has gone so far as to call for the Court to give the doctrine "a tombstone no one can miss." The so-called Alliance Defending Freedom—the same group leading the charge to eliminate access to mifepristone, as approved by the FDA—has called for the Chevron doctrine to go, asserting without evidence that it allows Agency experts to "impos[e] personal political agendas that Congress has not authorized."

To be clear, this case is not about the so-called major question doctrine but about the sorts of day-to-day decisions that Federal Agency experts make

when implementing law. Overturning Chevron would undermine these sorts of everyday decisions and, in doing so, jeopardize the regulatory system on which much of our country and our economy rests. It would empower the hundreds of individual Federal judges to overrule carefully considered rule-making decisions by Agency experts, turning a consistent regulatory framework into a chaotic mess of conflicting opinions.

At its core, this case is about who should be making policy decisions on issues that affect our lives—subject matter experts or Federal judges. Who gets to determine the safety of the air we breathe—environmental scientists at the EPA or Federal judges? Who decides whether or not a new drug is actually effective—doctors at the FDA or Federal judges? Who determines whether nursing homes are meeting safety standards—elder care experts at HHS or Federal judges? With no disrespect to our Federal judges, they lack the expertise to make these kinds of decisions.

While Congress enacts legislation at a high level, it recognizes that the institutional capacity and expertise to implement legislation exists within executive Agencies. That is why our Federal Agencies exist—to implement informed, evidence-based regulations that provide a level of regulatory certainty and stability.

Eliminating Chevron now, after more than four decades, would sow chaos and confusion on Agency actions moving forward as well as the nearly 18,000 Federal cases that have been decided based on the Chevron doctrine. Even if the Court stops short of fully eliminating Chevron, significantly narrowing it will have much the same effect.

Overturning Chevron is yet one more component of the far-right's broader agenda to capture the courts, advance their conservative ideological agenda, and hollow out our regulatory system.

The Court will hand down a decision in this highly important case in a matter of days, and we will see whether this case becomes yet another cautionary tale for a Court that has been busy overturning decades of precedent, sowing chaos left, right, and center.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

NICARAGUA

Mrs. BRITT. Mr. President, as Americans, we believe that every person on the planet is created by their Creator with certain unalienable rights. Religious freedom is at the top of that list, and for me, I believe it must be protected at every turn.

That is why I continue to be deeply concerned with what is happening in Nicaragua. Since 2018, the Nicaraguan regime has persecuted Christians, including the Catholic Church and various Christian missions and charities. This lawless behavior has only escalated recently.

In December, Nicaraguan police arrested approximately a dozen individuals—mostly pastors—associated with Mountain Gateway. These Christian faith leaders have been unjustly imprisoned since then and were handed down a sham sentence in March. The regime has imposed a fine totaling nearly \$1 billion—so that is about 6 percent of that country's entire GDP—along with 12 to 15 years of imprisonment.

Let's be very clear: These Christians are in prison today because of their faith. Their very freedom has been taken away because they chose to preach the Gospel. And the regime doesn't seem to want to stop there. In addition to those arrested and imprisoned, Nicaragua has issued arrest warrants for three more Americans. They are all associated with Mountain Gateway.

Mountain Gateway is an American nonprofit, a faith-based organization that was founded by an Alabamian and is based in Texas. Mountain Gateway recruits, trains, commissions, and sends out ordained Christian ministers to spread the Gospel.

In Nicaragua, the organization has advanced God's Kingdom through discipleship, through feeding and clothing those in need, through providing assistance after natural disasters and sharing the Gospel of our Lord and Savior, Jesus Christ. These individuals doing this work should be celebrated, not persecuted.

Earlier this year, I joined a bicameral group of colleagues in criticizing Nicaragua's regime and this egregious violation of religious freedom. Led by Congressman ROBERT ADERHOLT and Congressman BARRY MOORE, Alabama's entire congressional delegation has been united against this and on this very important bipartisan issue.

We have written letters. We introduced resolutions in both Chambers of Congress, and we called on the Biden administration to utilize all sanctions enforcement powers and leverage in any diplomatic way. Any options that are in the toolbox should be used to force Nicaragua to remedy the situation.

Today, I want to emphasize that we cannot and we will not stop speaking up against this religious persecution in Nicaragua. We are calling on the Biden administration to do more now. This regime must stop targeting American citizens, and it needs to begin faithfully upholding religious freedom in compliance with international law and universal standards of human rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

S. 870

Mr. CARPER. Mr. President, I ask to be recognized, and I am pleased to be here with you today.

I rise today in strong support of critical bipartisan legislation that will come to the Senate floor—not later