



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, TUESDAY, JULY 17, 2018

No. 120

Senate

The Senate met at 10 a.m. 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.

Eternal God, send Your peace into our hearts today, providing us with the contentment that comes from Your abiding presence. Bless our lawmakers. Use them to give hope to the hopeless, help to the helpless, and freedom to the captives. Remind our Senators that evil will triumph when good people do nothing. Give them the courage to stand for right though the heavens fall. May they totally depend on You, acknowledging You as the Author and Finisher of their faith.

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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

THE IRS AND THE FIRST AMENDMENT

Mr. McCONNELL. Madam President, last night the Internal Revenue Service made an important announcement. It

is particularly welcome news to those of us who are intently focused on defending the First Amendment, for those of us who, over the years, have raised concerns during the last administration about activist regulators punishing free speech and free association.

It is a straightforward, commonsense policy decision. The Internal Revenue Service is cutting back on the amount of nonpublic information it collects and stockpiles about Americans who donate to nonprofit causes. The IRS will no longer pointlessly demand private contributor lists from whole categories of tax-exempt organizations. I say "pointlessly" because the identity of nonprofit donors serves no compelling purpose under sections 501(c)4, and 501(c)6 of our Tax Code.

Contributions to these organizations are not tax deductible—not tax deductible—so the IRS does not need to see this data for accounting purposes. These organizations are not required to release that information under the public inspection and availability requirements.

Let me repeat. The identity of the donors to these organizations is not necessary for accounting and is not required for public inspection by the Internal Revenue Code.

It raises the question that if the IRS isn't permitted to do anything with this set of Americans' private information, why collect it in the first place?

Unfortunately, we know exactly what happens when the government stockpiles private data about the donations through which Americans participate in the public discourse. We know exactly why many on the left are keen for bureaucrats to have this confidential information. Where it leads is Americans being bullied for exercising their First Amendment rights. This bullying is established by bureaucrats and, in some cases, by elected officials.

Sometimes the government itself does the bullying. Case in point: the Obama administration's IRS scandal.

The agency slow-walked the applications of groups that appeared conservative, including some of my own constituents. Donors and groups faced unusually aggressive questioning, unreasonable deadlines followed by unreasonable delays. These were Federal authorities using the weaponry of government to punish Americans for supporting speech they didn't like.

Other times, government simply enables the harassment. It fails to protect this private information from leaking to the army of angry leftwing activists who stand eager to harass and bully anyone who is contributing to national conversations with political views with which they disagree.

Back in 2014, the IRS had to settle a lawsuit on this very issue. An IRS worker broke the law and leaked an unredacted copy of a group's confidential tax forms which wound up in the hands of a liberal organization on the opposite side of the issue. Needless to say, private information about Americans' political speech was quickly weaponized for political purposes. In one case, the CEO of a technology organization was hounded from his job by liberal activists for daring to see this subject differently than they did.

Some State governments began demanding their own copies of the information the IRS was gathering. There were similarly troubling results. In 2012, California, which had promised nonprofits that donor lists would only be seen by the State's Registry of Charitable Trusts, accidentally—published the donor lists of hundreds of nonprofits from across the political spectrum. More States, like New York, have sought to copy California, allowing more activist regulators to access this information.

So the pattern is unmistakable. This particular political movement wants to erase our age-old tradition that citizens should be able to keep their private views and the causes they privately support private.

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



Printed on recycled paper.

S4973

Back in the 1950s, it was the NAACP who took on the State of Alabama over precisely this issue. The State government tried to get their hands on the NAACP's donor list. The issue went all the way to the U.S. Supreme Court, where the NAACP won a big victory for the First Amendment.

Here is what Justice Harlan wrote in that opinion: "Inviolability of privacy and group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs."

He said that forcing private organizations to disclose their donors was not so different from forcing people with certain views to wear armbands or other clothing, advertising their beliefs to the world.

In both cases, the government's action would be inviting harassment and intimidation upon Americans—those whose beliefs were either unusual or unpopular or, in today's culture of intimidation, those whose beliefs the left disagrees with. The result is, more speakers stay silent, fewer Americans choose to exercise their right of free association.

It is bad enough to wield government power to chill political speech and invite harassment of citizens based on what an angry mob might assume their opinions are, based on their private financial records. It is even more egregious to pursue that nakedly political goal while calling it—believe it or not—good government.

In this country, good government means protecting citizens' First Amendment rights to participate in the competition of ideas, not trying to shut down that competition. We persuade. We don't intimidate.

So I welcome this announcement and applaud the leadership of Secretary Mnuchin and Acting IRS Commissioner David Kautter. I am glad this step will make the right of Americans to freely advocate for their strongly held beliefs less vulnerable to the malice of some in government and to the proven failures of bureaucracies. I urge continued vigilance for all of us who cherish the First Amendment.

TAX REFORM

Mr. MCCONNELL. Madam President, on a different matter, it is becoming a historic year for favorable economic news. There are plenty of ways to measure how American workers, job creators, and entrepreneurs are writing a new chapter.

After nearly a decade of stagnating pay and vanishing opportunities, recent months have brought remarkable milestones. Optimism among American small businesses has reached its highest level since President Reagan's first term. Sixty-seven percent of Americans believe that now is a good time to find a quality job in the United States—the highest percentage in 17 years of Gallup polling. Just last

month, a manufacturing industry measure reported growth in 17 out of 18 sectors, from textiles to precision technologies.

It is no surprise, then, that the National Association of Manufacturers found last month that a record-high 95.1 percent of American manufacturers have a positive view of their company's outlook.

What do these numbers mean to real workers on the floor of American factories? At Mack Molding, an injection molder and contract manufacturer, with locations in Statesville, NC, and Arlington, VT, it means a \$5.4 million investment in facilities with preparations to hire 100 new workers. At Sabel Steel, based in Montgomery, AL, it means large pay raises for most of the company's 230 employees and new, more efficient equipment at facilities across the South. Both companies credit last year's historic tax reform law with helping make their 2018 success possible.

Our Democratic colleagues can talk all they like about repealing middle-class families' and job creators' historic tax cuts and sending that money back to Washington instead, but this united Republican government is proud of the new prosperity they are building. We will not let the Democrats take away their tax cut.

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

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

TRUMP-PUTIN SUMMIT

Mr. DURBIN. Madam President, I am at a loss for words to describe what happened yesterday in Helsinki, Finland. I am disappointed, as well, by the stunning silence of some of my colleagues on the other side of the aisle in response to it.

When each of us is elected to serve in Congress—the House and the Senate—we are asked to take an oath, a very serious oath. In it, we swear to support and defend the Constitution of the United States against all enemies, foreign and domestic. The President of the United States similarly swears to preserve, protect, and defend the Constitution of the United States.

Yesterday in Helsinki, Finland, the President of the United States was engaged in an appalling display. What we saw at that press conference—standing just several feet away from Vladimir Putin, the leader of Russia—was the President's decision to turn his back on the organizations and agencies of the U.S. Government, to question their credibility, and to affirm, incredibly, that Mr. Putin had given a powerful denial to what they have found when it comes to the Russian interference in our last election.

Just days after bullying our key NATO allies and failing to publicly accept that Russia attacked our country, attacked our democracy, this administration and its enablers here in Congress are failing that oath.

President Trump refuses to accept the findings of American intelligence professionals, the Department of Justice, the Department of Defense, and virtually every agency of our government that is tasked with keeping us safe and instead accepts Vladimir Putin's absurd, self-serving denials. Many of my colleagues here in Congress refuse to even speak up to denounce the President's actions.

Consider what happened months before the 2016 election when our Nation's top intelligence officials came and told key congressional leaders about the Russian cyber attack on the United States. The administration at that time, under President Obama, was deeply concerned. President Obama was looking for a bipartisan response condemning Putin's efforts in the closing days of the elections so as to avoid any hint of partisanship in the public announcement and to present a unified deterrent.

What was the response of Majority Leader MITCH MCCONNELL after hearing this alarming revelation that Vladimir Putin was actively interfering in our elections and trying to undermine our democracy? Senator MCCONNELL's response: No thanks. We are not going to help. And incredibly, neither the Senator nor his party did.

Is there anyone in the Senate—anyone who took the oath to protect our Nation against enemies, foreign and domestic—who thinks any of us, regardless of political party, should receive help from a foreign adversary to get elected? I hope we all agree that country must come before party. So then why do so many of my Republican colleagues remain silent in light of President Trump's open denial of the reality of Russia's involvement in our election?

Yesterday, we watched in disbelief as the President not only refused to even acknowledge the act of cyber war against the United States but, incredibly, blamed America first for our poor relationship with Russia. We watched our American President refuse to stand up to Vladimir Putin, a former KGB official, who executed one of the most breathtaking cyber attacks in history aimed at the United States and aimed at undermining the Western security alliance and our country's democracy. An American President stood on the world stage next to a tyrant—a tyrant who denies that he attacked us—and then the President of the United States repeatedly agreed with that adversary and dismissed criminal indictments of Russian Government officials responsible for the attack. The President closed with a rambling preening about his great election victory.

We have an American President who seems to be utterly incapable of saying

the obvious to Vladimir Putin. The President should say: Don't ever interfere in U.S. elections again. I don't want your help, and I don't believe your absurd denials. He refused to say that.

Compare his bizarre and dangerous comments in Helsinki with what President Ronald Reagan said before the 1988 NATO summit. Instead of bullying our closest allies, Ronald Reagan said:

Our first priority is to maintain a strong and healthy partnership between North America and Europe, for this is the foundation on which the cause of freedom so crucially depends.

Again, Ronald Reagan said:

Our first priority is to maintain a strong and healthy partnership between North America and Europe, for this is the foundation on which the cause of freedom so crucially depends.

There is at least one Republican Senator who is not silent. My friend and a great American patriot, JOHN MCCAIN, said this yesterday about the Helsinki press conference:

Today's press conference in Helsinki was one of the most disgraceful performances by an American President in memory. The damage inflicted by President Trump's naivete, egotism, false equivalence, and sympathy for autocrats is difficult to calculate. . . . President Trump proved not only unable, but unwilling to stand up to Putin. He and Putin seemed to be speaking from the same script as the President made a conscious choice to defend a tyrant against the fair questions of a free press, and to grant Putin an uncontested platform to spew propaganda and lies to the world.

I could not agree more. It is obvious. We, all of us, Democrats and Republicans, should agree with what JOHN MCCAIN said.

Despite President Trump's shameful denials of Russian interference at yesterday's farce of a press conference, the evidence is clear: Russia did interfere in the 2016 election. Our intelligence agencies and the bipartisan Senate Intelligence Committee have concluded that not only did Russia interfere in our elections through cyber attacks, but they did so to harm Hillary Clinton, help elect Donald Trump, and undermine our democratic process.

When Donald Trump hears those words, it sends him into a rage. He denies any Russian interference for fear that it might reflect on his victory in the election. There is no evidence that has been produced to date that shows that Russian interference changed the outcome of that election. I am not questioning whether Donald Trump won the Electoral College and became President, but I don't think he should question whether the Russians were trying to undermine that process.

During his ongoing investigation into Russian meddling, Special Counsel Mueller has so far indicted 32 individuals and 3 companies on a total of 191 criminal charges. This includes the February indictment of 13 Russian trolls who engaged in a multiyear effort to influence our election, to support the election of Donald Trump by

sowing discord and inflaming social tensions online.

The Mueller investigation includes 12 members of the Russian military intelligence, specifically named, who were indicted last Friday for engaging in a sustained operation to hack into the emails, accounts, and computer networks of the Democratic National Committee, the Democratic Congressional Campaign Committee, and Hillary Clinton's Presidential campaign.

These Russians also created online personas and worked with WikiLeaks to publish the stolen documents. To cover their tracks, they committed identity theft, engaged in money laundering, and at one point leased a computer in my home State of Illinois to store and move the stolen documents through encrypted channels.

Additionally, the Russians hacked into the computer networks of election officials and vendors in order to steal voter data and other information. The indictment, produced by Special Counsel Mueller, mentions that the Russians "hacked the website of a state board of elections . . . and stole information related to approximately 500,000 voters, including names, addresses, partial social security numbers, dates of birth, and driver's license numbers." This was, presumably, in reference to the Illinois State Board of Elections, which we already knew was one of the first victims of a successful Russian cyber attack—a Russian cyber attack that President Donald Trump refuses to believe ever happened.

We know that Russia meddled in the 2016 election, and we know that we should be gearing up for Russia to interfere with the 2018 midterm election as well. Just this past weekend, Director of National Intelligence Dan Coats, my former Republican Senate colleague from the State of Indiana and a man for whom I voted for this position and whom I respect very much, reiterated the ongoing threat that Russia presents, saying: "In regard to state actions, Russia has been the most aggressive foreign actor—no question—and they continue their efforts to undermine our democracy."

What a departure from what President Trump said in Helsinki yesterday. His own Director of National Intelligence has refuted the statement he made to the world yesterday, agreeing with the "powerful statement" of Vladimir Putin's that he had nothing to do with an attack on our election. Our President is cozying up to Vladimir Putin at the expense of the credibility of his own Director of National Intelligence. Why is this happening?

Instead of condemning President Trump and supporting the Special Counsel's efforts of getting to the bottom of this, sadly, the vast majority of congressional Republicans are actively working to undermine the investigation.

Just last week, Senate Republicans confirmed the nomination of Brian Benczkowski to serve as Assistant At-

torney General in charge of the Criminal Division of the Department of Justice. They voted for Mr. Benczkowski to be in charge of 600 Federal prosecutors despite the fact that Mr. Benczkowski, as a lawyer, has never been in a trial—never. He has never been in a courtroom and has never been in a trial. He was named by President Trump to head up the Criminal Division of the Department of Justice. That may not be the worst part.

Mr. Benczkowski, in his private law practice in Washington, also chose to represent a Russian bank, the Alfa-Bank, which has deep ties to Vladimir Putin. This is despite the fact that when he was called on it, he said he would not commit to recusing himself from this Russia investigation.

Furthermore, this vote occurred as President Trump and House Republicans had been looking for an excuse to fire Deputy Attorney General Rosenstein, who is overseeing the Mueller investigation. Should Rosenstein be fired, Mr. Benczkowski could be easily tasked by the President to oversee the Russia investigation. That would be an unmitigated legal disaster.

Enough is enough. Today is the day that, I hope, my colleagues—Democrat and Republican alike—will step forward and speak up.

The world is still reeling from the comments that were made yesterday in Helsinki by the President of the United States of America. There are serious questions from our longtime NATO allies—those who count on the United States for the safety and security of their republics. There are serious questions in their minds about who we are, what we stand for, the relationship between this President and Vladimir Putin—a relationship which is absolutely inexplicable in that President Trump would refuse to concede the obvious—that Vladimir Putin is setting out to undermine our values in the world.

President Trump should stand with the brave men and women of law enforcement, intelligence, and the Department of Defense who have warned him about Vladimir Putin, and he should not be so easily swept away with these meetings he has.

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.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

TRUMP-PUTIN SUMMIT

Mr. SCHUMER. Madam President:

[Yesterday's summit] was one of the most disgraceful performances by an American President in memory. The damage inflicted by President Trump's naivety, egotism, false equivalence, and sympathy for autocrats is difficult to calculate. . . . President Trump proved not only unable but unwilling to stand up to Putin. He and Putin seemed to be speaking from the same script as the president made a conscious choice to defend a tyrant against the fair questions of a free press, and to grant Putin an uncontested platform to spew propaganda and lies to the world.

Coming close on the heels of President Trump's bombastic and erratic conduct towards our closest friends and allies in Brussels and Britain, today's press conference—

Yesterday's press conference, actually—

marks a recent low point in the history of the American Presidency.

No prior president has ever abased himself more abjectly before a tyrant. Not only did President Trump fail to speak the truth about an adversary; but speaking for America to the world, our president failed to defend all that makes us who we are—a republic of free people dedicated to the cause of liberty at home and abroad. American presidents must be champions of that cause if it is to succeed. Americans are waiting and hoping for President Trump to embrace that sacred responsibility. One can only hope they are not waiting . . . in vain.

Those are very strong words. People would say: Well, CHUCK SCHUMER is the Democratic leader. Of course, he is going to criticize President Trump. But those strong, biting, and effective words are not mine. Those three paragraphs I quoted come from JOHN MCCAIN, who is probably the leading Republican expert on military security, national security, and foreign policy.

When Senator MCCAIN said that, it should be a clarion call to every Republican to not just speak up but to take action because the national security of America is in danger.

I ask unanimous consent that Senator MCCAIN's statement, in its entirety, be printed in the RECORD.

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

SENATOR JOHN MCCAIN STATEMENT ON PRESIDENT TRUMP'S MEETING WITH PRESIDENT PUTIN

"Today's press conference in Helsinki was one of the most disgraceful performances by an American president in memory. The damage inflicted by President Trump's naiveté, egotism, false equivalence, and sympathy for autocrats is difficult to calculate. But it is clear that the summit in Helsinki was a tragic mistake.

"President Trump proved not only unable, but unwilling to stand up to Putin. He and Putin seemed to be speaking from the same script as the president made a conscious choice to defend a tyrant against the fair questions of a free press, and to grant Putin an uncontested platform to spew propaganda and lies to the world.

"It is tempting to describe the press conference as a pathetic rout—as an illustration of the perils of under-preparation and inexperience. But these were not the errant tweets of a novice politician. These were the deliberate choices of a president who seems determined to realize his delusions of a warm re-

lationship with Putin's regime without any regard for the true nature of his rule, his violent disregard for the sovereignty of his neighbors, his complicity in the slaughter of the Syrian people, his violation of international treaties, and his assault on democratic institutions throughout the world.

"Coming close on the heels of President Trump's bombastic and erratic conduct towards our closest friends and allies in Brussels and Britain, today's press conference marks a recent low point in the history of the American Presidency. That the president was attended in Helsinki by a team of competent and patriotic advisors makes his blunders and capitulations all the more painful and inexplicable. "No prior president has ever abased himself more abjectly before a tyrant. Not only did President Trump fail to speak the truth about an adversary; but speaking for America to the world, our president failed to defend all that makes us who we are—a republic of free people dedicated to the cause of liberty at home and abroad. American presidents must be the champions of that cause if it is to succeed. Americans are waiting and hoping for President Trump to embrace that sacred responsibility. One can only hope they are not waiting totally in vain."

Mr. SCHUMER. It is still difficult to comprehend what transpired yesterday in Helsinki. Because of his actions, it was one of the worst days for any President of the United States in recent memory. On foreign soil, President Trump said the United States was to blame for the state of the relationship between Russia and America.

He trashed American intelligence and took the word of the KGB over the word of the men and women of the CIA. Can you believe it? Can you believe it? He said Russia's intelligence agency, which murders, steals, lies, and cheats, is better than ours. There is no rational explanation for an American President to do such a thing. It was the act of a man who seems incapable of distinguishing between his own narrow personal interests and the interests of America's national security.

Can you imagine if President Kennedy believed Khrushchev when he said there were no missiles in Cuba? Can you imagine if President Reagan believed Gorbachev without verifying that the Soviet Union would reduce its missile stockpile? We would be living in a much different world than we are today. Thank God President Kennedy and President Reagan showed strength in the face of tyrants—but President Trump shows abject weakness and sycophancy.

Let me explain to the President why he is being so strongly criticized when he embraced Putin's strong and powerful denial. The reason, President Trump, that you are being so criticized when you accept Putin's word is, Putin is a trained liar. He lies brazenly, shamelessly, and repeatedly about big things and small.

Putin lied about the presence of Russian troops in Crimea. He lied about the Malaysian airplane being shot down by a Russian rocket. He lied about Russian athletes doping at the Olympics. He lied about Russian behavior in eastern Ukraine. He lied about

Assad's use of chemical weapons. He lied about interference in the Brexit vote. Just last week, he lied about the Kremlin's involvement in a recent nerve agent attack in the United Kingdom.

Yet when President Putin gives President Trump a "strong and powerful denial" that he didn't meddle in our elections, President Trump immediately accepts Putin's word over the considered judgment of America's dedicated intelligence professionals. It is almost as if Donald Trump is embracing Putin's needs. I am ashamed of it, and every American should be. No previous President would be that naive or that weak. No serious leader would allow themselves to be taken in so easily.

The only person with cause to celebrate is Vladimir Putin. Putin got to stand on the stage with an American President who refused to hold him accountable for anything. He watched President Trump career through Europe, carrying out Putin's dream agenda—torching old alliances, interfering in the domestic affairs of the United Kingdom, weakening NATO and American power in the region. Putin skated through a bilateral summit and press conference without facing any consequences for deliberately meddling in our elections. Putin could not have scripted a better result.

I am from Brooklyn. If we learned anything, we learned one thing there: When there is a bully around, as Putin is, you show strength. President Trump showed abject weakness. Do you know what that means? The bully will continue to take advantage of it. If Donald Trump was such an easy mark in Helsinki, President Putin will realize he is an easy mark elsewhere.

The behavior of the President is just inexplicable. Everyone in the United States is scratching their heads. There seems to be no rational explanation for President Trump's behavior, and so millions of Americans are left wondering if Putin indeed has something over the President. That is the most logical explanation of the President's bizarre and weak behavior so deleterious to American interests.

If there is another credible explanation for why President Trump behaved the way he did, it would behoove the President to let the American people in on it; otherwise, so many Americans are going to continue to wonder, does President Putin have something over President Trump that makes the President behave in such a way that hurts our country so?

We know the President doesn't like to prepare much, but even the most basic preparation would lead a President away from the erratic behavior we saw yesterday. The truth is, the summit yesterday was like an x-ray machine, revealing that "America First" is really just "Trump First," no matter what it means for the country he is sworn to defend from enemies foreign and domestic.

So the question looms: What will the Senate do in response? What will my Republican colleagues do in response? A few of them have echoed Senator McCain's sentiments, and they deserve recognition for that, but those Senators who are not JOHN MCCAIN, who are here in the Senate wielding an immense power to shape events, I say to them, words are not enough. Our response to the debasement of American interests before a foreign adversary demands a response, not just in word but in deed. Our Republican colleagues cannot just talk the talk—some of them have done that, most haven't—but, as a body, they need to walk the walk. The American people are demanding it.

Our country needs to see Republicans in the Senate and the Republican Party stand up and show through action that unlike our President, they will not tolerate Russian aggression or accept Putin's lies. They need to act in the spirit of Ronald Reagan, not in the spirit of Donald Trump. Too often, when the President goes off the reservation, the Republican Party has lightly rebuked his behavior and waited for everyone to move on. Given the crisis, given Trump's horrible actions, that is not good enough. Our Republican colleagues cannot just go tsksk. They must act if they want to help America.

Yesterday, I outlined four things we could do immediately in response to the President's disastrous summit. Let me repeat them and add a fifth.

First, ratchet up sanctions on Russia, not water them down. The sanctions we passed 98 to 2 have not even been fully implemented. Some in the House now want to reduce those sanctions. We need to strengthen them.

Second, and very importantly—probably most importantly—our Republican colleagues need to join us in demanding testimony from the President's national security team that was in Helsinki, and we need to do that immediately. We need hearings as soon as possible to assess what President Trump might have committed to President Putin in secret. President Trump's public statements were alarming enough. The Senate needs to know what happened behind closed doors. Does anyone believe he was tougher on Putin in secret? You can't assume anything but that as weak as he was in public before President Putin, he was even worse in private. Why else did he not want anyone in the room?

President Trump and President Putin met one-on-one behind closed doors for nearly 2 hours. Where are the notes from the meeting? What did the President agree to? Was Secretary Pompeo briefed afterward on what happened? Were any other members of the President's team briefed? The American people need to know what is happening. The American people deserve to know what is happening. It is our security at risk.

I am calling on Leader McConnell and his leadership team to imme-

diately request a hearing with Secretary of State Pompeo and the rest of the President's national security team from Helsinki so we can find out what the heck happened there—the explanation for what happened openly, and even more importantly, what happened in that meeting behind closed doors.

Third, our Republican friends must end the attacks on the Department of Justice, the FBI, and the special counsel. Those have mainly emanated from a small group in the House.

Given the indictments, given the indictment yesterday, not from Mueller but from mainline Justice, we have to let this investigation go forward. President Trump's actions yesterday lead many more Americans to suspect that something was amiss; that there may have been collusion. What else would explain President Trump's actions and protestations in a foreign country?

We need to end these attacks and let the investigation proceed unimpeded and encourage the President to sit down for an interview with Mueller.

Fourth, the President must insist on the extradition of the 12 Russians recently indicted for election interference. In one of the more bizarre of many bizarre incidents yesterday, Putin suggested that Americans come and interview the Russians in Russia or actually watch as Russian agents interview the Russians in Russia. Is Russia known for a free and open judicial system? Is Russia known for the rule of law? Of course not. It was an absurd suggestion. Any other President would have rejected it out of hand.

We need to bring them here, and the President, to represent the honor and the strength of the United States—something he has failed to do thus far—needs to demand it.

Finally, election security. Our elections are at risk. We have now had indictments of Russians interfering in the 2016 elections. Everyone in America, except Donald Trump, admits that happened—Democrats and Republicans, Speaker RYAN, Leader McConnell—that Russia tried to interfere and interfere, most everyone believes, on President Trump's behalf. Why? Well, we heard Putin's explanation.

We can't have that happen again. We must move election security legislation immediately.

To its credit, in a bipartisan way, this Chamber and the other put \$380 million in the last omnibus for election security, but there is very fine legislation. One is sponsored by Senator KLOBUCHAR, and she has worked with some of the Republicans on that. Another is sponsored by Senator CHRIS VAN HOLLEN. I believe Senator RUBIO is a co-sponsor of that. We need to move that legislation—hopefully, with bipartisan support—quickly.

These are five simple things we can do together, Democrats and Republicans.

Now, yesterday, I saw my good friend—I see him sitting here—Senator CORNYN say that we have done most of

these things already. I wish it were so. It isn't. We haven't done any of it. Leader McConnell has not called for hearings to bring Secretary Pompeo and others here. We have not increased sanctions, which we should do. In fact, there is a move in the House to decrease them. We have not asked the President to demand extradition of the Russians. We have not urged some Republicans, particularly in the House, to stop interfering with the Mueller investigation. We haven't done any of the four items I mentioned yesterday or the fifth I mentioned today. I hope Senator CORNYN and others will lead the charge and help us get those done, in a bipartisan way, for the sake of this wonderful and great country.

The bottom line is that we need to act. A few statements will not change President Trump's behavior and will not stop President Putin from continuing to make a mess of our alliances around the world and our elections here in America. Action is required. The eyes of America are on the Republicans in the Senate to join us in the actions I have outlined or other actions they might feel appropriate.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Madam President, turning to SCOTUS, I will conclude this morning by adding that at this very delicate time, Senators from both parties should carefully scrutinize President Trump's Supreme Court nominee, Brett Kavanaugh. Not only has President Trump promised to select judges who would overturn *Roe v. Wade* and undo the healthcare law, Judge Kavanaugh has some troubling views on Executive power and accountability.

We have all just witnessed the behavior of a reckless President who has shown he is willing to test the bounds of Executive authority at home, just as he is willing to depart from all wisdom and sense on foreign soil.

Judge Kavanaugh has demonstrated in several writings that he believes the President should be above civil and criminal indictment while in office and that the President should be granted broad deference to enforce or not enforce laws he "deems" unconstitutional.

Consider for a moment what it would mean for the Supreme Court to rule that this President is immune from indictment or that he should be allowed to exercise his authority so wantonly as to decide which laws to enforce or not. That is all the more reason, given what Judge Kavanaugh has written, that he get careful and rigorous scrutiny before we move on any vote.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TILLIS). 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 legislative clerk read the nomination of James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. will be equally divided in the usual form.

The Senator from Texas.

RUSSIAN ELECTION INTERFERENCE

Mr. CORNYN. Mr. President, I came to the floor to talk about the “Abolish ICE” movement and the reasons that is a misconceived idea by some on the left, but first I feel compelled to respond just briefly to some of the comments made by our friend from New York, the Democratic leader.

First of all, the Democratic leader says we need to have hearings on the matter of Russian interference in our elections. I would remind the Democratic leader that we have been doing that for a long time—ever since the intelligence community assessment was released at the end of the Obama administration documenting Russia’s meddling in the election. That assessment was released on an unclassified basis. It is on the website of the Director of National Intelligence if anybody wants to read it.

Also, I would submit to him the 29-page indictment that Robert Mueller had issued by a grand jury against 12 Russian intelligence officers. It lays out in minute detail what the Russians were doing to try to cause confusion and undermine public confidence in our elections. As a matter of fact, this afternoon the Senate Select Committee on Intelligence is hearing from some Obama administration officials on why they didn’t do more to stop it back when President Obama was in office when they knew very clearly what was going on but did not do—well, did virtually nothing to stop it.

So I would say to my friend from New York, the Democratic leader, there have been a lot of hearings, and the hearings are ongoing. Obviously, Special Counsel Mueller has issued this indictment. I only wish that it was more than a name-and-shame exercise because there is no chance the Russians will extradite these intelligence officers over here for a trial. But I think it does serve a useful educational purpose by pointing out in minute detail what the Russians have been up to. They have upped their game in a way that is surprising to many people, having used everything from propaganda, to social media, to cyber theft of information like the Clinton emails and the DNC emails during the course of the last election. It has gotten very sophis-

ticated. We better be about fixing it and getting ready for the next election rather than coming to the floor and engaging in the favorite Washington pastime, which is the blame game.

Senator SCHUMER said we need to issue sanctions against Russia. Well, I have in front of me about two single-spaced pages of actions that we have taken since the beginning of the Trump administration to support our allies against Russian aggression and to punish Russian misconduct, whether it is in the elections or otherwise. I would entertain—I understand the Senator from Colorado has some additional sanctions he thinks would be appropriate, and I think that would be something that would sting.

Rather than just sending a press release or trying to message this or use it for partisan political purposes, let’s consider additional sanctions that will actually discourage and hold accountable the Russians for their election meddling and deter them, hopefully, from doing it again.

I understand the fourth thing my friend from New York said is that we need to stop criticizing the Comey FBI and the Department of Justice under the Obama administration. Well, it is pretty clear from the investigations that have occurred that something rotten was happening at the leadership of the FBI. Just to listen to Mr. Strzok—and his protestations that there was no bias associated with those investigations are patently unbelievable. It is unbelievable, not credible.

So I understand that the Democratic leader wants to focus his attention on the President. That is his prerogative, and, indeed, he has been the leader of the anti-Trump resistance since President Trump was elected.

Many of us do disagree with the President’s assessment of the intelligence, as I have suggested. I firmly believe there is solid evidence of Russian meddling in the election. I think President Putin misrepresented the facts. I am not surprised by that given who he is and how he operates. As the Democratic leader said, as a former KGB colonel, he is accustomed to dissembling and distorting, manipulating information in a way that serves his purpose.

I think we should be absolutely clear. We all support the men and women who are the professionals who make up the intelligence community in this country, many of whom expose themselves to great danger, and, indeed, many have lost their lives trying to protect this country against adversaries around the world. I think the findings of the intelligence community assessment during the end of the Obama administration provides a roadmap to what the Russians did, as did the indictment of the 12 Russian GRU intelligence officials.

We better wake up. Rather than the blame game and pointing fingers, we better get ready for the next election, the midterm election in 2018.

I think there is a lot we can do together, but as long as this becomes a political, partisan, stop-Trump-at-all-costs effort, I don’t think we are going to make much progress.

I will conclude this part of my remarks by saying that I trust our intelligence community. I trust their assessment that there was Russian meddling in the election. But I also trust the investigation so far, which has shown absolutely no collusion with the Trump campaign and Russian intelligence activity leading up to the election. That is what I think has the President so spun up, because he feels as though this is an attack on him personally. I wish we could separate those two. But, indeed, our Democratic colleagues don’t want to separate them because they realize this is the best way to keep this story going for as long as they can through the next election and, who knows, through the next Presidential election as well.

IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. President, I wish to say a few words about this misguided effort to abolish ICE, Immigration and Customs Enforcement. This is the operational component of the Department of Homeland Security. We have seen this movement in hashtags on Instagram, on T-shirts. We have watched protestors who showed up in California when ICE agents were trying to investigate the trafficking of children. Can you imagine these protestors interfering with an investigation into the crime of human trafficking of children? But that is not all. Some of the House Democrats have introduced legislation to eliminate ICE.

Of course, any sensible person would tell you that eliminating ICE is reckless, which is why I recently introduced a resolution with 14 of our colleagues denouncing these radical calls in the strongest of terms. This is just reckless and naive, this “Abolish ICE” movement. It is a move that would be fundamentally irresponsible.

Based on one recent poll, close to 70 percent of the American people, when asked about it, opposed the idea—and for good reason. ICE was created, after all, in 2003 in response to the discovery that many of the 9/11 hijackers had exploited holes in our immigration enforcement and overstayed their tourist visas and attended flight schools without a proper visa. We know what happened on that terrible day, 9/11/2001. We know that hundreds of thousands of foreign nationals overstay their visas every year illegally. Without ICE, those unlawfully residing in our country, in violation of their visas, would be allowed to stay indefinitely. Is that what the “Abolish ICE” movement is about—eliminating enforcement of our immigration laws and allowing people who flout those laws to succeed in staying here in the United States in violation of those immigration laws?

Of course, abolishing ICE would mean ending all of the agency’s programs and functions. It would mean allowing

dangerous criminals, including potential terrorists who are in our country, to remain here. It would mean scrapping the ICE Cyber Crime Center's investigation of child exploitation online. It would mean ending the ICE Blue Campaign to rescue human trafficking victims and provide them with a safe place to stay and other services. The Blue Campaign was just unanimously authorized by Congress, by the way, this year, and abolishing ICE would eliminate it. Abolishing ICE would mean doing away with the unit that focuses on human rights violators and war crimes. That unit is currently pursuing close to 2,000 leads. It would eliminate initiatives like Operation Community Shield, which combats the proliferation of transnational criminal gangs.

I hope our colleagues understand what they are encouraging when they say we should abolish ICE. I think it is incumbent on them to explain their rationale to the hard-working officials who are on the frontlines, fighting against human trafficking, child exploitation, and illegal immigration. What do they have to say to those people who risk their safety—perhaps even their lives—to enforce those important laws, much less to those whose jobs would be on the line?

There are some important statistics relating to Homeland Security Investigations, which is a critical part of ICE, that our Democratic friends who are encouraging the abolition of ICE should know about: 8,887, which is the number of visa applications that Homeland Security refused based on terrorist connections or other derogatory information; 904, which is the number of sexually exploited children identified and/or rescued by Homeland Security in 2017; 3,945, which is the number of cases initiated based on human smuggling last year; 4,735, which is the number of transnational gang members arrested in the United States in 2017; and 980,000, which is the number of pounds of narcotics Homeland Security Investigations seized in 2017, which included thousands of pounds of deadly drugs—like fentanyl—that help fuel the opioid crisis.

ICE plays a leading role in all of these areas. If the critics were to get their wish and if ICE were abolished, the numbers for all of these items would be zero because Homeland Security Investigations could not exist without ICE.

There is more. Think about the close to 33,000 criminal arrests made by Homeland Security Investigations last year—90 criminal arrests each day. Without ICE, these criminals would still be on the streets, endangering our communities. The \$524 million in illicit currency that was seized would be back in circulation, being used in illegal transactions. There were 7,000 pounds of heroin, 57,000 pounds of methamphetamines, and 260,000 pounds of cocaine impounded last year. That poison would all be back on the market and being sold in our communities.

I hope our colleagues who are calling for the abolition of ICE are prepared to explain their reasoning for abolishing an agency that combats illegal drug sales and online exploitation and helps protect our Nation's borders. My respectful suggestion would be that they need to spend a little more time thanking these public servants for the critical role ICE plays in keeping all of us safe. Maybe they should spend a little time getting to know the ICE officers who go to work every day and do their duty, protecting our country.

Earlier this month, Vice President PENCE talked about this. He reiterated President Trump's words of support—that the men and women of ICE are incredible people. These include the more than 20,000 investigators, field officers, special agents, and analysts, who, as the Vice President said, “stand up for the rule of law in this nation.”

Every day, ICE confronts criminal illegal immigrants who endanger our communities. They fight vicious gangs like MS-13 and stop human smugglers and child traffickers, sometimes endangering their own safety.

In 2017, the Vice President pointed out that attacks on Customs and Border Protection agents had increased by nearly 75 percent. Deliberately fostering resentment, anger, and contempt for ICE and our other law enforcement officials obviously puts our officers in additional danger. This is reckless, not to mention, again, dangerous.

ICE critics try to justify their calls by pointing out the situation at the border in which certain families were separated but are now in the process of being reunited. We all agree these families should be reunited, and I know the Presiding Officer has authored important legislation to change the law to make sure that families are kept together when they come across the border and claim asylum. But then there are cases processed in an expedited fashion in front of an immigration judge, so if they have some legitimate claim to asylum or immigration benefits, they can get that heard.

Also, one of the objectives, of course, is to eliminate the failed catch-and-release policies of the past, which have done nothing but encourage additional illegal immigration and reward criminal organizations for whom this is a business model, exploiting gaps in our immigration laws. Unfortunately, when we have Members of Congress who resist fixing those gaps, filling those gaps, and solving the problem, it does nothing but enrich these criminal organizations for whom this is gold.

It is clear that the situation at our border is a crisis. In 2014, President Obama called it a humanitarian crisis when tens of thousands of unaccompanied children came across the border, and that continues today because we haven't fixed the problem on a bipartisan basis, even though those solutions are readily available.

Those who criticize the enforcement of our immigration laws, the so-called

zero tolerance policy, have focused on separating families. So what we have tried to do, since we all agree families should not be separated, is to provide a means for those once separated to be reunited and detained in appropriate facilities and have their cases heard on an expedited basis before an immigration judge. Not fixing the problem will simply encourage more of the same.

Unfortunately, as I said, our colleagues who refuse to be part of the solution actually are part of the problem. We know who wins in this game; it is the criminal organizations who are, as one expert said, “commodity agnostic.” They will traffic in children; they will traffic in guns; they will traffic in drugs—anything that makes them a buck. This is a very, very lucrative business model for them. Unfortunately, when we don't fix the problem by plugging the holes, we are unwittingly helping to support that business model.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TARIFFS

Mr. HATCH. Mr. President, I particularly enjoyed the remarks of my distinguished friend from Texas, a good man, who makes a real difference around here.

I rise today to speak on the administration's recent actions regarding global tariff policy. I am one of the President's strongest supporters in most matters. I have been steadfast in working with President Trump on our shared economic agenda, especially passage of the most important piece of tax reform legislation in a generation.

Tax reform is already providing significant relief to families and businesses, large and small. Businesses across the country are now more globally competitive and are investing in their workforce through wage hikes, bonuses, and increased 401(k) contributions that are benefiting American workers, families, and their communities. But this roaring economy, which we worked together to build for American workers and businesses, is at risk because of the President's trade policies.

Tariffs against our allies and partners in Europe, Canada, Mexico, and around the world are already harming American farmers and manufacturers and raising costs for American families. If this continues, our economy will suffer.

I have long advocated for implementing enforceable international rules to level the playing field for American businesses, innovators, and entrepreneurs, and I have consistently fought to protect U.S. intellectual property rights around the globe. I have also been committed to advancing a trade agenda that serves the American people. But the administration's recent actions are misguided and will harm, rather than protect, the American people.

The administration has implemented or threatened global tariffs on approximately \$500 billion of goods. Pure and simple, tariffs are attacks on American businesses and consumers. These actions put American families and businesses at risk and threaten to undermine the success of tax reform. Furthermore, they are closing off international markets that our farmers, ranchers, and other exporters depend on.

I have heard from businesses from my home State of Utah that have already been hurt by the imposition of steel and aluminum tariffs. Utah manufacturers are struggling with higher steel and aluminum costs and, as a result, are struggling to compete with foreign manufacturers.

I have also been hearing from U.S. auto manufacturers and share their deep concerns about the consequences of raising tariffs on cars, trucks, and automotive parts. A decision to raise auto tariffs would lead to a net job loss and lower capital investment in the U.S. auto sector by increasing costs and reducing choice. The result will be lower demand for cars in the United States and lower auto sales and production.

While I share the administration's goal of strengthening American manufacturing, tariffs on cars and auto parts would directly injure one of our country's most important manufacturing sectors.

Some of my colleagues have been pressing the need for legislation to restrict the trade authorities that Congress has delegated to the President, and I have been sympathetic to their efforts. If the administration continues forward with its misguided and reckless reliance on tariffs, I will work to advance trade legislation to curtail Presidential trade authority. I am discussing legislative options with colleagues both on and off the Finance Committee, and I will continue to do so. However, I would much rather work with the administration to advance a trade agenda that serves the interests of the American people and job creators.

I want the President to hold our trading partners accountable. I want him to negotiate strong deals that help our U.S. companies and workers compete around the globe.

In particular, I agree with the President that China utilizes mercantilist trade policies to benefit state-owned and Communist Party-controlled firms, harming American companies and workers. We have to help U.S. businesses, innovators, farmers, and ranchers compete globally, and that means we have to confront the challenges posed by China. That is why I have recommended to the President that it is time to engage in negotiations with China, using a target of strategy to address their unfair trade practices. While those efforts are under way, the administration should not impose further tariffs on our allies and partners,

particularly on autos and auto parts. In that way, the President can safeguard the economic growth we have worked so hard to achieve and give himself a strong negotiating position with China.

The administration's actions on trade have hurt American manufacturers, farmers, ranchers, workers, and families. The President has asked all of those groups to endure losses so that he can negotiate winning trade agreements. All are watching to see what the President will achieve at the negotiating table in return for their sacrifice. However, now is the time for the President to undertake that effort. I believe that I will support him if he does undertake that effort, and I hope he will.

I care a great deal for the President. I want him to be a success. These approaches are not successful. They are not the way to go. I want to help the President to get around those and do the things that he ought to be doing to strengthen our economy and to strengthen our workers and our businesses.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I have come to the floor to oppose the nomination of James Blew for Assistant Secretary for Planning, Evaluation, and Policy Development at the Department of Education. I am opposing this nomination on behalf of the millions of parents, students, and teachers who made it clear during Secretary DeVos's confirmation process that they believe the Department of Education's top priorities should be helping to educate our students and supporting our public schools. They made it clear when they posted on social media, voicing concerns about Secretary DeVos's lack of experience and knowledge during her hearing in front of our HELP Committee, when they overwhelmed the Senate switchboard urging their Senators to vote against her nomination, and when they took to the streets to protest her nomination and her ideological agenda.

They made it clear that they believe every student has the right to a high quality public education—no matter where they live, how they learn, or how much money their parents make. Despite an unprecedented tie-breaking vote by Vice President PENCE, Secretary DeVos has ignored the public's overwhelming rejection to her extreme ideology. Instead, she continues to promote her privatization agenda, trying to shift taxpayer funds away from our public schools.

She is ignoring key parts of our Nation's K-12 law by refusing to hold

States accountable for the success of our most vulnerable students. She is making it easier for predatory for-profit colleges and corporations to take advantage of students, rolling back protections for students and dismantling the unit that investigates claims of fraud and abuse. Time and again, she is failing our students and her duty to protect their civil rights.

She has tried to shrink the Office for Civil Rights, has rescinded guidance for schools on how to investigate claims of campus sexual assault, and has rolled back rules that protect transgender students, students of color, and students with disabilities.

All of those students, parents, and teachers who voiced their concerns about Secretary DeVos during her nomination have not gone away. They are still making their voices heard, demanding that the Department of Education start standing up for students.

Unfortunately, Mr. Blew, whose nomination is before us, has made it clear that he is cut from the same cloth. During his career, Mr. Blew has advocated for vouchers. He has failed to adequately support teachers with the tools they need to help their students succeed. He has even worked closely with and helped to fund Secretary DeVos's privatization efforts.

The Office of Planning, Evaluation and Policy Development advises the Secretary in developing and implementing policy, which impacts every student in our country. It is a critical position. Given the actions and decisions by Secretary DeVos, it is very clear that we need an independent voice in this position. Unfortunately, Mr. Blew has proven that he is not up for that challenge. For that reason, I will vote against his nomination. I ask my colleagues to do the same.

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. ALEXANDER. 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. ALEXANDER. Mr. President, today the Senate is finally voting to confirm James Blew, who has been nominated to be Assistant Secretary for Planning, Evaluation, and Policy Development at the U.S. Department of Education. He is well-qualified to lead that office. For 20 years, in various roles, he has advocated for improving educational opportunities by overseeing grants to low-income, high-risk schools. He has a M.B.A. from Yale University. He will be in charge of helping to manage the Department's budget and ensure that programs are working as intended.

Mr. Blew's sin with some of my friends on the other side is that he is in favor of giving low-income children a choice of a better school and in favor of

public charter schools, which gives teachers more freedom to teach and parents more freedom to choose the school for their child.

No one should be surprised that a Republican president would nominate such an Assistant Secretary of Education. Every Republican president has nominated assistant secretaries of education and secretaries of education—I was one of them—who support giving low-income children more choices of good schools—the same choices that wealthier children have—such as public charter schools.

As far as public charter schools go, every Democratic president since 1990, when the first charter schools were formed, has supported public charter schools.

Mr. Blew did not deserve to be subjected to the unreasonable delay and obstruction that the Democrats have given to his nomination. He was nominated on September 28, 2017, 292 days ago. We held a hearing on November 15, 2017, 244 days ago.

Going back to the Clinton administration, there had been no hearings for this position, but I held one anyway, as chairman of the committee, as a courtesy to Democrats. Then, Democrats forced Mr. Blew's nomination to be returned to the President at the end of the congressional session last year.

Let's see how that compares to how President Obama's first Assistant Secretary for the same job was treated. Carmel Martin was nominated on March 18, 2009, and was confirmed by voice vote without a hearing on May 1, 2009, 44 days later.

It is one thing to vote against a presidential nominee. That is appropriate. Any of us can do that. I think it is wrong to always vote against a presidential nominee just because you disagree with that nominee's point of view. Why would you not expect a Republican president to nominate an assistant secretary who favors giving poor children choices of good schools and supports public charter schools that were invented by the Democratic-Farmer-Labor Party in Minnesota and were supported by every Democratic president since 1990? So this unreasonable delay of a well-qualified Assistant Secretary is not good for the Senate, not good for the country, and not good for children who need that sort of leadership.

I support and urge my colleagues to vote for Mr. Blew.

I yield floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Blew nomination?

Mr. ALEXANDER. 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 bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 156 Ex.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

McCain

The nomination was confirmed.

The PRESIDING OFFICER. 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.

CLOTURE MOTION

The PRESIDING OFFICER. 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 Randal Quarles, of Colorado, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2018.

Mitch McConnell, Mike Crapo, Tom Cotton, Johnny Isakson, John Kennedy, John Thune, John Boozman, Roy Blunt, John Cornyn, Tim Scott, Richard Burr, Thom Tillis, Cory Gardner, Roger F. Wicker, Mike Rounds, John Barrasso, Jerry Moran.

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 Randal Quarles, of Colorado, to be a Member of the Board of Governors of the Federal Reserve System for a term

of fourteen years from February 1, 2018, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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 Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 66, nays 33, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—66

Alexander	Flake	Nelson
Barrasso	Gardner	Paul
Bennet	Graham	Perdue
Blunt	Grassley	Peters
Boozman	Hatch	Portman
Burr	Heitkamp	Risch
Capito	Heller	Roberts
Cardin	Hoeven	Rounds
Carper	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Isakson	Scott
Coons	Johnson	Shaheen
Corker	Jones	Shelby
Cornyn	Kennedy	Sullivan
Cotton	King	Tester
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCaskill	Van Hollen
Enzi	McConnell	Warner
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—33

Baldwin	Harris	Murray
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Casey	Klobuchar	Smith
Cortez Masto	Leahy	Stabenow
Duckworth	Markey	Udall
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Gillibrand	Murphy	Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 33.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Randal Quarles, of Colorado, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2018.

The PRESIDING OFFICER. The Senator from Montana.

ORDER OF PROCEDURE

Mr. DAINES. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, all postcloture time on Executive Calendar No. 595 be considered expired at 2:25 p.m. and the Senate immediately vote on the nomination; that if confirmed, the motion to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action; and that following disposition of the nomination, the Senate vote on cloture on the Oldham nomination.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:04 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, the Federal Reserve's job is to ensure the economy works for average Americans; that Wall Street doesn't again crash the economy and decimate worker pensions; that banks can't cheat families out of their hard-earned savings; that monetary policy helps workers to find and keep a job that pays a living wage.

During his time in the Bush administration and his role at the Fed so far, Randy Quarles, nominated as Vice Chair of Supervision, has done the opposite. Time and again, Mr. Quarles has sided with Wall Street and not with workers.

Look what happened with the stress tests. The Fed allowed the seven largest banks to redirect \$96 billion that should be used to pay workers, to reduce fees for consumers, and protect taxpayers from bailouts. Instead, they plowed that money into share buybacks and dividends that reward—you guessed it—wealthy executives and investors. Two banks had capital below the required amounts. Those banks failed the tests, but they got passing grades anyway.

Now the Fed is about to propose new rules to make stress tests even easier next year—making them less frequent and giving banks more leeway to design the exams they will then much more likely pass.

The Fed, under Mr. Quarles' leadership, wants to loosen limits on Big Bank borrowing, a move opposed by former Republican FDIC Chair Sheila Bair and former Vice Chair Tom Hoenig.

The Fed is proposing to weaken the Volcker rule—the rule that stops big banks from taking big risks with Americans' money—and the Fed is undercutting the role of FSOC and oversight of foreign megabanks that may soon join a proposal to undermine the Community Reinvestment Act. Again, this is a boon to Wall Street and a punch in the gut to American workers.

Wall Street simply doesn't respect the dignity of work. Data from last week tells a story Ohioans know too well—big banks and corporations are doing better than ever, while workers still haven't gotten a meaningful raise.

So now we install another nominee—this time for 14 years—who doesn't seem to understand that workers are the backbone of our economy? Mr.

Quarles missed the 2008 crisis the last time he was in charge a decade ago. He spent his time at the Fed recently doing favors for Wall Street at the expense of working families. Americans cannot afford a nominee who fails American workers and homeowners and taxpayers.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, I rise to speak out against the nomination of Randal Quarles to be a member of the Board of Governors of the Federal Reserve System.

Mr. Quarles served in the Bush administration's Treasury Department in the years that led up to the financial crisis of 2008. His failure to take action to prevent this crisis led to hundreds of thousands of foreclosures and evictions in my home State of Nevada. Nevada was ground zero for the financial crisis. We were the hardest hit of any State in the country. We had the highest foreclosure rate for 62 months straight, and we had the highest number of underwater mortgages. Banks took the homes of more than 219,000 Nevada families. Anyone driving through parts of Las Vegas and Reno in 2009 could see boarded-up houses, "for sale" signs, and empty lots everywhere. On many streets, you would see more houses in foreclosure than not.

I was attorney general in Nevada at this time. My team and I did everything we could to fight for homeowners and help them save their homes. We sued the big banks and secured \$1.9 billion to create the Home Again: Nevada Homeowner Relief Program to help Nevadans stay in their homes.

As all of this was going on, I knew there was only so much we could do at the State level. We needed real change at the Federal level to prevent the financial crisis from ever happening again. The Federal regulators should have protected Nevada homeowners, but instead they protected the big banks. I ran for a seat in the Senate because I wanted to change the system. I wanted to put rules in place that protected Nevadans, not Wall Street bankers. That is why I cannot, in good conscience, support Randal Quarles' nomination to a 14-year term as a member of the Board of Governors of the Federal Reserve.

Randal Quarles was one of those policymakers in the Bush administration who let the big banks write their own rules. Maybe things would be different if he had learned the lessons of the financial crisis, if he had demonstrated any understanding that radical financial deregulation only helps the big banks, but Randal Quarles has been sitting on the Fed's Board of Governors since October of last year. Since then, he has advocated for policies that weaken oversight of the financial system, let big banks gamble with depositors' money, and undermine protections for consumers and homeowners.

Over a decade has passed since the rules he helped write caused hundreds

of thousands of Nevadans to lose their homes, and he still hasn't learned his lesson. He is pushing the same agenda that led to the financial crisis in 2008. The mistakes he made as a member of the Bush administration devastated families and communities in my home State.

Now the Senate is about to reward him with a position—the Vice Chair of Supervision—that he will hold for the next 14 years. He will be the lead on writing the rules that govern Wall Street and the banks. I don't trust him to put families first. I don't believe he will make our financial systems safer and more fair. Randal Quarles shouldn't be allowed to oversee our financial system for 14 minutes. I refuse to rubberstamp his nomination for a position that lasts 14 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise to speak in support of the nomination of the Honorable Randal Quarles to be a member of the Board of Governors of the Federal Reserve System.

The Senate has already confirmed Mr. Quarles—this Congress—to serve as a member of the Federal Reserve with a bipartisan vote of 65 to 32, but that term expired on February 1, 2018, and he has been serving as a member of the Board in a holdover capacity since. Confirming Mr. Quarles to a new 14-year term will provide needed stability at the Board and allow for the prompt consideration of other Board nominees.

Mr. Quarles has a wealth of government and private-sector experience dealing with both domestic and international financial markets. In addition to his current service on the Board, his government experience includes serving in multiple top posts in the Treasury Department.

Currently, only three of the seven available Board seats are filled, and several other nominees to the Board await confirmation. I have appreciated the important work carried out by Mr. Quarles at the Board thus far, including his role in developing regulatory and supervisory policy for the Federal Reserve System.

Some are arguing today he is responsible for the housing crisis. He wasn't on the Federal Reserve Board when the housing crisis occurred. Some have argued that he is trying to weaken stress tests. Yet today, in the face of that very argument, the Chairman of the Federal Reserve testified to the Banking Committee that the stress tests they applied this year, for which they are being criticized, are the strongest stress tests they have applied yet, and they have not given anybody a pass. In fact, those who did not completely pass the test are still required to maintain their capital requirements as they were last year.

If confirmed, I am confident Mr. Quarles' experience and skill will continue to be effective in terms of helping the Board promote the effective operation of the U.S. economy and serving the public interest.

He has previously received, as I said, bipartisan support, being confirmed last year as Vice Chairman by voice vote, and as a Board member by a vote of 65 to 32. Earlier today, the Senate's cloture vote on Mr. Quarles' nomination was 66 to 33—yet again another indication of strong bipartisan support for this nomination.

I urge all my colleagues to support Mr. Quarles' nomination today and vote for his confirmation.

I yield my time.

The PRESIDING OFFICER. Under the previous order, all time is expired.

The question is, Will the Senate advise and consent to the Quarles 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 Arizona (Mr. MCCAIN).

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

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—66

Alexander	Flake	Nelson
Barrasso	Gardner	Paul
Bennet	Graham	Perdue
Blunt	Grassley	Peters
Boozman	Hatch	Portman
Burr	Heitkamp	Risch
Capito	Heller	Roberts
Cardin	Hoeven	Rounds
Carper	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Isakson	Scott
Coons	Johnson	Shaheen
Corker	Jones	Shelby
Cornyn	Kennedy	Sullivan
Cotton	King	Tester
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCaskey	Van Hollen
Enzi	McConnell	Warner
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—33

Baldwin	Harris	Murray
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Casey	Klobuchar	Smith
Cortez Masto	Leahy	Stabenow
Duckworth	Markley	Udall
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Gillibrand	Murphy	Wyden

NOT VOTING—1

McCain

The nomination was confirmed.

The PRESIDING OFFICER. 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.

CLOTURE MOTION

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

The assistant bill 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 Andrew S. Oldham, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Roger F. Wicker, Steve Daines, Richard Burr, Mike Rounds, Bob Corker, Mike Crapo, Thom Tillis, Chuck Grassley, John Boozman, Johnny Isakson, Orrin G. Hatch, John Cornyn, David Perdue, John Barrasso, John Hoeven, Roy Blunt.

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 Andrew S. Oldham, of Texas, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—50

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

NAYS—49

Baldwin	Feinstein	McCaskey
Bennet	Gillibrand	Menendez
Blumenthal	Harris	Merkley
Booker	Hassan	Murphy
Brown	Heinrich	Murray
Cantwell	Heitkamp	Nelson
Cardin	Hirono	Peters
Carper	Jones	Reed
Casey	Kaine	Sanders
Coons	King	Schatz
Cortez Masto	Klobuchar	Schumer
Donnelly	Leahy	Shaheen
Duckworth	Manchin	Smith
Durbin	Markley	Stabenow

Tester	Warner	Wyden
Udall	Warren	
Van Hollen	Whitehouse	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Andrew S. Oldham, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF BRETT KAVANAUGH

Mr. GRASSLEY. Mr. President, as I have done two or three times before in the last week, I would take some of my colleagues' time to discuss the nomination of Judge Kavanaugh to serve as an Associate Justice on the Supreme Court.

I think the debate surrounding his confirmation has highlighted the deep divide between how conservatives view the role of the judiciary versus how liberals view it. The reason liberal outside groups oppose Judge Kavanaugh's nomination is quite simple: They don't think he will promote their preferred policies and the outcomes of those policies while on the Bench.

I can't think of a better example that demonstrates how differently liberals and conservatives view the role of the judiciary, so let me tell you how I and most Americans view the role of the judiciary. There are pretty simple things we learned from high school government courses about the checks and balances of government—pretty simple, pretty common sense, because it is all about the purpose of the Constitution of the United States.

Under the Constitution, we have three branches of government. Congress makes the law, the President enforces the law, and the judiciary interprets and applies the law and the Constitution.

The judiciary's role as a coequal and independent branch of government is significant. It is confined. In the words from the Constitution, they can only deal with cases and controversies. As Alexander Hamilton explained in Federalist Paper No. 78, the judiciary "may truly be said to have neither FORCE nor WILL, but merely judgment." In other words, the judiciary must stay in its lane—a very slow lane—calling balls and strikes as the courts see them, without trying to encroach on Congress's authority to make policy through the legislative process. When the Supreme Court goes beyond its mandate and enters the policymaking arena, it threatens the structure of our Constitution.

To preserve the judiciary's independence, Justices of the Supreme Court are appointed for life. They are not directly accountable to the voters for

their decisions. The American people can toss out those of us in Congress if we make bad policy decisions, but if a judge ends up legislating, we are stuck with a judge who made those bad decisions for life.

The benefit of this arrangement is that judges can make decisions according to the laws, not based on the whims of political opinion because they are immune from that political opinion. But the downside is that some judges can see their independence as a green light to override the policy choices of Congress or the States and substitute their own policy preferences. The threat this poses to self-government should be very self-evident: Instead of the people's representatives making policy choices, unelected judges who aren't answerable to the American people make them.

Conservatives believe that judges must rule according to the law as written. In any case, the law might lead to a liberal political result or, it might require a conservative political result, but the judge can't take that into consideration. The law must be interpreted regardless of whether the judge agrees with the political results of the decision. A good judge will oftentimes personally disagree with the result he or she reaches.

Many liberals view the role of the judiciary very differently. Liberals believe that an independent judiciary, unaccountable to the American people, is a very convenient way to achieve policy outcomes that can't be achieved through the democratic and representative process. That is why, in nearly every case before the Supreme Court, it is very predictable how the four Democrat-appointed Justices will rule. In most cases, they will reach the result that achieves liberal political goals. How else can you explain the fact that the Democrat-appointed Justices have voted to strike down every restriction on abortion—a right that appears nowhere in the Constitution—but would uphold restrictions on political speech or gun rights? After all, these rights are expressly covered by the First and Second Amendments.

The unfortunate reality is that liberal jurisprudence is thinly veiled liberal policymaking, and I am very generous when I say "thinly veiled." This explains many of the leftwing attacks on Judge Kavanaugh that are now going on. Judge Kavanaugh has a track record of putting aside any policy preferences that he has and ruling according to the law as it is written. I think this is a virtue. Indeed, it is necessary for judges to do that—to show their impartiality, to show their judicial temperaments. But liberal outside groups and their Senate allies see this as a threat. They want judges who will impose their policy preferences—only have those policy preferences disguised as law, of course. They want politicians hiding under their judicial robes. That is why many of the attacks on Judge Kavanaugh are based on policy outcomes.

Leftwing groups are spending millions of dollars to convince the American people that Judge Kavanaugh is hostile to their preferred policies. I believe this effort will be unsuccessful. What the American people see in Judge Kavanaugh is a judge who will rule according to the law, not for or against various policies.

Nine Ivy League Justices and their cadre of mostly Ivy League law clerks aren't equipped to replace Congress's exclusive lawmaking function.

One attack I have seen on Judge Kavanaugh is that he represents a threat to the Affordable Care Act's protection of people with preexisting conditions. I want to tell you why numerically that just doesn't work out—because the same five Justices who twice upheld the constitutionality of the Affordable Care Act are still on the Court. Justice Kennedy, whom Judge Kavanaugh would replace, voted to strike down the Affordable Care Act. In other words, even assuming you could predict Judge Kavanaugh's vote 1 year or 10 years from now on the Affordable Care Act, his vote would not change the outcome. Moreover, Judge Kavanaugh had two opportunities to strike down the Affordable Care Act on the DC Circuit, where he now serves. He did not do it. So where do they get the idea that he is a predictable vote to undo the ACA?

For those of us for repeal, maybe we ought to vote against him because he hasn't voted that way on the DC Circuit—those of us who thought the Affordable Care Act should be repealed—and because he may not be a sure vote to do that. And even if he were, there are still five votes to preserve it.

The leftwing groups might want to put away their crystal ball. Even the New York Times fact checker threw cold water on the argument that Kavanaugh was a sure vote against the Affordable Care Act. The New York Times labeled the leftwing attacks "exaggerated."

Another attack on Judge Kavanaugh is that he is hostile to abortion rights. This attack misrepresents his record on the DC Circuit. There, Judge Kavanaugh acknowledged that the court must decide the case based on *Roe v. Wade* and subsequent abortion decisions. He applied the precedent, as precedent requires judges to do so.

We hear the same fearmongering over abortion every time there is a Supreme Court vacancy. I remember that 38 years ago when Sandra Day O'Connor was going to be the first woman appointed to the Supreme Court, there was real worry then that *Roe v. Wade* was in jeopardy. She is one of those who preserved it in the *Casey v. Planned Parenthood* case 12 years later, as she got on the Court. Yet *Roe v. Wade* is still the law of the land. Justices have a way of surprising us. I think Justice Kennedy, now leaving the Court, was one of those because even though we didn't pursue this in depth with him at his hearing, those of

us who are pro-life—and I am one of them—were pretty assured that Kennedy might be one of those votes to override *Roe v. Wade*. Yet, in 1992, in the *Casey v. Planned Parenthood* case, Kennedy was one of the majority who voted not to do any harm whatsoever to *Roe v. Wade*.

There is no way to predict how a Justice will rule in a particular case. Many times, this Senator has been disappointed by what he thought a Justice might do if approved. Who could have predicted that Judge Scalia, for example, would strike down a ban on flag-burning? Just this term, we saw how Justices appointed by Republican Presidents can reach decisions with liberal political results because that is what the law requires. In *Sessions v. Dimaya*, Justice Gorsuch sided with an immigrant who challenged a statute under which he could have been deported as unconstitutionally vague. In *Carpenter v. the United States*, our Chief Justice Roberts, who most of the time is considered a conservative or strict constructionist, held that police were required to obtain a warrant before searching cell phone location data. If you are a law enforcement person, you consider that a bad decision. If you are a privacy rights person, you consider Chief Justice Roberts to be right.

It is sad—very sad—but not surprising that leftwing groups and their Senate allies oppose Judge Kavanaugh's confirmation based on policy concerns rather than on legal concerns. Luckily, a majority of Americans and a majority of Senators believe that the mark of a really good judge is someone who does what the Constitution assigns them to do—interpret the law as written, regardless of whether the result is liberal or conservative or even anything in between. As Justice Gorsuch said, judges wear robes, not capes.

In his 12 years on the DC Circuit, Judge Kavanaugh has a clear track record of setting aside any policy preferences and ruling according to law as Congress wrote it. Criticizing the results of certain decisions says more about his critics than about the judge himself.

We are already seeing an attempt at Borking Judge Kavanaugh. I was in the Senate when liberal groups and some of my colleagues smeared the highly respected Judge Bork after he was nominated for the Supreme Court. Judge Bork was very candid with the Senate Judiciary Committee. He was unfairly attacked for being so candid. We are seeing liberal groups and their Senate allies try to replicate this shameful episode.

But since the nomination of Justice Ginsburg to the Supreme Court, the tradition has been for nominees to, in her words, give "no hints, no forecasts, no previews" of how they would vote, and that applies to how they would address certain cases. In a press conference last year, the minority leader affirmed that "there is a grand tradition that I support that you can't ask"

a judicial nominee “about a specific case that might come before them.” That is exactly the Ginsburg rule.

I expect, if Judge Kavanaugh wants to be on the Supreme Court not only for the sake of being on the Supreme Court, getting there, but also to serve the role he ought to serve as an impartial Justice, that he is going to follow the Ginsburg rule when he comes before my Judiciary Committee. I implore my colleagues not to try to extract assurances about how he will rule in specific cases in exchange for a confirmation vote, because they ought to get the answer from Kavanaugh that Ginsburg would give and, as far as I know, every one of the nominees since then.

The only question that matters is this: Does Judge Kavanaugh strive to apply the law as written by Congress, regardless of his personal views? From what I know about Judge Kavanaugh—and I haven’t gone through all of his 300 opinions yet that he has written as a circuit judge, but the answer appears to be yes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, if there is one thing we have been able to rely on over the past half century or so, it is Democratic hysteria over Republican Supreme Court nominations. No sooner does a Republican President announce a nomination than the Democrats are off and running. It doesn’t matter who the nominee is—the playbook is the same. The Democrats warn that equal rights are in jeopardy; that our system of government may not survive; in fact, that Americans may not survive. That is right. In the lead-up to Justice Gorsuch’s confirmation, the head of one liberal organization stated that there was “substantial evidence” that if Gorsuch’s “egregious views were to become law, Americans’ lives . . . would be put at risk in untold ways.” I am happy to report that a year into Justice Gorsuch’s tenure on the Supreme Court, Americans seem to be doing OK.

Fast-forward to Judge Kavanaugh’s Supreme Court nomination, and once again, Democrats are predicting that the sky will fall if a Republican President’s Supreme Court nominee is confirmed.

Faced with an eminently well-qualified, mainstream nominee, they have been forced to resort to distortions or outright conspiracy theories to make their case. Their statements have been so extreme that they have already been called out more than once by the mainstream media.

The New York Times—not exactly known as an apologist for the Repub-

lican Party—published a fact check with the headline “Democrats Overstate Kavanaugh’s Writings on the Affordable Care Act.”

The Washington Post published a fact check that described a Democratic characterization of Kavanaugh as “extreme distortion.” Two tweets offering a truly absurd conspiracy theory about Justice Kennedy’s resignation received four Pinocchios from the Washington Post—a rating that qualifies the tweets as “whoppers.”

At the root of Democrats’ frenzy is their belief that the only good Supreme Court Justice is a Supreme Court Justice who shares their political beliefs and who will rule in support of them. That is a very disturbing point of view. Our system of government is based on the rule of law, but the rule of law depends on having judges who will rule based on the law and the facts, not on their personal opinions.

Once judges start ruling based on their political opinions or their feelings about what they would like the law to be, then we will have replaced the rule of law with the rule of individual judges. That is exactly what Democrats are pushing for. They are looking for Supreme Court Justices who will rule based not on the law but their personal beliefs. More specifically, they are looking for judges who will rule based on Democrats’ beliefs. Just look at the Democrats’ statements since Judge Kavanaugh’s nomination. Democrats aren’t interested in whether Judge Kavanaugh is qualified or will rule in accordance with the law; instead, they are concerned about his views on specific issues and whether those views line up with Democrats’ opinions.

Democrats want a Supreme Court that will ratify the opinions of the Democratic Party, whether or not those opinions are in line with the law or the Constitution. Of course judges have political opinions. Of course judges have personal feelings. When you are a judge, your job is to leave those things at the courtroom door. Your job is to judge based on the law and the facts, even when you don’t like—especially when you don’t like the outcome. As Justice Gorsuch has said, “A judge who likes every outcome he reaches is very likely a bad judge—stretching for results he prefers rather than those the law demands.”

I don’t know how Judge Kavanaugh would rule on the cases he would face as a member of the Supreme Court, but I do know that in each and every case, he would look not for the results he prefers but for those the law demands.

In a 2017 speech at Notre Dame Law School, Judge Kavanaugh said:

I believe very deeply in those visions of the rule of law as a law of rules, and of the judge as umpire. By that, I mean a neutral, impartial judiciary that decides cases based on settled principles without regard to policy preferences or political allegiances or which party is on which side in a particular case.

That is it. That is the job of a judge—to serve as the umpire, to call the balls

and strikes, not rewrite the rules of the game.

When you are considering a candidate for Congress, political opinions, like those the Democrats are demanding, matter. When it comes to judges, there are really only two important questions: First, is this judge well qualified? Second, does this person understand the proper role of a judge? When it comes to Judge Kavanaugh, the answer to both questions is yes. His qualifications are outstanding. He is a graduate of Yale Law School. He clerked for a Supreme Court Justice. He is a lecturer at Harvard Law School. Most importantly, as a judge on the DC Circuit Court of Appeals, he has handed down thoughtful, well-respected decisions that reveal his deep respect for the law and the Constitution and his understanding that it is a judge’s job to interpret the law, not to legislate from the bench.

It is unfortunate that Democrats’ belief that the only good judges are liberal judges is preventing them from giving an outstandingly qualified nominee like Judge Kavanaugh a fair hearing. There is still time for them to abandon their partisan political opposition and take a real look at Judge Kavanaugh’s qualifications for the Supreme Court. I hope they will.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRUMP-PUTIN SUMMIT

Mr. SCHUMER. Mr. President, I join with my colleagues this afternoon to talk about the President’s deeply embarrassing and disgraceful meeting with President Putin yesterday.

But first, allow me to comment on what we just heard from the President. A few minutes ago, President Trump seemed to say that he accepts the findings of the intelligence community that Russia meddled in our election. Well, welcome to the club, President Trump.

We have known since the middle of the 2016 election that they meddled. For the President to admit it now is cold comfort to a disturbed public that has watched him bend over backward to avoid criticizing Putin directly. President Trump may be trying to squirm away from what he said yesterday, but it is 24 hours too late—and in the wrong place—for the President to take a real stance on Putin’s election meddling.

Amazingly, President Trump, after reading his statement that he accepted the intelligence community’s conclusion that Putin meddled in our election, added, in his own words, “could be other people also. A lot of people out there.” This is just like Charlottesville. He made a horrible statement,

tried to back off, but couldn't even bring himself to back off. It shows the weakness of this President. It shows the weakness of President Trump—that he is afraid to confront Mr. Putin directly. Like a coward, he tries to squeal away from it when he is several thousand miles away.

What is President Putin going to take out of the President's actions today? That the man is weak, that he is afraid, that he is cowardly, and that Putin will feel he can take even further advantage of Donald Trump.

The President is now asking the American people not to believe their own eyes and ears about what he told the world in Helsinki yesterday. Even in his completely implausible effort to “correct” his own words, he departed from his text to again claim that the hacking could have been done by someone other than Russia. If the President can't say directly to President Putin “Mr. Putin, you are wrong and we are right; our intelligence agencies are right,” it is ineffective, and worse, it shows such weakness. It tells President Putin to continue to take advantage of the United States because President Trump doesn't have the courage, the strength, maybe not even the conviction to say to President Putin's face what he tried to say a few minutes ago.

The President's comments a moment ago changed very little. The question still remains: What will the Senate do in response? I have seen a few of my Republican colleagues shrug their shoulders, claiming they have done all they can. That is bunk. As Senators, we have a responsibility and an ability—an incredible power given to us by the Founding Fathers to check and balance this President.

As I said this morning, here are a few things the Senate can do immediately in response to the President's disastrous summit. We can ratchet up sanctions on Russia, not water them down. Sanctions we passed 98 to 2 have not even been fully implemented by the Trump administration. And now someone has inserted a loophole to water them down in the House defense legislation.

Second, our Republican colleagues need to immediately join us in demanding public testimony from the President's national security team that was in Helsinki. Secretary Pompeo, DNI Director Coats, Ambassador Huntsman, and anybody else who was part of that team ought to be testifying openly, publicly, and directly to Congress. We need to know this because, as frightening and damaging as the President's comments were to the public in Helsinki, what he said behind closed doors is, in all likelihood, even worse. Why did the President want to close the doors? There are lots of explanations. None of them are good. Does anyone believe that President Trump was tougher on Putin in secret? Why else did he not want anyone in the room?

Next, where are the notes from that meeting? What did the President agree

to? Can we have the translator come in and testify? Was Secretary of State Pompeo briefed afterward on what happened? Did he take notes? Were any other members of the President's team briefed? The notes need to be turned over to Congress immediately.

I am calling on Leader MCCONNELL and his Republican leadership team to immediately request a hearing with Pompeo, Coats, Huntsman, the rest of the President's national security team in Helsinki, and with the translator, so we can learn the full extent of what happened behind closed doors. Our national security is at risk. It is an unusual request for unusual times.

Next, our Republican friends must end attacks on the Justice Department, the FBI, particularly the special counsel, and let the investigation proceed unimpeded. The best way to do this is to pass the legislation, authored by a bipartisan group led by Senators COONS and BOOKER on our side and Senator TILLIS and GRAHAM on the Republican side, which passed out of the Judiciary Committee.

Leader MCCONNELL, if you are serious about checks and balances, if you are serious about making sure President Trump obeys the law and protects our security, put that bill on the floor now. It will pass.

Fourth, the President must release his tax returns and insist that the 12 Russians indicted for election interference are handed over. The President has refused to release his tax returns, but these bizarre actions he has taken seem to indicate that President Putin has something over President Trump, something personal, and it might be financial. We need to see the tax returns.

Finally, we must move the election security legislation immediately. Senator KLOBUCHAR has bipartisan legislation. Senator VAN HOLLEN has bipartisan legislation. Senator HARRIS has legislation. We need to move it. Leader MCCONNELL has talked about it a little bit. Let's move it quickly, but remember, the President still has control because the Director of National Intelligence has the ability to put out this report, and he is, after all, a Presidential appointee. I have some faith in the integrity of Mr. Coats, but he may not even be there after November, particularly given the way President Trump treats his appointees. So that legislation is good and necessary, but hardly sufficient.

I hope our Senate will move; I hope our Republican colleagues will not just talk the talk, but walk the walk. “Tsk, ts” is not enough when national security is at stake. Action—bipartisan action—is required.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Virginia.

Mr. Kaine. Mr. President, I rise to follow my leader and talk about this issue of great importance.

Let me begin with something I cherish. I have a photo, taken on December 1, 2016, of one of my children in snowy

fields in Lithuania in a U.S. military operation with NATO troops called Operation Iron Sword. The photo is of my son taking the oath of office to become a captain in the United States Marine Corps. He was deployed with 1,200 members of his battalion on the border of Russia between the Black Sea and the Baltic Sea, to protect America against a nation that General Joe Dunford, the head of our Joint Chiefs of Staff, describes as our principal adversary. These 1,200 young men and women were deployed far from home, working together with a nation on the Russian border to protect them and to protect our country.

My son was not alone with the Marines; there were also troops from many NATO nations and Lithuania and troops from other service branches of the United States. I hope you will forgive me for being a little bit Marine-centric.

The Marine motto “Semper Fidelis” means “always faithful,” but I think that motto applies not just to marines but to all who wear the uniform in the United States, certainly those helping the European allies counter Russian aggression and those 1.3 million people on Active Duty today—“always faithful.”

After the last week, a very profound question has been raised. While our troops can carry that and meet that “always faithful” standard, I think we have some significant questions about this President. Would he meet the same standard—“Semper Fidelis,” “always faithful”? Would he meet it for this country? Will the Senate meet the “always faithful” standard?

In the President's first year and a half in office, exercising the responsibility to be a Commander in Chief, I would say he has been a bit more of a “disruptor in chief.” We have had Presidents of both parties since the beginning of the 20th century—Presidents Wilson, FDR, President Truman, President Reagan, other Presidents of both parties—who always tried to be Commanders in Chief, who tried to be builders of security, builders of alliances. That is not the path the current President has taken. He has tried to be more of a disruptor.

He has pulled America out of a diplomatic deal with Iran that allied nations in the International Atomic Energy Agency said Iran was complying with. I am not aware of the United States ever unilaterally backing out of a deal when there was a consensus that the other nations were complying with it.

He has pulled us out of a climate accord that we reached with other nations in Paris.

He has unilaterally decided that the United States would be the only hold-out nation not participating in a U.N. global compact on migration to try to deal with the problem of migrants around the world.

He has loved to name-call our allies. It was shameful last week on his trip

to Europe that, essentially sitting in Prime Minister Theresa May's front office, he trashed her—one of our great allies. He trashed Angela Merkel, and he has done this before to the Prime Minister of Canada, the Prime Minister of Australia. Important allies of the United States have found themselves being name-called by this petty man. He has undercut valuable U.S. alliances. He described last week the European Union and Europe as our principal foe. He has repeatedly described NATO as obsolete. He has now launched trade wars against allies of the United States, asserting that national security demands that he do so.

The Presiding Officer and I were together in a meeting with the Canadian Foreign Minister in the last couple of weeks. She looked us in the eye and asked: Do you know how insulting it is that you would describe Canada—with the longest, undefended border in the world with another country, your ally in every war since the War of 1812, whose troops are serving side by side with Americans in Afghanistan, and who are fighting ISIS in Iraq today—as a national security threat?

We heard the same thing from Germany's Foreign Minister in the aftermath of this parade of insults against our allies last week. In the aftermath of using a national security waiver against our allies, the German Foreign Minister said just yesterday—and these should be painful words for anybody who cares about this country—that the United States is no longer a reliable ally.

To top all of this off, if there is a new low—and it may be debased even further tomorrow—it is the President's performance of standing next to Vladimir Putin, whose aggression against other nations, including the United States, has put troops, like my son, on the Russian border to work with allies halfway around the world—far from their families, far from their homes—and taking Putin's side over that of patriotic Americans who are working in our national security establishment and who have unanimously concluded that Russia attacked our 2016 election.

For him to say “Well, my people say they did, but he says they didn’t; I can’t see why Russia would,” what an abomination to all of the hard-working Americans who are with agencies like the CIA and the FBI and with other national security agencies who have reached a consensus opinion that Russia cyber attacked the integrity of our elections. To have watched this President stand on the stage publicly and say that he believed Vladimir Putin over patriotic Americans who were doing this work was a new low. They attacked us.

A President who would say there are good people on both sides of a White supremacy rally when there were three people killed in Charlottesville, VA, including two State Troopers I knew, is the same President who would stand next to a dictator who attacked us and

take his side over the side of American security professionals.

So I return to the question. The Americans who wear the uniform, whether they be marines or not, are always faithful. The President's performance, especially in the last week, raises deep questions about whether he meets that standard. Yet I think, for purposes of today, as I conclude, the question has to be: Will the Senate meet the standard?

I don't expect anyone in the administration to check this bad behavior. Some may encourage the President to do differently. Some may try to check the bad behavior, but I don't think they will be able to. I think we would be naive, frankly, to think that the House of Representatives would check the bad behavior. The fact that the Select Committee on Intelligence's investigation on the House side has gone off the rails suggests that it will not.

The question is posed pretty starkly, and it sits directly on our shoulders: Will the U.S. Senate take the steps to protect this country from the destruction we are seeing right now?

There needs to be a briefing of the Senate as to what was going on last week and what was discussed with Vladimir Putin and what could be the justification for the horrible capitulation we saw.

We need to do all we can to protect the Mueller investigation and let it reach its end point so we know who was culpable and how to protect our elections. The Russians who have invaded our election system need to be extradited to the United States. The administration needs to implement the sanctions legislation that this body passed by 98 to 2.

We also need to grapple with election security questions. I was a mayor and a Governor with boards of elections that ran elections, and no one has confidence that this President and this administration will protect American elections.

As I close, I will just say—and I have not said it in the time I have been in the Senate, and I hope I never say it again—that I think this issue and this time may well be one of the most important moments in the history of the entire U.S. Senate. We will either rise to the occasion and will show that we are always faithful or we will not. I hope we will.

I yield the floor.

The PRESIDING OFFICER. The minority whip.

Mr. DURBIN. Mr. President, back in the day when I was a trial lawyer and we had had a witness come to the stand who had made a big mistake—who had said something that would hurt your case or, maybe, even decide it the wrong way or who had misrepresented someone—you went through a period of rehabilitating the witness, which meant, basically, asking friendly questions and trying to get that witness back into a credible position. Sometimes it works and sometimes it doesn't.

This afternoon, President Trump attempted to rehabilitate himself for his performance in Helsinki, Finland.

The President said:

While I had a great meeting with NATO, raising vast amounts of money, I had an even better meeting with Vladimir Putin of Russia. Sadly, it is not being reported that way—the Fake News is going Crazy!

I don't think that comment is going to rehabilitate President Trump from his performance in Helsinki. It was sad, heartbreaking, and, in many ways, infuriating to think that he stood within a few feet of this Russian tyrant and said he believed that man, Vladimir Putin, more than he believed the intelligence agencies—the Department of Defense and the Department of Justice—of the United States of America. That was what he said, and it was a moment that will not easily be forgotten. It is not something he can talk his way out of.

He made similarly incoherent and jarring comments moments ago in an apparent damage control event. He went so far as to say that our NATO allies “were thrilled” with his recent visit during which he bullied and belittled them.

In some moments, the President loses touch with reality. He believes that we are suffering from national amnesia and that we can't remember what happened yesterday or last week. We remember. The reason we remember is that it is such a dramatic departure from the conduct of previous Presidents and that it is such a dramatic departure from the history of the United States. I think our President's sense of history reaches back to the day before yesterday and not far beyond.

He does not realize, as President Reagan said so often, that our NATO alliance is critical to the security of the United States and to our European friends and to the world. He just doesn't get it. He doesn't understand why that alliance is so critical. He belittles it. He bullies the members. He picks some of our strongest allies and decides to make them spectacles of his performance. That doesn't make it any easier for them to continue to stand by our side, and it, certainly, doesn't put them in a position of trusting us in the future if they desperately need us.

My mother was born in Lithuania, in the Baltics. I have been there many, many times. They are great little countries—Estonia, Latvia, and Lithuania—and next-door, Poland. They have seen a lot over the years. They have been overrun by Nazis and Communists, and they have seen their freedoms be eliminated under autocratic rule. They believed, when they finally restored democracy about 25 or 30 years ago, that their only chance—their only guarantee of any future—was going to be with the NATO alliance, with becoming part of Europe—with becoming part of this great alliance with the United States.

Last night, I was with Gordon Smith, a former Senator from Oregon. We both

remembered a visit to Lithuania in 1999 where there was this rally, this small rally, in one of the public streets in Lithuania. It was a NATO rally or, as they called it, "GNAT-OH." They were chanting in Lithuanian how much they wanted to be part of NATO. They understood then and they understand today that the NATO alliance is Lithuania's ticket to freedom, that the NATO alliance is its insurance policy. The NATO alliance gives it hope that there will not be another generation of Lithuanians who will live in suppression and chains.

When the President belittles this and suggests that, perhaps, the Baltics are on the table when he talks of Vladimir Putin, it strikes fear in the hearts of God-fearing people who basically can still remember what it means to be under the heel of the Communist leadership of Moscow. The President just doesn't get it. He does not understand the importance of it. He, certainly, doesn't understand Vladimir Putin. To think that he would allow Putin to use what he called "powerful words" and deny what we already know to be true says that the President is very gullible.

What is it about this relationship between Donald Trump and Vladimir Putin? How can you explain this? Why would a President of the United States be bowing and scraping to this Russian tyrant—to a man who has a dismal record when it comes to human rights, to a man who led his troops in the invasion of the nation of Georgia and who invaded Ukraine and who took over Crimea, to a man who set up a situation in Syria in which innocent people would die and in which their own tyrant would succeed, to a man who invaded our election process as he did?

I guess what we are looking for now, as our minority leader, Senator SCHUMER, said earlier, is an accounting of what actually happened in Helsinki. This disastrous meeting between President Trump and Vladimir Putin needs to be fully explained to the American people. I join with Senator SCHUMER in calling for hearings with the President's Helsinki team—with Mike Pompeo, the Secretary of State, and with Dan Coats, the Director of National Intelligence and a man I greatly respect, who showed a steel spine this last week as he witnessed the President's turning on him and the intelligence community, and with Mr. Huntsman, our Ambassador to Moscow. They should all be coming to Washington quickly to explain what happened and how to repair the damage created by President Trump.

We need to see a transcript of the one-on-one meeting with President Trump and Vladimir Putin. If he were so deferential in his public press conference with Vladimir Putin, what did our President say to Putin behind closed doors? It is not too much for the American people to ask for an accounting.

We need to make sure that the Republicans will join us in protecting the

Office of Special Counsel. So far, Robert Mueller's investigation has led to the indictments of 32 individuals, and 5 have already pled guilty. The latest included 12 Russian intelligence agents who were specified by name as being involved in the efforts to undo our election.

We also need something that is very basic and, I think, that all of us have now come to realize is essential. President Donald Trump can no longer refuse to disclose his income tax returns. He did it throughout the campaign. He has refused to make a disclosure since. We need to know his financial relationship with Russia and Vladimir Putin's oligarchs. There has to be more to the story than we know today, and it is time for this President to come clean.

Finally, we need to press for election security legislation. We live in a dangerous moment. I also agree with former Senator Dan Coats. It is a moment at which the Russians will try to take advantage of us.

My last plea will be to my colleagues who have not spoken out clearly on this subject—not to the Presiding Officer, because he has spoken out, and I respect him so much. We need them to come forward and make it clear on a bipartisan basis that we stand together when it comes to foreign policy, the values of this Nation, and the security of the United States. We understand that Vladimir Putin has been a tyrant who has really made life miserable and who has killed many innocent people in his rage against the West and against the United States.

Most of all, we need more Republican Senators who will join with those in the past who have stepped forward and put country first over party. I remember reading the history of the Nixon years and the breaking point. The breaking point finally occurred when people like Republican Senator Barry Goldwater, of Arizona, stood up and said: "There are only so many lies you can take, and now there has been one too many." He joined with several other Republican Senators and went down to the White House and sat face-to-face with President Richard Nixon. They sat directly in front of him and explained that enough was enough.

It will take that. It will take that again for Republican Senators to have the courage to meet with this President and tell him he has to stop giving away the heritage, the values, and the legacy of the United States of America.

Those courageous Americans back in that day were, of course, talking about lies, corruption, obstruction of justice, and dangers to our democratic system. They took the oath of office. It is the same one we have taken to protect the Constitution against all enemies, foreign and domestic, and to, certainly, put party second to our obligations to our Nation.

For their courage, we and history owe them a debt of gratitude. Since yesterday's fiasco with Putin, only one

Republican has spoken specifically on the Senate floor about this crisis. He was joined by the most eloquent statement by JOHN MCCAIN, who, because of illness, could not be physically present. That is it. It is not enough.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to urge this body to uphold our solemn responsibility to preserve, protect, and defend the Constitution of the United States and to protect the Nation from all enemies, foreign and domestic.

I have long believed the President's words and actions have undermined our national interests and our values, but yesterday felt different.

As someone who has sat for 26 years on the House and Senate Foreign Relations Committee, it was a day of infamy in the history of our foreign policy.

Yesterday, the American people witnessed a supplicant President of the United States capitulate to a brutal foreign leader on the world stage. Far from standing up to Putin, President Trump was unable to even acknowledge Russia's attack in 2016 and the continued threat it poses today. Instead, the President reverted to his own insecurities about his electoral victory and disturbingly subverted the work of the men and women who lead our intelligence community.

I shouldn't have to repeat this, but I will, and I hope my colleagues on both sides of the aisle are as unequivocal as well. Seventeen—seventeen—U.S. intelligence agencies together assessed that Russian President Vladimir Putin ordered a sophisticated influence campaign aimed at the 2016 Presidential election. Yet the President said he had "no reason to believe" Russia interfered, and I have no reason to believe what he tried to clean up today.

Those statements directly contradicted statements from then-CIA Director Mike Pompeo—who is now the Secretary of State—the U.S. Vice President, Michael Pence, and the Director of U.S. National Intelligence.

The President said:

I have great confidence in my intelligence people, but I will tell you that President Putin was extremely strong and powerful in his denial today. And what he did is an incredible offer; he offered to have the people working on the case come and work with their investigators—

With respect to the 12 military intelligence officers that the special counsel indicted—

I think that is an incredible offer.

The only incredible thing about that offer is that the President of the United States would invite the perpetrator of the crime to help with the investigation. That is incredible.

Every time President Trump failed to stand up to Vladimir Putin felt like a collective punch in the gut of the American people. It was disturbing and saddening to see the leader of the free world shrink in the face of a dictator.

Just as disturbing is, we have no idea what transpired between President Trump and Putin during their secretive, lengthy meeting. What could the President need to discuss with President Putin for 2 hours with no other advisers present? If President Trump said such appalling things in public, Lord knows what he would have said to Putin in private. We deserve to know what was said and what was agreed to. We can't afford to be blindsided or outmaneuvered.

Just today, the Russian Ministry of Defense publicly stated it is preparing to start implementing an agreement that the President apparently struck in Helsinki with President Putin—an agreement that neither Congress nor the American people have been informed about.

President Trump, to adequately protect America's interests, we need to know what commitments you made to Putin. What specific topics did you discuss? What were the suggestions President Putin made to you? Did you discuss any changes to international security agreements, and, if so, what were they? Did you advocate for the extradition of the 12 Russian intelligence officers indicted last Friday? Did you make any commitments to the U.S. role regarding Syria? Did you press Russia to return to compliance with the INF Treaty and halt its nuclear threats against Europe? Did you discuss U.S. sanctions on Russia, including CAATSA sanctions that this body passed 98 to 2? If so, did you commit to any action?

Did you call upon President Putin to withdraw from Crimea and eastern Ukraine so both areas can be returned to the sovereign Government of Ukraine or did you ultimately give up on Crimea?

Did you discuss NATO military exercises scheduled for this fall? Did you agree to roll back or change the nature of those exercises? Did you discuss U.S. security assistance to Ukraine and make any concessions regarding their continuation?

Did you raise the issue of political prisoners with President Putin, including that of Oleg Sentsov, the Ukrainian filmmaker who has been detained for 4 years on a hunger strike?

What, if anything, did you commit to? We need to know.

The President keeps saying having a good relationship with Russia would be a good thing. Of course, having good relationships with countries, in general, is a good thing, but those relationships must be grounded in trust, in cooperation, in the values we share—values like human rights, democracies, self-governance, and individual freedom.

We do not share values with a country that attacks our elections and, by doing so, seeks to undermine our democracy. We do not share values with a country that invades its sovereign neighbors and engages in a brutal war with Ukraine. We do not share values with a country that bolsters the Butch-

er of Damascus and is complicit in war crimes in Syria. We do not share values with a country that assassinates political opponents and jails journalists. We do not share values with a country that continuously violates the international order. We do not share values with Russia under Putin.

We take oaths when we are sworn into office. President Trump did as well. Yesterday's behavior, from my view, was an abdication of that oath to preserve, protect, and defend the Constitution of the United States.

We have reached a terrible and historic low point in the United States. An American President, it seems, has teamed up with Russian intelligence against our democracy, our FBI, our Justice Department, and our intelligence community.

Our President is more closely aligned with Vladimir Putin than he is with his own government. It is unfortunate we have come to expect this behavior. President Trump has made his fixation on Putin and his affinity for authoritarians crystal clear, and America is weaker because of it. The question is, Are Senate Republicans OK with this? Except for the Presiding Officer and one or two other colleagues, from the silence of many or the feeble comments of others, I would say so.

Are they willing to concede Russian policy to President Trump? Is the price of letting this President surrender to a brutal dictator in Moscow some corporate tax cuts and a Supreme Court seat?

Tweeting about being “troubled”—troubled—is shamefully inappropriate. Signing on to symbolic measures that carry no force of law is a joke, and remaining silent in the face of betrayal is nothing less than complicity.

It is time the Republican-led Congress live up to its constitutional responsibilities. If this Senate is to respond appropriately, here is what we must immediately do, starting this week:

First, the Foreign Relations Committee; the Armed Services Committee, of which my distinguished colleague is the ranking Democrat; and the Intelligence Committee, of which my distinguished colleague is a member, must hold hearings on what happened in Helsinki. We have a right and a responsibility to know what transpired between Trump and Putin and how it affects American citizens. We have the power to compel the administration to provide that information; we just need to use it.

Second, the Senate must protect the Mueller investigation and prevent interference by President Trump. The President is laying the groundwork to fire the special counsel. We can't let that happen. It is our responsibility to protect the integrity of our institutions.

Third, the Senate must conduct real oversight of the Russia sanctions that were signed into law last August. As I have said repeatedly on this floor, the

Trump administration is ignoring several mandatory provisions of the law—mandatory. In all of the sanctions that I have helped write, this is one of the first times the Congress came together and didn't give the President waivers because they were concerned about what he would do vis-a-vis Russia, and look at this—maybe that foresight was very clairvoyant.

I and other Democrats have spoken out. We have sent several letters. We continuously urged administration officials to implement the sanctions. Where are the Senate Republicans, including all of those who voted for this bill, except for one? Silent.

If you want to stand up to Putin, if you want to stand up against Trump's capitulation in Helsinki, then we need to press the administration to finally implement what is already in the law—what is already in the law. We should do so today.

Fourth, we need to protect ourselves here at home, since it is clear we have a President who will not. The Senate needs to take up and pass the Protecting the Right to Independent and Democratic Elections Act I introduced last month. There are also measures by Senators WARNER, KLOBUCHAR, and others that would bolster our electoral defenses.

President Trump's intelligence community has repeatedly warned that the Kremlin's dangerous interference in U.S. democracy is continuing. Just days ago, the Director of National Intelligence, Dan Coats, said the warning signs are “blinking red” of further Russian cyber attacks. He noted that we are under literal attack. Yet instead of marshaling a whole-of-government response, President Trump remains fixated on protecting his fragile ego.

Today is the fourth anniversary of the shooting down of Malaysia Airlines flight 17 over eastern Ukraine by Russian-supported separatists, which killed all 298 people on board—a devastating reminder of the real dangers of the Kremlin's brutal targeting of civilians and why our relations with Russia have been strained.

Yesterday, Putin said the ball is in America's court. Well, it is time we take our shot. It is time we show the American people and the world what it means to put country over party. It is time to show the American people that we can be patriots and not just partisans; that we will stand by our allies and stand up to our adversaries; that we will defend our democracy, our institutions, and the values that truly make America great.

Our President has proven too weak, too egotistical, too feckless, or maybe too compromised to do it. It is up to us.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. REED. Mr. President, as I and many of my colleagues feared, the Trump-Putin summit was disastrous,

and their press conference amounted to a disinformation operation in which President Trump played the willing participant. The propaganda, dissembling, and denials are part of Russia's hybrid operations against our country, our allies, and our partners that are an ongoing and persistent threat to our national security.

By failing to challenge Putin's fabrications on Russia's interference with U.S. democracy, its annexation of Crimea, its role in Syria, its use of chemical agents against civilians, or its violations of its armed control obligations, President Trump acquiesced in Russia's lies and alternative facts and undermined our security in the process.

A low point was President Trump siding with Putin, over our own intelligence community's assessment, on Russian election interference. It was the unanimous judgment of the intelligence community that Putin directed an attack on our 2016 elections with the intent of undermining public faith in our democratic process. That assessment was just reaffirmed unanimously by the Senate Select Committee on Intelligence.

Furthermore, last Friday, the Justice Department indicted 12 Russian military intelligence officers on charges of "large-scale cyber operations to interfere with the 2016 presidential election." Despite being briefed on these developments, President Trump chose to side with Putin on election interference.

It is unconscionable that an American President, standing on foreign soil, chose to play Putin's press secretary rather than take the word of his own intelligence officials—career professionals who put their lives on the line for the safety and security of all Americans.

President Trump's words hurt our national security. Nations or potential sources may no longer trust the United States. They may hold back in fear that their highly classified secrets could be revealed to Russia, a foreign adversary, as Trump has done in the past.

Yesterday, President Trump also made a moral equivalency between the United States and Russia. This is an unfathomable and dangerous break from the actions of past Presidents of both parties.

President Trump's actions this week and throughout his Presidency have undermined the once bedrock belief around the globe that the United States is a beacon of hope and reliability.

Further, moral equivalency is a long-time Russian narrative used by Putin to justify his continued oppression of his people and suppression of democratic impulses within Russia.

On a more basic level, President Trump is undermining that which makes us strong. The world order that the United States created after World War II is something we have benefited

from for decades. We draw strength from our allies and from participation in international institutions. The United States is not weakened by them; we are strengthened by them.

The mere act of the two Presidents sitting down together was a victory for Putin. Instead of taking this opportunity to talk tough and call Putin out for his misdeeds, President Trump delivered rewards without gaining any changes in Russia's behavior. This adds up to weakness, acquiescence, and more. Nothing about Russia's behavior has changed. Putin is still in Crimea. He is still propping up Assad's murderous actions in Syria. He is still interfering in the domestic politics of the West and undermining people's faith in the democratic process.

This is not theoretical. Director of National Intelligence Coats warned that Russian cyber attacks are threatening our government and our financial institutions. He used very explicit language to say that, akin to before 9/11, the warning signs of Russian aggression are "blinking red again." Yet, instead of recognizing that threat, denouncing attacks from Russia, and developing a whole-of-government solution to counter the threat, Trump is cozying up to Putin.

In light of President Trump's dereliction of his responsibilities, I urge my Republican colleagues to stand up for the security and integrity of our democracy. Some of my colleagues have condemned President Trump's performance yesterday, but clearer and more concrete steps must be taken. Republicans must reject President Trump's weak and damaging views on foreign policy. What we saw this week and throughout this Presidency is an aberration that is unsustainable, and this course must be corrected soon. Words of regret or sadness for a missed opportunity are not sufficient in the wake of yesterday's display of weakness and narcissism.

Republicans should join with Democrats to pass legislation to protect the Mueller investigation and to ensure that the investigation is permitted to follow the evidence wherever it leads and bring this matter to a conclusion.

Republicans should join with Democrats to hold hearings and get testimony about the President's trip and particularly what he promised Putin during their private meeting.

Republicans should join with Democrats in calling on the President to fully implement the sanctions act against Russia for its numerous nefarious activities.

Republicans should join with Democrats and demand that President Trump be interviewed by Special Counsel Mueller under oath.

Finally, I urge the Trump administration to at long last issue a comprehensive strategy coordinating our military, diplomatic, law enforcement, financial, and all other instruments of U.S. national power to counter Russian malign influence, as called for in last

year's NDAA. We are waiting a year for a legislative mandate of this Congress to provide such a report. Time is running out.

This is not a partisan issue. It is long past time for the President to denounce the Kremlin's behavior and take steps to mount a whole-of-government response to deter it in the future.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I yield to my colleague from Arizona if he wishes to be heard first.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Thank you. I will just be a moment.

Mr. President, I appreciate the comments from my Democratic colleagues and hope that more of my Republican colleagues will speak about the spectacle yesterday in Helsinki.

I said yesterday that I never thought I would see the President of the United States stand with the President of Russia and blame the United States for Russian aggression. I said yesterday that that was shameful. I feel the same today.

Today, the President said that the press conference had been misinterpreted by the fake news media. I would say to the President that we all watched the press conference, and it wasn't the fake news media that sided with the Russian President over our own intelligence agencies; it was you.

This body must stand and reaffirm that we stand with the men and women in the Department of Justice who have brought these 12 indictments against individuals from the Russian Federation who interfered with our elections. We must say that we stand with our NATO allies and we stand with those in the EU; that they are not foes, they are friends. We must stand up to the real adversaries we have. Right now, Russia is an adversary. I hope the President will realize that. I hope he will take the word of the men and women of the Department of Justice and the entire intelligence agencies rather than the empty words of a dictator.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored and grateful to follow the very powerful comments of my friend and colleague from Arizona. They remind me of our mutual friend, his colleague and partner from the State of Arizona, Senator JOHN MCCAIN, whom we miss at this moment more than ever. Senator MCCAIN is with us in spirit, and those words remind us that the threat we face at this perilous time in our national history must be met with a truly bipartisan response.

The threat we face is every bit as serious as any in the history of this country because it involves an attack on the pillars of our democracy. We know that 9/11 and Pearl Harbor involved a

physical assault with immediate loss of life. Russia's attack on this country in 2016 is every bit as serious and urgent.

In the words of the Director of National Intelligence, our former colleague Dan Coats, this incident should put us truly on alert. Those blinking lights based on objective and unvarnished evidence, as he put it, of a pervasive, continuing attack should bring us together as a legislative body and as a country.

This issue really is not about Donald Trump as much as it is about our Nation. The summit in a sense realized our worst fears; indeed, our deepest nightmare. At best, it was going to be a gift to President Putin because it legitimized him and elevated him on the world stage, even if no words followed that private meeting.

The truth is that it happened, and the President of the United States was a puppet, a patsy, a pushover—in fact, an appeaser, in the worst tradition of that term—on the public stage. The President put Russia over this country. He failed to fulfill his oath of office to defend this Nation against all enemies, foreign and domestic. He failed to put America's interests first. In fact, he blamed America first. He blamed everyone except for Putin and himself.

Now he has attempted, shamefully, to rewrite history—unartfully, incredibly. He has said, in effect, that some editing, some minor change in grammar, would allow him to escape the universal condemnation from all sides of the political spectrum of his shameful surrender to Vladimir Putin.

The question is, What does Vladimir Putin have on Donald Trump? We will not know until the special counsel finishes his investigation. We must do everything in this body—and this point is central to what we are saying today—to protect the special counsel against the continuing onslaught and assault from Donald Trump's cronies and surrogates on the far right—the fringe of the Republican Party—who are seeking to discredit the special counsel investigation; indeed, talking about impeaching Ron Rosenstein and demanding documents involved in that investigation. We must now pass the Special Counsel Independence and Integrity Act.

If Donald Trump is serious and he believes that the Russians, in fact, interfered with our democracy, what he will do now is implement the sanctions that were made mandatory on Russia. He has violated his duty by continuing to avoid imposing them. He will authorize the Cyber Command to take aggressive measures—not simply defensive—and penetrate and disrupt the systems of cyber within Russia that are used against us. He will authorize the exposure and revelation of Russian oligarchs' and Vladimir Putin's wealth around the world, hidden and concealed—the result of their corruption in Russia. He himself can undertake these measures.

If the Senate is serious about protecting the United States, it will order

that the transcripts and notes and any documents and the security team who attended that summit come to the Congress in a closed briefing and eventually an open one, under oath, so the American people can know. They should be required to provide whatever they know about what happened in that private meeting so that we know what happened and the implications of what happened are truly known.

Just yesterday, the Department of Justice issued a criminal complaint against Maria Butina. It followed indictments against 12 Russian individuals. Maria Butina is a Russian agent who worked through the NRA to influence and corrupt our political system—again, part of the Russian attack on this country. We need to hold hearings now to know whether Russia has been using organizations like the NRA and other shell companies to illegally funnel money into our election.

I will close where I began. These issues transcend partisanship. They ought to be put above the everyday issues that concern us. We cannot say that we weren't warned. The failure to act and act now to hold Russia accountable, to make them pay a price, to show them that we will not tolerate—nor will our allies—this kind of interference in our elections will mean they will do it again. History will judge us harshly.

Our allies were never more important than now. They are victims of the same kind of attack. Rather than trashing and beating them, as President Trump has done, we should bring them to our side and express to them, as this Senate did by a 97-to-2 vote, that we are committed to NATO and that if one of us is attacked, all of us are attacked. In fact, almost all of us are under attack right now.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I wish to start by thanking my colleague from Connecticut for his words today and for his leadership in protecting the integrity of our democracy and the rule of law.

When it comes to issues of national security and foreign policy, we have had many vigorous debates in this country over the decades and many important debates here on the floor of this Senate. There have been deep disagreements over specific foreign policy choices that we make as a country. But there has consistently been broad bipartisan support for the view that the United States and strong U.S. leadership benefit not only our interests but the interests of folks around the world. That has been American leadership grounded in key values and principles, including the promotion of democracy, universal human rights, the rule of law, a free press, and the idea that America is an exceptional nation based not on tribalism but a beacon of hope for all people, as symbolized by the

Statue of Liberty. This isn't to say that over the decades we have always been virtuous or always consistent in the application of these principles. We all know we have made many mistakes and detours along the way, but until now, until this moment in our history, the principles and values I outlined have been the guideposts and cornerstones for American Presidents—Republicans and Democrats alike—since the end of World War II.

With those guideposts, we have built some very important international architecture: our alliances, international institutions, and international agreements. But today, sadly, we have a President who has gone absolutely rogue on the time-tested bipartisan tenets of American foreign policy, whether it is the way he attacks or berates our allies or when he consistently goes out of his way to praise dictators like Vladimir Putin or Kim Jong Un or other autocrats around the world.

I am not going to take the time today to chronicle the mountain of evidence leading up to the events of last week that show already President Trump's radical retreat from the kind of global leadership that America has exercised since the end of World War II. We all know that those views are shared by many of our Republican Senate colleagues. Senator MCCAIN has been very strong on that, as have other Republican Senators. Others have said quietly what Senator MCCAIN has said publicly. This is a moment where everybody has to come together as patriots, not partisans.

Including Senator MCCAIN, we have a lot of Republican foreign policy experts and independent groups, like Freedom House, that have raised the alarm bells about this administration's far-reaching attacks on fundamental institutions of democratic society, like freedom of the press.

One thing we all know is this: We know the words and actions of an American President have real-world consequences. Those of President Trump leave our friends unsure if they can depend on us and create openings and opportunities for our adversaries. They weaken our credibility and squander our moral authority on the world stage.

Of course, the events of last week and yesterday are the ultimate expression of this President's retreat from that bipartisan tradition of American foreign policy—first, going to a NATO meeting and berating some of our closest allies. All of us understand that each of our NATO allies needs to fully contribute to NATO. In fact, these countries have already made that commitment, but President Trump threw them under the bus and diminished the importance of the NATO alliance.

Then, of course, he went directly from there to his meeting with President Putin, but before that meeting, the President let us know what his state of mind was. The President tweeted out: "Our relationship with

Russia has NEVER been worse thanks to many years of U.S. foolishness . . .”—not Russia’s invasion or occupation of Crimea, not Russian aggression in the Ukraine, not Russian activities around the world that undermine peace and stability, and not Russia’s attack on our democracy in the 2016 elections.

In fact, shortly before he went to meet with Putin, he again invoked a Stalinist expression, where he said: “Much of our news media is indeed the enemy of the people.” That is something I am sure warmed the heart of Vladimir Putin, who doesn’t like any criticism, like our President doesn’t like any criticism.

Then he went in to this meeting and came out in that joint press conference. What did he do? Standing side by side with Vladimir Putin, he told the world that he sided with Putin over the leaders of the American intelligence community on the question of whether or not Russia interfered in the American elections in 2016. He said: President Putin assures me that they did not interfere. He says it very strongly.

Then, he sided with President Putin over his own director of the CIA, who has testified before Congress about Russian interference in 2016, over Director of National Intelligence Dan Coats, over Secretary of State Pompeo, and over the very people President Trump said all of us should trust in these important positions of responsibility. Yet, on a world stage, he bowed to President Putin and said he trusted President Putin’s word over that of U.S. intelligence. I understand that today he is trying to walk this back. He actually tweeted:

While I had a great meeting with NATO . . . I had an even better meeting with Vladimir Putin of Russia. Sadly, it is not being reported that way—the Fake News is going Crazy!

The challenge President Trump has this time is that we all watched that press conference. The world saw it. So really, the question now for us here in the Senate—Republicans and Democrats alike—is this: What are we going to do? What are we going to do now that the President of the United States has taken this position, undermining the credibility of his own country?

We were worried before the President went to the NATO meeting, and we passed a resolution here—that was a good thing—affirming our support for NATO. Last year, over the objections of the Trump administration, we passed legislation imposing sanctions on Russia.

Now we have to come together, as Senates have before—Republicans and Democrats—to send a very strong signal that the United States stands together in support of the bipartisan principles we have stood for before.

We now know the President will not defend the integrity of our democratic process. We need to do it, and my colleagues have outlined many steps we should take. One step we should take is

directly related to future elections, because what we know from the testimony of the head of the CIA, the head of the DNI, and the Secretary of State is that they all expect Russia—unless something changes—to interfere in our 2018 and future elections.

The 2018 elections are 16 weeks away. We now know the President of the United States is not going to defend the integrity of the democratic process. So we have to do it. One of the many things we should do is to support legislation I have introduced together with Senator RUBIO, bipartisan legislation. It is very clear. It says to Vladimir Putin: If you interfere in another U.S. election and we catch you, Russia will automatically face very stiff sanctions to your energy sector and your banking sector, and there will be a huge price to pay. It is called the DETER Act. The whole idea is to make sure that Vladimir Putin knows that the cost of interfering in our elections far outweigh any benefit he may think he gets.

So I hope we will stand together as Republicans and Democrats to do what the President of the United States will not do, and that is to protect the integrity of our elections. Let’s learn from the past. Let’s work together for the future.

THE PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, just yesterday the world watched as President Trump, standing in front of the American flag, side by side with Vladimir Putin, not only betrayed the dedication of the men and women of the U.S. intelligence and law enforcement communities but then showered praise upon the Russian President—the man who directed the interference of our elections.

This prompted outcry from Members on both sides of the aisle, as it should. I read statements from my colleagues that were very strong in condemning President Trump for putting Russia ahead of the United States, using terms like “shameful” and “disgraceful,” and not just from Republicans who bravely stood up to this President before. I heard from Members of Congress and even from some FOX News contributors, unable to twist themselves into defending this President at this moment, as he so clearly undercut our own country. I am glad they spoke up because words matter.

But do you know what also matters? Action. So now, I ask: What will congressional Republicans do about it? Many Republican Members of Congress are acting as if they just have a Twitter feed, as if they aren’t the party in control of the Senate and the House, as if they don’t have the ability to actually make a difference and demand change. That is absurd.

The time for handwringing and hoping the problem goes away is over. With the power to call up legislation and hold hearings, Republican leaders do have options, and they certainly

have a whole lot of Democrats who stand ready and willing to help.

It is truly horrifying and deeply alarming that President Trump failed to use that moment to push President Putin to end his attacks on our country and our elections, and he failed to condemn the Kremlin’s interference in the elections of our allies; or Putin’s support of the brutal Assad regime and connections to chemical weapons attacks by the Syrian Government; or the illegal annexation of Ukraine’s Crimean peninsula; or the 2014 downing of MH17 over Ukraine, where 295 people were killed; or the murder of journalists and opposition politicians; or the use of chemical weapons; or the undemocratic authoritarian and oppressive rule of the Putin regime and how it actively works against our American principles.

Instead of standing up for our values and our national security, our President defended Putin on all fronts. Instead of putting America first, he performed Putin’s bidding by attacking our closest allies and trying to dismantle NATO.

Today, I know President Trump tried desperately to backtrack, but we know where he stands, and we all heard what he said on the world stage just yesterday. It is appalling, inexcusable, and unworthy of the President.

So my message to every Member of the Senate and to every Member of the other body is clear. It is time to strengthen the sanctions against Russia for its aggression around the world and to demand answers from Secretary Pompeo and the other members of the Trump national security team, especially about what the President may have promised Putin during their closed-door meeting, and for them to provide Congress—all of us—with any notes from the meeting that may exist.

We need them to stand up for and protect the Department of Justice, the FBI, and the special counsel; to insist that the President demand the extradition of the 12 Russians indicted for their attacks on our elections; and to pass election security legislation.

This is not a partisan issue. This is about defending the integrity and foundational values of our Nation. This is about Congress doing its constitutional job and holding the President accountable for his shocking and repeated failures. This is about telling our allies around the world that they can still depend on the United States. This is about putting the country before the party.

Stand not just with Democrats. Stand with people across the country by taking action to hold Russia accountable and to protect this country from future attacks. Ask President Trump why he is choosing to defend Russia and blame America, and ask what or who is motivating him, because it certainly is not the American people, our security, our values, or our future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am pleased to see President Trump's clarification today. The Russians did meddle in our election. That is the consensus not just of the intelligence community, but it is the consensus here among our own Intelligence Committees of the House and Senate, led by Republicans.

I will say that Congress has pushed pretty hard against some of the Russian activity, not just the meddling but the illegal annexation of Crimea and Russia's continued support of the Assad regime in Syria, which has caused so much pain and agony. We have passed historic sanctions around here on Russia. Should we have additional sanctions? I am certainly open to that, but it is not as if Congress has not acted.

We have also provided, for the first time ever, lethal weapons to the Ukrainians to be able to push back on the eastern border of Ukraine. I pleaded with the Obama administration to provide such weapons, and they never did, and this administration has done so despite protestations from Russia.

We just funded \$350 million or so to protect our electoral security here in this country and to help our State boards of election to be able to push back against what I am concerned about, which would be interference in yet another election cycle in this country. I am glad that was a bipartisan effort to do so. We have also built up our military, including putting more resources into Central and Eastern Europe and more exercises there to push back, including up-arming our armored vehicles there because of the threat we now believe is coming from Russia, not just on the eastern border of Ukraine but throughout eastern Central Europe.

This administration has actually expelled more Russian diplomats, I think, than any administration at once, at least. In reaction to the poisoning in the UK, we expelled more diplomats than any other country. We also shut down a Russian consulate, I believe, in the State of the colleague who just spoke, and these are all things that have happened.

The irony is, the actions speak pretty loudly, don't they? It is unfortunate that our words have not spoken as loudly recently.

Again, I appreciate the President's clarification today. I think we need to be honest. We need to be straightforward, and that would result in a better relationship with Russia.

NOMINATION OF BRETT KAVANAUGH

Today, Mr. President, I am coming to the floor to speak about something very positive; that is, the nomination of Brett Kavanaugh to be the next Associate Justice of the Supreme Court. A lot of people have talked about Judge Kavanaugh's impeccable qualifications.

I spoke to a Democratic colleague today who may or may not support

him, but said: I agree this guy is very qualified. And he is. He now sits on the DC Circuit, the second most powerful court in the land. He has lots of decisions, and they are decisions that have gotten positive reviews from judges across the political spectrum. He is clearly qualified.

Important to me are not just someone's qualifications and their legal background, but also their character. Character is incredibly important for a Supreme Court that will have to deal with so many issues—issues that are important to us and our families going forward.

This guy is someone of deep and strong character. He is compassionate. He has the humility to be able to listen. He has a big heart. I have known this guy for over 15 years. Brett Kavanaugh served in the second Bush administration. I also served there. I got to know him and his wife there and before that, as well, during the campaigns.

This is someone who is, to me, not just a legal scholar and a judge but a friend. I have seen him as a father and as a husband. I cannot think of anyone I would rather see on the Court in terms of these character strengths he has. He is someone who is humble and compassionate and a good listener.

As he goes through the confirmation here in the Senate, I think my colleagues who are still undecided are going to be impressed. I think the American people will be impressed because they will recognize him as the kind of person they would like to see on the Supreme Court.

Judge Kavanaugh, or Professor Kavanaugh as he is known at the Harvard Law School where he teaches, is respected for all of the right reasons, across the board. He volunteers as a tutor for underprivileged kids. He helps the homeless through his church. He fed meals to the homeless just last week, which was previously planned.

Some friends on both sides of the aisle have come forward to speak out about him and his character, and that is good. His former students at Harvard Law School have said that he is a guy who never pushed partisan politics on them in class. Instead, he focused on the Constitution and the importance of hearing all sides of an argument to find out what the law is and what the law says. That is what you want in a Supreme Court Justice.

Today, I want to mention some people who know Brett Kavanaugh by another name; that is, Coach K. Coach K is not the famous Coach K of Duke fame, but he is Coach Kavanaugh. He teaches and coaches both his younger daughter's team and his older daughter's team.

Julie O'Brien, whose daughter goes to school with Brett Kavanaugh's older daughter, recently wrote an article in the Washington Post that I thought encapsulated what I am trying to say about Brett Kavanaugh. She discussed how Coach K coaches her daughter's

basketball team. Last season, the Blessed Sacrament School's sixth grade girls team had an undefeated season and won a citywide championship, so he must be a pretty good coach too.

Not surprisingly to the parents or players who know him, Julie wrote, the team photograph and trophy are displayed prominently in Coach K's judicial chambers. Along with coaching, Brett is known as the carpool dad, shuttling his daughters and their friends to and from practices, games, and events.

Mrs. O'Brien went on to mention another story, which I think displays Brett's character well. She said that a few years ago her husband passed away. With no one to accompany her daughter to the annual father-daughter dance, Brett Kavanaugh stepped up. That year, and every year since then, Brett has taken her daughter alongside his own daughter to the father-daughter dance.

That is the kind of man Brett Kavanaugh is. He is thoughtful. He is caring. He does things because they are the right things to do, as someone who cares about others and cares about his community.

He has chosen to spend 25 of his last 28 years serving the American people in various jobs, most recently, of course, on the DC Circuit. He is the kind of person, again, you would want on the Supreme Court. He has a judicial philosophy that is pretty simple. He has proved time and again that he is a judge who will apply the law fairly and impartially.

He interprets the law in the Constitution based on the words, historical context, and meaning rather than trying to legislate from the bench. That is what most people are looking for.

Speaking to the Notre Dame Law School in 2017, Judge Kavanaugh spoke of the legacy of Justice Antonin Scalia and what people should take away from his time as a Supreme Court Justice. He stated:

The judge's job is to interpret the law, not to make the law or make policy. So read the words of the statute as written. Read the text of the Constitution as written, mindful of history and tradition. Don't make up new constitutional rights that are not in the text of the Constitution. Don't shy away from enforcing constitutional rights that are in the text of the Constitution.

I think Judge Kavanaugh is the kind of judge the American people want—someone who will fairly and impartially apply the law, not legislate from the bench. He has an outstanding judicial record from 12 years on the bench. He is a thought leader among his peers, on the appellate courts, and has the respect of the Justices on the Supreme Court, as well, because they picked up his decisions and used them in later cases.

Just as importantly to me, again, he is a good person. I am proud to support Brett Kavanaugh's nomination to the Supreme Court of the United States. As his confirmation process continues, I hope my colleagues on both sides will

keep an open mind and get to know the Brett Kavanaugh whom I know, his family and friends know, and the American people are coming to know. I hope we can confirm him with a strong bipartisan vote so that he can serve our American community from a new role—that of Associate Justice of the Supreme Court.

I yield back my time.

The PRESIDING OFFICER. The Senator from Delaware.

TRUMP-PUTIN SUMMIT

Mr. CARPER. Mr. President, as my colleagues and the Presiding Officer may know, I spent many years of my life in the Navy. I spent some 23 years, starting at the age of 21, on Active and Reserve Duty in the U.S. Navy as a naval flight officer, and I spent most of those 23 years as a P-3 aircraft mission commander. I was even, for a limited period of time, the air intelligence officer for my P-3 squadron when we were deployed in Southeast Asia.

I flew hundreds of missions during both the Vietnam war and the Cold War, conducting surveillance operations, gathering intelligence on the Soviets and on others who undermine and destroy the American way of life.

As a Cold War warrior, watching an American President yesterday blatantly ignore attacks on a democracy and our intelligence agencies was beyond galling. It was reprehensible—reprehensible.

Four days ago, Special Counsel Mueller indicted 12 Russian intelligence officers for interfering in our democratic elections in 2016. That same day, last Friday—Friday the 13th—the Director of National Intelligence, our old colleague, Dan Coats from Indiana, said that our country's digital infrastructure is literally under attack. Here is what he said:

The warning signs are there. The system is blinking. It is why I believe we are at a critical point.

That was on Friday the 13th.

Yesterday, our President, with the entire world watching, chose to attack not the Soviets, not the Russians, but Bob Mueller. He is one of the finest people I have ever known and worked with. He attacked Bob Mueller and rebuked the U.S. intelligence community—with whom I have worked as a member of the Homeland Security committee for any number of years, as has our Presiding Officer—instead of siding with the 17 U.S. intelligence agencies, all of whom agreed unanimously, without dissent, that the Soviets, the Russians, intervened in our election in 2016 in an effort to throw the election to Donald Trump and to take it away from Hillary Clinton, the Democratic nominee. There is no question that is what they did.

Our President chose to ignore that, and instead of admiring and speaking to the work of the intelligence agencies and concurring with them yesterday, he decided to side with an authoritarian thug, Vladimir Putin. That was a defining moment in our Nation's history.

I think it is a sad moment in our Nation's history. We ought to move immediately to pass bipartisan legislation, introduced in the Senate earlier this year, to allow Bob Mueller's critical work and that of the people working with him to be completed without the constant threat of political interference.

NOMINATION OF BRETT KAVANAUGH

Mr. President, having said that as a predicate, I want to turn to the nomination of Brett Kavanaugh to serve on the Supreme Court. Brett Kavanaugh used to clerk for a Federal judge named Walter Stapleton. Most people who are outside of the Delaware Valley—and maybe Maryland, Pennsylvania, New Jersey—haven't heard of Walter Stapleton. But if you have been involved in legal issues or judicial issues there, you may recall that he was nominated to serve as a district court judge, a Federal district judge, in Delaware and served there for a number of years with distinction.

He went on to serve on the Third Circuit Court of Appeals in our region—again, serving with distinction. I think he assumed senior status in that court in 1999, after many years of service on the Federal bench.

In the second half of the last century, he was seen as a giant in the judicial system—the Federal judicial system—certainly in our part of the world, but I think beyond our borders.

When George W. Bush, my former colleague as Governor, as President, nominated Brett Kavanaugh to serve on the DC Circuit Court of Appeals, among the people I consulted with was former Judge Walter Stapleton and others who had clerked for him and worked with him. They knew Brett Kavanaugh and were very complimentary, as our colleague ROB PORTMAN has been today, talking about the human side of him and the qualities I think we would admire in almost anybody.

When I was a kid growing up, there used to be a guy on the radio—ABC radio—many years ago. His name was Paul Harvey. I don't know if our Presiding Officer is old enough to remember Paul Harvey. He would give the news, and he would do things like give the top of the news, and he would say “Page 2”—and sort of like turn the page and report the rest of the news.

I am going to go to page 2 here today with respect to Brett Kavanaugh. I voted for him. There are about a dozen Democrats in 2006 who voted for cloture; four of us—Robert Byrd, Mary Landrieu, I think, Ben Nelson, and I—voted for confirmation. We voted our hopes rather than our views. We voted, in part, because of what we had learned from others who knew him, who had worked with him, and who admired him. I have said flatout that if I had known then what I know now about the kinds of decisions he would write and support over the following 12 years, I would not have voted for him in 2006. I think it is highly unlikely I would vote for him today.

I think it is time to hit the pause button on such consequential nominees, like Mr. Kavanaugh, whose writings have repeatedly made clear that he believes the President is above the law. This is a man, Mr. Kavanaugh, who worked with Kenneth Starr to go after Bill Clinton as President, hammer and tong, for alleged misdeeds and misconduct that he apparently had done.

Now, some 20 years later, that same Brett Kavanaugh seems to have—rather than feeling that Presidents definitely are not above the law, that Presidents have to be held accountable like anybody else, he seems to have done a 180. Instead, he basically seems to feel that Presidents are almost above the law and cannot be held accountable.

I don't get it; I don't know how someone can change on something—it wasn't just during the Starr years. To have gone from that position of being such a fervent attack dog in going after Bill Clinton to basically saying that the Presidents can pretty much do, without oversight, what they see fit—that is one of the issues I want to discuss with Judge Kavanaugh, when I meet with him, hopefully later this month.

For that reason alone—Judge Kavanaugh's views of the President, with the President being above the law, especially at this point in time in our Nation's history—I think that one issue, that one reason, should be enough to say let's hit the pause button. Let's hit the pause button on this nomination. There are a number of other reasons why Judge Kavanaugh is, in my view, the wrong pick for the Nation's highest Court. I want to stress just a few of those today.

In May 2006, as a nominee to the DC Circuit Court of Appeals, Brett Kavanaugh made a pledge under oath. Brett Kavanaugh pledged to Members of this body that if confirmed, he would “interpret the law as written and not impose personal policy preferences.” Those are his words, not my words. Mr. Kavanaugh went on to pledge that he would “exercise judicial power prudently and with restraint.” Brett Kavanaugh pledged that he would “follow precedent in all cases fully and fairly.” Those are not my words; they are his words. Brett Kavanaugh pledged that he would, above all, “maintain the absolute independence of the judiciary,” which is, in his words, “the crown jewel of our constitutional democracy.”

I took Brett Kavanaugh at his word in 2006. I trusted him when he made those pledges. I afforded Mr. Kavanaugh, as a young lawyer, the opportunity to fulfill his promise to faithfully uphold and interpret our laws as written. I expected him not to inject his personal policy preferences or the ideology of special interests and groups like the Heritage Foundation into his decision making on the bench.

I know now, a little more than 12 years after he made those pledges, that

my trust in Brett Kavanaugh was misplaced. As a judge on the DC Circuit Court of Appeals, Brett Kavanaugh has broken his pledges repeatedly.

There is an old saying in my State: Fool me once, shame on you; fool me twice, shame on me. Judge Kavanaugh, shame on you, but you won't fool me twice.

Brett Kavanaugh's broken pledges impact the lives of just about every American. They may well affect millions of Americans with preexisting conditions in years to come, who risk losing access to affordable healthcare, as well as a woman's freedom to make her own healthcare decisions. They affect hard-won workers' rights, consumer protections, and civil rights enacted into law over decades for the protection of future generations. They affect the independence of our judiciary and the system of three separate, co-equal branches of government established by our Founding Fathers, a system designed to ensure that no citizen, not even the President of the United States, is above the law.

Judge Kavanaugh's broken pledges affect the water we drink, the air we breathe, and the world we will leave to our children and our children's children. Today, we seek to shine light on Brett Kavanaugh's environmental record—one which, sadly, all too often puts the interests of polluters ahead of those of the public.

One such example is when Mr. Kavanaugh rejected EPA's good neighbor rule, which regulates air pollution that travels across State lines to downwind States, such as Delaware, Maryland, New Jersey, New York, Connecticut, and others. In the case of *EME Homer City v. EPA*, he sided with polluters and ignored petitions from Delaware and eight other States, as well as the District of Columbia, when he said EPA lacked the authority to require upwind States to be better neighbors. Judge Kavanaugh's views were deemed too extreme even for some of the Supreme Court's conservative Justices, who reversed his decision, saying that he had followed his own policy views rather than the law written by Congress.

Just yesterday, I was with First State officials and concerned citizens in the State of Delaware, all speaking out against the current EPA's misguided decision to reject Delaware's ability and that of our neighboring States to address dangerous pollutants blowing into our State from dirty powerplants to the west of us. Delaware families—especially children and those with asthma—still suffer from harmful pollution that lands in our communities through no fault of our own. That is just not right.

When I was Governor of Delaware for 8 years, from 1993 to 2001, I could have shut down my State's economy, taken every vehicle off the road, and shut down every business. We would have still been out of compliance for clean air with respect to ozone because of the

air coming into our State from States to the west, our upwind States. Think about that.

There is a reason why we have a golden rule. There is a reason why we talk about the Good Samaritan. There is a reason why we have the saying: We ought to treat other people the way we want to be treated. We want to be treated like a good neighbor. If the shoe were on the other foot, we wouldn't send our pollution to those States. EPA should stand up for our States and say enough is enough, but apparently Judge Kavanaugh disagrees.

Brett Kavanaugh also dissented from an opinion on toxic air pollution written by Chief Judge Merrick Garland. In *White Stallion Energy v. EPA*, Mr. Kavanaugh said that EPA had to consider the costs to industry when determining whether powerplants should have to reduce toxic air pollution that causes cancer and lowers the IQ of children. Justice Scalia quoted Brett Kavanaugh directly when the Supreme Court later adopted Mr. Kavanaugh's position in another 5-to-4 decision, even though the Clean Air Act doesn't say a thing about having to consider costs.

In *Coalition for Responsible Regulation v. EPA*, Mr. Kavanaugh rejected the longstanding interpretation that Congress gave EPA the authority to control any air pollutant, including greenhouse gases that contribute to climate change. Mr. Kavanaugh argued that taking the Clean Air Act at its word and interpreting "any air pollutant" to include greenhouse gases would lead to what he considered—again, as his own personal position and not as a matter of law—absurd results.

Mr. Kavanaugh not only has proven to be untrustworthy in this regard, but he has already called into question EPA's authority to regulate greenhouse gases and combat climate change.

These cases and the ideas advanced by Judge Kavanaugh in his opinions have striking similarities to those advanced by recently departed Trump administration official Scott Pruitt, and that should worry every Member of this body. Scott Pruitt may be out as Administrator at the EPA, but if Brett Kavanaugh is confirmed to serve on the Supreme Court, Mr. Pruitt's dangerous anti-environment agenda will continue to wreak havoc, this time with the weight of our Nation's highest Court behind it for a long time. Put simply, Brett Kavanaugh will attempt to finish, in many respects, what Scott Pruitt started.

I take seriously the Senate's constitutional role of providing advice and consent on a President's nominee to the Supreme Court. As Governor of Delaware, I nominated scores of men and women to serve on our courts—supreme court, court of chancery, superior court—major courts not just for Delaware, actually, but for the country. I always felt that the Delaware Legislature should carefully consider

my nominees, give them a hearing, meet with them, and in the end, vote them up or down.

I felt we should have done that with Merrick Garland. We should have done that with Merrick Garland almost 2 years ago. We treated him shamefully—we didn't, but some in this body did. As such, I will afford Brett Kavanaugh the opportunity my Republican colleagues—at least most of them—refused Merrick Garland, chief judge of the DC Circuit Court of Appeals, highly regarded by Democrats and Republicans alike, when they abdicated their constitutional responsibilities in 2016. Now they want to rush through, literally in only a couple of months, the nomination of Brett Kavanaugh.

As I said earlier, I look forward to interviewing Brett Kavanaugh in the coming weeks and providing him the opportunity to explain why he broke his pledges time and again. How could a person who seems that nice and that decent make so many wrongheaded and I think wronghearted decisions and support those decisions from the bench time and again?

We are in a battle on many fronts in this country. One of those battlefronts is with respect to our environment—the air we breathe, the water we drink, and the health of our people, young and old. We are fighting dangerous environmental rollbacks put forth by this administration—maybe not every day but just about every week. What we don't need in this country, where we have lived by and been sustained by an incredible system of checks and balances for years, for decades, for centuries, we don't need a Supreme Court that will similarly side with polluters over public health.

I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, to follow up on the remarks of our distinguished Democratic ranking member on the Environment and Public Works Committee, Senator CARPER, who spoke about the environmental prospects of Trump's nominee, Brett Kavanaugh, should he reach the Supreme Court, I come at this from a very particular angle. Let me start by kind of laying the predicate, if you will, for my comments.

A long, long time ago, when the Founding Fathers were setting up our country, they brought over from England the tradition of an independent judiciary and of the common jury. It was extremely important to the founding generation. The Declaration of Independence made reference to efforts to interfere with the right to trial by jury.

The efforts by British agents of influence to interfere with American juries was a constant thorn. The feeling was that the independence of courts and, particularly, the independence of jurors was a very significant check and balance in the constitutional system that the Founders were setting up.

These were experienced politicians. These were thoughtful people who had read and debated a lot about governance. They understood that there were times when very powerful interests were able to dominate a legislative body, there were times when very powerful interests were able to dominate a Governor or other chief executive and, indeed, there were times when that same very powerful interest could not only dominate the legislative branch but also the executive branch at the same time. Therefore, you needed to have a third branch of government—an independent branch of government—to which you could go to be sure that you were being treated with justice. They designed it all fairly carefully.

The jury has a lot of advantages to it. You don't get repeat jurors. Every jury veneer, every jury pool, is a new group. The reason for that is to make it hard for big interests to be able to go to people who might be jurors and try to fix the jurors in their favor in the same way they go to legislatures and try to fix legislators in their favor. You do not know who your jury is going to be until it is called up. So you can't apply influence to a jury. If you try, it is actually a crime. It is called tampering with a jury.

We very carefully set up independent judges and pools of regular citizens who were to come in, virtually at random, to do one jury service and then to go back to their lives, and we did it for a reason. Blackstone described that reason as to provide a safeguard for regular citizens against other more wealthy and powerful citizens, more wealthy and powerful interests.

It is an interesting piece of our constitutional analysis because, in most places, what has been set up is a structure that has been designed to protect the common citizen against the excesses of government. The checks and balances have been generally set up to protect the ordinary man and woman against excessive use of government power against them.

With the juries, Blackstone said, it is a little bit different. It is not just abuse of power by government; it is abuse of power by the more wealthy and powerful interests, because the Founders knew that it would be the more powerful and wealthy interests who would come in and try to fix the legislature, who would try to fix the Governor or, at the Federal level, the President, and that, therefore, the jury would stand as the guardian and the bulwark of regular Americans against influence from the more powerful and wealthy interests.

Look around at who the more powerful and wealthy interests are in our

country right now. Collectively, the biggest is probably the fossil fuel industry. If you add up the whole Koch brothers' Koch Industries' apparatus, if you add up ExxonMobil, Chevron, Shell, and the whole American Petroleum Institute population, if you look at the extent to which they have seized control of the National Association of Manufacturers and the U.S. Chamber of Commerce, and if you put that whole array together, it is very likely not only the most powerful political influence effort now, but it may very well be the most powerful political effort in American history. Those wealthy and powerful interests are hard at work at making sure that their interests come first and that the interests of ordinary Americans come at a very distant second.

The way in which Mr. Kavanaugh comes to this nomination smells of all of that influence already. For starters, he was selected through a very private process—from all of the information we have about it—that is moderated by a group called the Federalist Society but which checks in with all of the big Republican funding special interests to make sure that they are all OK with the nominee. There is a preclearance by special interests that takes place for these judicial nominees. Obviously, the most powerful and wealthy special interest—the biggest political force, perhaps ever—is going to be a part of that checklist.

There can be no doubt that if the fossil fuel industry were not checked off on Brett Kavanaugh, he would not be the nominee. There is no doubt in my mind that they and other special interests—the gun lobby, the anti-choice crowd, the Wall Street folks—all had the chance to say: No, not that guy. Find me somebody who will be good to us.

So Kavanaugh has already cleared that process. Now you see the confirmation process underway, and you see big special interests' dark money already out, campaigning for him.

The last time we had one of these contests, it was this: Is it going to be Merrick Garland? No, we are going to stop him dead and not even give him a hearing. We are going to bring on this character, Gorsuch, and he is going to come in.

Somebody spent nearly \$18 million in political ads to support that switch. Somebody felt it was worth \$18 million to have Gorsuch and not Garland on the Supreme Court. We don't know who that person was because of the dark money protections that are such a scourge in our democracy right now. That individual donor's hand is hidden behind all of this dark money machinery, but we do know that there is a person—an entity—who spent \$18 million to have it be Gorsuch, not Garland.

So that is the track record for this.

Here comes Kavanaugh, and the same machinery is now up for him. He was precleared by the special interests, and big dark money interests are already

spending money for him. Who in his right mind would believe that this guy is not predisposed in the direction of those big special interests? It is almost impossible to imagine under these political circumstances.

When you look at his record on the DC Circuit, this is a guy who has been on the warpath against environmental protection. This is a guy who is Scott Pruitt in robes. This guy is really something.

Now, he was not on the original Trump list, as I understand it. So maybe he has been spending his time auditioning on the DC Circuit for this incredibly dominant special interest—the fossil fuel industry—and exhibiting his ability and his willingness to make anti-environment decisions, to make pro-corporate decisions, and to make pro-polluter decisions so that he can inch his way, maybe, onto the Trump list for the Supreme Court.

Sure enough, not only is he on the list, but he is now the nominee. His record is absolutely abysmal. You would have to call him an environmental extremist. It is truly, truly exceptional to think of all of the different cases in which he has been involved. My colleague from Hawaii is here. So I am not going to go through them all, but as this goes forward, I will have plenty of time to explore these issues with him.

It is going to be very, very important to the big polluters to have Kavanaugh instead of Kennedy because, when you look at the record in the Supreme Court, there has been a considerable array of decisions on environmental matters in which Justice Kennedy has been the swing vote. So extract Justice Kennedy with his retirement and put in Kavanaugh with his record from the DC Circuit, his preclearance by the polluting interests, and the fact that big-money folks are already out there pushing for him. They are going to want something.

I suspect what they are going to want is a reversal of Justice Kennedy's position in favor of the environment and all of the issues on which he was the 5-to-4 tiebreaker in favor of the environment. Now all of those cases will go back the other way, and polluters will rule.

Polluters already rule here. We are incapable of doing anything serious about climate change. Polluters completely dominate over in the House. They have written this ridiculous letter and have told the House that it shouldn't even do a carbon price. They have put all of their polluter front-group names on this letterhead. Of course, Trump still thinks that climate change is a hoax.

You have a situation that the Founding Fathers were concerned about. You have an enormous special interest with extraordinary power that dominates the Senate and the House and that has completely gotten this administration by the choke chain. Now what it wants to do is to extend its power to the one

part of the government the Founding Fathers set up to be able to tell the special interest no, to require it to follow the truth, to require it to look at real evidence, to subject witnesses to cross-examination, to provide discovery so that you know what is really going on, and for there to be penalties if you try to tamper and for there to be penalties if you lie.

This is not the environment that the big polluters like. So they want to control it. I see the nomination of Brett Kavanaugh as an effort, basically, at agency capture at the Supreme Court level. We have to be very careful about this.

I yield to my distinguished colleague from Hawaii.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Hawaii.

Ms. HIRONO. Mr. President, I thank my colleague, the Senator from Rhode Island.

In Hawaii, we understand the importance of caring for our planet. The Native Hawaiian community embraced the idea of “malama ‘aina,” a respect for and responsibility to care for the land in a way that protects our environment for future generations. That is why Hawaii has led the way in enacting measures to fight climate change and safeguard our natural resources. In the last few years alone, Hawaii has set ambitious goals to move to 100-percent renewable energy and become carbon neutral.

We were the first State in the country to commit to meeting the objectives of the Paris climate agreement. In contrast, the Trump administration has spent the last year and a half disparaging the idea of protecting our land and natural resources. Donald Trump has taken action after action to prioritize the interests of his supporters in the fossil fuel industry at the expense of our environment.

The President filled his administration with appointees who refuse to accept the realities of climate change. He named two Environmental Protection Agency Administrators—Scott Pruitt and Andrew Wheeler—who don’t even believe in the EPA’s mission of protecting the air we breathe and the water we drink.

Administration officials have weakened rules that regulate pollution and protections for our natural resources. These actions have led to lawsuits by groups who embrace “malama ‘aina” and seek to protect our environment. These lawsuits will be decided by our courts. The outcomes will depend on an independent, fair, and unbiased judiciary.

A number of these cases will come before the Supreme Court. In the October term, the Court will be hearing a case called *Weyerhaeuser Company v. U.S. Fish and Wildlife Service* to decide whether the Federal Government can protect endangered species on private land. Cases making their way through the lower courts include *California v. EPA*, which challenges the Federal

Government’s regulations on vehicle emissions, and *West Virginia v. EPA*, which challenges President Obama’s Clean Power Plan. These cases raise crucial questions that will determine whether the government has the power to protect our environment. The answers to those questions may very well come from the Supreme Court.

The President’s nominee to the Supreme Court, Brett Kavanaugh, raises serious concerns about whether he would be that fair arbiter on environmental issues, the kinds of cases that will surely come before the Supreme Court. Throughout his time on the circuit court of appeals, Judge Kavanaugh has argued for weakening environmental regulations. Basically, his decisions benefit industry over the environment.

In *Coalition for Responsible Regulation, Inc. v. EPA*, Judge Kavanaugh argued that the EPA should not regulate greenhouse gases under the Clean Air Act because the cost to business was more important than protecting the environment and public health from climate change. He said that the EPA should not include greenhouse gases in the interpretation of the statute that says EPA can regulate any air pollutant because, as far as Judge Kavanaugh was concerned, such a requirement or enabling the EPA to do that would result in higher costs for businesses. Judge Kavanaugh did not consider the cost to the environment.

In Hawaii, we are already paying the price of climate change caused by greenhouse gases. Our coastlines are disappearing, corals in our oceans are dying, and catastrophic floods are becoming more frequent and more severe. The science behind the need to regulate greenhouse gases is clear. This message is lost on the President and apparently on Brett Kavanaugh, as he argued for a very limited interpretation of the EPA’s authority to regulate.

In another environmental case, Judge Kavanaugh sided with the fossil fuel industry in his dissent in *White Stallion Energy Center v. EPA* in 2014. He argued that under the Clean Air Act, the EPA should not—should not—regulate toxic air pollutants from powerplants without factoring in what those regulations would cost polluters. The majority disagreed with Judge Kavanaugh, saying that the EPA’s approach “is clearly permissible,” consistent with prior Supreme Court instruction, and consistent with the purpose of the legislation, which was, of course, to protect the environment and the health and safety of people. When the case went to the Supreme Court, then-Justice Scalia quoted Judge Kavanaugh in his reversal.

Judge Kavanaugh’s opinions even went so far as to attempt to restrict the manufacture and sale of renewable fuel. In a 2012 case, *Grocery Manufacturers Association v. EPA*, Judge Kavanaugh opposed the EPA’s grant of E15 waivers. These waivers would permit the manufacture and sale of a type

of renewable fuel that would help our Nation decrease its dependence on foreign oil. In his dissent, Judge Kavanaugh argued that the EPA’s rule permitting this renewable fuel would in effect force the production of renewable fuel. There is nothing in the statute that talked about forcing anybody to do anything. Actually, the word in the statute is “permit.” Permitting is not the same as forcing. Of course, Judge Kavanaugh certainly knew the difference before taking a position that supported the fossil fuel industry.

Judge Kavanaugh’s record on these environmental issues makes it highly likely that as a Supreme Court Justice, he would favor fossil fuel interests over human health, renewable energy, and protecting our planet.

Senators have a constitutional responsibility to provide advice and consent on all judicial nominations, particularly those to the highest Court in the land, the Supreme Court. This responsibility requires us to take note of the fact that the Trump administration continues to fill the courts with deeply conservative, ideologically driven judges who will hold lifetime positions. The administration and their conservative allies expect that some of these judges will continue on to appellate courts and to the Supreme Court.

Mr. President, this week, we will be voting on two nominees for Federal appellate courts: Andrew Oldham from Texas for the Fifth Circuit and Ryan Bounds from Oregon for the Ninth Circuit. I will be voting no on both of these nominations.

Andrew Oldham has been an ideological warrior behind some of Texas Governor Greg Abbott’s most extreme positions against a woman’s right to choose, against LGBTQ people, and against solutions for the 800,000-plus Dreamers put at risk for deportation by Donald Trump’s rescinding of DACA.

In 2013, as deputy solicitor general of Texas, Mr. Oldham defended a severe anti-choice Texas law, HB2, that put restrictions on doctors delivering reproductive healthcare. The restrictive provisions were upheld by the Fifth Circuit but struck down in a subsequent U.S. Supreme Court case called *Whole Woman’s Health v. Hellerstedt*.

In 2014, Mr. Oldham served as counsel of record for Texas in its successful challenge to the Deferred Action for Parental Accountability, or the DAPA Program. DAPA would have provided protections for the parents of Dreamers so families would not be cruelly separated, as we are seeing with such terrible and sad results today under Donald Trump’s zero tolerance policy at the border.

While Mr. Oldham was advising Governor Abbott on legislation, his boss supported or signed bills to restrict the rights of the LGBTQ community by regulating bathroom usage in public schools and allowing faith-based groups to deny adoptive and foster parents who conflict with their beliefs.

In his response to the Senate Judiciary Committee's questions about these extreme positions, Mr. Oldham sought to discount them as merely advocacy positions on behalf of a client, that being the Governor of the State of Texas, while Mr. Oldham's career shows otherwise.

NOMINATION OF RYAN BOUNDS

Mr. President, I turn now to Ryan Bounds, who was nominated to a circuit court judgeship even though the President knew that Mr. Bounds did not have the approval of either of his home State Senators. The nominee himself admitted that Oregon's two Democratic Senators, his home State Senators, RON WYDEN and JEFF MERKLEY, played no role in his selection.

The Judiciary Committee ignored the traditional blue-slip process, which has been basically adhered to for over 100 years, by holding a hearing on Mr. Bounds' nomination even though neither of his home State Senators returned his blue slip. The Congressional Research Service could not find a single instance where a judicial nominee, without at least one blue slip returned by a home State Senator, had a hearing or was confirmed by the Senate, but nonetheless Mr. Bounds' nomination proceeds apace.

In writings that were not disclosed to the Oregon selection committee that reviewed his application, Mr. Bounds published a number of very offensive articles on race and gender while he was an undergraduate. While these writings were brought to light by a third-party organization, Mr. Bounds himself should have disclosed them to the committee. His articles took disparaging positions on topics, including race relations, opposition to "multiculturalism," LGBTQ rights, and labor rights.

In closing, I seriously question whether, based on their full records, these two nominees can be the impartial and non-ideological judges we expect of life-tenured judges to our Federal courts, let alone, as in the case of these nominees, to the circuit courts. We all know that the circuit courts are only one step removed from the Supreme Court.

These questions of fairness and impartiality will continue to apply to judicial nominees as long as the President continues to choose judges vetted by two far-right, ideologically slanted organizations backed by millions of dollars—the Federalist Society and the Heritage Foundation. This is certainly the case with Mr. Oldham's and Mr. Bounds' nominations to the circuit courts and Judge Kavanaugh's nomination to the Supreme Court.

My colleague from Rhode Island, Senator WHITEHOUSE, went into length about these very well-funded entities that have spent millions to support Neil Gorsuch on the Supreme Court, and that they are going to do the same thing with Judge Kavanaugh's appointment to the Supreme Court. Those who

appear before Federal circuit judges and, of course, the Supreme Court should be able to rely on a fair, impartial, and objective judge, free of ideological propensities. Neither Andrew Oldham nor Ryan Bounds fits that bill.

I will be voting no later this week on both of these nominees and urge my colleagues to vote against these confirmations as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

NOMINATION OF BRETT KAVANAUGH

Ms. SMITH. Mr. President, I rise today to express my strong concern about Judge Brett Kavanaugh's nomination to the Supreme Court. In particular, I want to discuss today his troubling record on the environment and what that means for people's health.

Judge Kavanaugh has demonstrated that he simply doesn't believe that existing law allows new environmental threats to be addressed via any sort of regulation. I am talking about existing law designed to protect human health and our environment.

When you take a look at Judge Kavanaugh's record, one thing becomes abundantly clear: Judge Kavanaugh has tried to weaken Clean Air Act protections even though the act controls pollutants such as smog and carbon monoxide, which contribute to asthma, heart attacks, and even premature deaths. They put our health at risk.

In a 2012 case, Judge Kavanaugh authored an opinion that found the EPA had exceeded its authority when the Agency directed upwind States to literally stop blowing smoke onto their downwind neighbors. The good news is that the Supreme Court was more sensible than Judge Kavanaugh. Justices Kennedy and Roberts joined four others in a 6-to-2 decision to overturn Judge Kavanaugh's lower court ruling. Writing for the majority, Justice Ginsburg found that the EPA does have the power to act to protect people's health. I agree with the Supreme Court's 2012 decision, and so do most Americans. An April 2018 poll found that 75 percent of Americans support even stricter limits on smog.

What Judge Kavanaugh particularly doesn't like is that the Clean Air Act specifically gives the Environmental Protection Agency the right—the duty, even—to regulate new pollutants that threaten people's health. He has objected to using the law to establish new programs to reduce mercury—a potent toxin that harms developing brains. In 2014, Judge Kavanaugh lashed out at tough standards for mercury—a toxin that has been found to harm children's development.

Judge Kavanaugh's narrow view of the Clean Air Act could be extremely damaging to our efforts to address climate change by regulating greenhouse gases. Although the act does not mention greenhouse gases by name, the Supreme Court has held that the EPA does have the power to regulate them.

In fact, the Court held that the act requires the EPA to address any air pollutants that are found to endanger human health. But Judge Kavanaugh still seems to have a problem with adding new pollutants to that list. This is even though Judge Kavanaugh claims to believe what virtually every scientist tells us: that manmade climate change is real and is an enormous threat to our planet and to our health. But merely accepting climate science is too low a bar because even if Judge Kavanaugh believes in the urgent challenge of climate change, he doesn't seem to believe there is an urgent need to address it, as his record demonstrates.

Over the next few decades, the Supreme Court will have many opportunities to weigh in on how our government can work to protect our environment, particularly regarding climate change.

And the stakes are high: Scientists tell us that in order to avoid dangerous global warming, we must reduce our carbon dioxide emissions to zero sometime between 2050 and 2065. But in 2018, global carbon emissions are still increasing, not decreasing.

At the same time, President Trump is attempting to backpedal on every commitment our country has made toward fighting global warming. He is pulling us out of the Paris climate agreement. He is pulling back the Clean Power Plan. He is looking for ways to force utilities to keep expensive coal plants online—a move that would cost Americans billions of dollars in increased electricity bills.

All of these moves will hurt the environment and harm the health of Americans, and in each case, Judge Kavanaugh's record shows that he is likely to act as nothing but an enabler.

My State of Minnesota is already experiencing the cost of climate change. The rains in Minnesota are growing more intense, leading to increased damage from flooding. As our winters grow milder and our summers warmer, plant and human diseases are spreading. Many scientists predict that the forests in my State will retreat rapidly, leaving Minnesota looking like Kansas by the end of this century.

But it does not need to be all bad news. A rapid transition to emissions-free energy sources is necessary to avoid the worst effects of climate change, but this change will bring economic opportunity to our country. We just need to rise to the challenge. In Minnesota, wind and solar and biofuels are already potent drivers of job growth.

If Judge Kavanaugh succeeds in overturning the Federal obligation to reduce greenhouse gas emissions, the clean energy transition in our country will certainly slow. We will lose the competitive advantage to China and other economic rivals in the race to develop the technology and innovations of an affordable, clean energy future.

Right now, we have a President who pushes coal and fossil fuels which, unless their carbon dioxide emissions are captured, must become the energy sources of the past. President Trump's energy policy is backward-looking and puts our economic competitiveness at risk. But presidents serve only for a term or two, which brings us back again to Judge Kavanaugh.

Hopefully, we will be able to recover from the backward environmental policies of the Trump administration. But Supreme Court Justices serve for life, so we cannot afford a Justice who is hostile to our environment and to human health. We cannot afford a Justice who rejects actions to fight climate change. We just don't have the time.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

CYBER SECURITY

Mr. GRAHAM. Mr. President, I wish to make a few comments about the topic in the news today and yesterday and, hopefully, will result in some action by Congress; that is, the threats we face as a Nation regarding our electoral system.

First I would like to recognize the Presiding Officer of the Senate, Senator RUBIO, for working with Senator VAN HOLLEN to come up with a piece of legislation called the DETER Act, which I think will serve us well. If the Director of National Intelligence certifies that a foreign power—Russia or anyone else—is trying to attack our electoral infrastructure, they will pay a heavy price.

Today is July 17, 2018. On Friday, last week, I think it was July—I don't know the dates; I just got back from traveling. So on Friday of last week, a few days ago, the Director of National Intelligence said the following: "The warning lights are blinking red again. Today, the digital infrastructure that serves this country is literally under attack."

How much more do we need as a body and as a nation to rally ourselves to act while there is still time?

He indicated that our cyber space strategies emphasize only defense, not offense as well, evoking President Reagan's Cold War approach to the Soviet Union. Mr. Coats suggested that if Russia continues to try to take on the United States in the cyber arena, then the administration should throw everything we have into that exercise.

Every Member of Congress, every Member of the Senate, as well as the President, has an obligation to defend the Nation against all enemies, foreign and domestic. I am 1,000 percent convinced that the Russians meddled in our election in 2016. They did not change the outcome, but they did disrupt our election. The bottom line is they are still up to it.

If you don't believe me, just ask Director of National Intelligence Dan Coats, who is a former Member of this body.

In August of 2001, the 9/11 Commission found statements from the CIA that indicated there was something afoot, that "the lights are blinking red," but they couldn't point to bin Laden specifically. As we look back, how much accountability should the Bush administration have had and how much accountability should Congress have had back then? Did we miss the warning signs regarding the September 11 attack? I would suggest that the chatter was strong and the threat was real, but nobody could really pinpoint it.

Here is what I am suggesting: The chatter is strong, the threat is real, and we know exactly where it is coming from. The question is, Will the House and Senate, working with the President, do anything about it? Senator RUBIO and Senator VAN HOLLEN have chosen to try to do something about it.

We are all eventually going to be in the history books. President Trump said today that he believed our electoral infrastructure needs to be made more secure—not just electoral infrastructure; energy and financial services are under threat, and not just from Russia.

So I want to look forward. I heard Senator MCCONNELL say today that he would like to find some bipartisan legislation that could come forward sooner rather than later to try to harden the infrastructure before the 2018 election. The bottom line here is that we all owe it to every voter in the country and all of those who are serving in the intelligence community and in the military to secure our election the best we can.

I am hoping that we will become "Team America" just for a few minutes. I am not asking my Democrat friends to give President Trump a pass, and I am not asking my Republican colleagues to stop fighting for our agenda. I am asking both parties to calm down and focus on the common enemy. The common enemy is Russia, and countries like Russia, that want to undermine our democracy, pit us one against the other, and they did it in 2016. If you believe Dan Coats, they are going to do it again. This meeting recently with President Trump and Putin—in my view, we missed an opportunity to really put the Russians on notice. But rather than look back, let's look forward.

Today, President Trump expressed confidence in our intelligence community. I am glad to hear that. I trust them far more than I trust Putin. It is not just America that Putin has been trying to interfere with; it is in France and Germany and everywhere else there is a democracy. President Putin is trying to destroy alliances like the European Union, which, I think, has value to the United States. He is trying to break NATO. He is attacking us here at home: fake news—truly fake news—made-up news article to try to pit one American against the other and trying

to steal emails from party officials and dump them into the public domain at critical times in the election.

What do I say to my Republican colleagues? It was the Democrats last time; it could be us next time. It was Russia last time, and they are still up to it this time, but Iran, North Korea, China—fill in the blank—we are all exposed.

Article 5 of the NATO Charter says that an attack against one is an attack against all. So I would ask my colleagues tonight to think about that in terms of our democracy. An attack on one party should be an attack on all parties.

The Republican Party should take no comfort or glee in the fact that our Democratic friends were compromised in a very embarrassing way that hurt them. Nobody changed vote totals. But can you imagine how we would feel if the inner circle of the President was hacked and, at a crucial time in the election, the information was exposed?

To my friends in the media, you have to make a hard decision: How much do you empower this? How much do you aid a foreign government by publishing this information?

I believe we are at war in many ways. We are not at war in a direct way with Russia, but these cyber attacks are, to me, a hostile act against our country just as much as if they had launched a conventional attack. They are going to continue to do this until they pay a price.

I would like for us to come together to not only harden our infrastructure to make sure that 2018 cannot be compromised by a foreign power but also to make countries like Russia pay a price.

Senator VAN HOLLEN and Senator RUBIO have a very good piece of legislation which basically says that if the Director of National Intelligence certifies that a foreign power like Russia is continuing to interfere in our election, then we will up sanctions. We will make it harder, not easier, on that foreign power. It is Russia today; it could be somebody else tomorrow, and it probably already is.

So rather than taking the moment and dividing us about what President Trump said or didn't say, why don't we use this as an opportunity to listen to the professionals, not the politicians.

Senator RUBIO is on the Intelligence Committee. I am very proud of the work they have accomplished. They made a bipartisan finding that Russia did meddle in the 2016 election with the view of trying to help Trump over Clinton, but there is no evidence it changed the outcome.

The bottom line for me is that if we don't come together now—this is the end of July, July 17—we have precious days left to take action that could protect the 2018 election cycle.

The worst thing that could happen in a democracy is if somebody's vote could be stolen or the information provided to the public could be tainted in a fashion by some foreign entity to pit

one American against another. We do enough of that ourselves; we don't need anybody else's help. And the record is clear, in terms of 2016, that Russia was all over the place spreading disinformation, trying to create conflict within the Democratic primary, within the Republican primary, and during the general election.

November will be here before we know it. Here is what we have to ask ourselves as a body—and eventually be held accountable by the public and history. What did we do in July to answer the alarm raised by Director Dan Coats about the warning lights blinking red? I see attacks on critical infrastructure going on today, and I will expect them to continue. We need to up our game as a nation.

I don't know how any of us can go to our constituents in November and say that we answered Dan Coats' call if we do nothing. So I hope that Senator MCCONNELL and Senator SCHUMER can find a way to come up with a common agenda—maybe starting with the Rubio-Van Hollen bill—to see if there is common ground to deal with a common problem.

I would ask President Trump not to look backward, but to look forward. I have no doubt that you won the election, Mr. President, in 2016. The Russians didn't beat Ms. Clinton; you did. But what they are up to now can jeopardize our democracy.

We are just a stone's throw away from their changing vote totals. Senator RUBIO knows this better than I because he is on the Intelligence Committee. They are already infiltrating voter registration files. It would not be much of a leap to have some votes flipped through cyber attacks. So we have a chance in the coming days—working together, not against each other—to find solutions to this problem. I am sure whatever we come up with will not be perfect, but at least we tried. The one thing I cannot live with is not trying.

I have known Dan Coats for well over a decade, Secretary Pompeo, the entire national security team, Senator BURR, Senator WARNER, Senator RUBIO—they all tell us the same thing: Our critical infrastructure is under attack by foreign powers, Russia being the leader. The question for us is, What do we do about it?

I am hoping that next week the President will call the Congress together, in a bipartisan fashion, to come up with some preventive measures to protect our infrastructure, when it comes to the November election, and that we, as a nation, try to figure out what the rules of engagement are going to be, not to just defend ourselves from aggression but punish the aggressor.

I don't have all the answers. I am not suggesting this is my area of expertise, because it is not, but I am smart enough to know Russia is going to continue what they did in 2016, until somebody makes them pay a heavy price, and it is just not Russia; be it Iran,

China, North Korea, or other bad actors.

I don't know how, as a body, we can live with ourselves if we don't try to heed Dan Coats' warnings. They are not just given by him but by those who work for him, who are nonpolitical, who have made it their life's work to find ways to protect this Nation.

So, Mr. President, we have a chance to bring the Congress together. Challenge us to work with you to find solutions to this looming threat, better ways to defend America's critical infrastructure when it comes to our 2018 election, and challenge us to work with you. I hope we will be smart enough to meet that challenge, and I hope you will issue that challenge. You are the most special person in our constitutional democracy when it comes to national security. You are the Commander in Chief. You rightly criticized President Obama for being slow when it came to reacting to Russian interference in 2016. I am sure that was a hard call for President Obama, but there is no doubt in my mind that you, the Senate, and the House are now on notice—by your own intelligence services—that Russia is interfering now and will continue to do so up to 2018 and beyond unless somebody stops them. At a minimum, we should come up with defensive measures available to us. As a nation, we need to deal with this threat.

I am not worried about a foreign power taking over our country in a conventional military fashion. I am worried about foreign powers and terrorist organizations using cyber attacks to cripple our country, our economy, our finances, and our energy, but, most importantly, the heart and soul of democracy, which is free and fair elections. Putin wants no part of free and fair elections. All of us should very much want to have a free and fair election in 2018. We are not going to have one unless we push back together and push back now.

I yield the floor.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein.

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

NIGER

Mr. LEAHY. Mr. President, as vice chairman of the Appropriations Committee, I want to draw the Senate's attention to the plight of civil society leaders in Niger, where political and civil rights have been deteriorating over the last several years. This disturbing trend threatens the U.S.-Niger partnership and should concern each of us.

Mahamadou Issoufou was elected President of Niger in 2011 and, in the following years, worked cooperatively with Niger's international partners, including the United States, to make progress toward the restoration of democratic governance in that country. Our countries have partnered together on health, development, and humanitarian assistance programs, and as we all know, we have suffered tragic losses together in the fight against terrorism.

Progress toward democratic governance has been significantly eroded. Since the run up to President Issoufou's reelection in 2016, the government has increasingly persecuted opposition politicians, journalists, peaceful protesters, and civil society leaders in a manner that has undermined progress and stability in the country.

This trend has not gone unnoticed. The State Department noted in its most recent Human Rights Report that Niger's significant human rights issues include harsh and life-threatening prison and detention center conditions, detention of opposition politicians, and restrictions on freedom of assembly. In November 2017, Niger withdrew from the global Extractive Industries Transparency Initiative after being suspended for failing to meet good governance standards, including for its repression of civil society.

An example of this disturbing trend involves the arrest of several dozen civil society leaders between March and April of this year, in connection with demonstrations against the country's new finance law. Many of these individuals, like Ali Idrissa, the coordinator for the Network of Organizations for Budgetary Transparency and Analysis, are affiliated with Publish What You Pay and are advocates for transparency and accountability of Niger's revenues in order to combat corruption. That effort should be a shared goal in Niger. Peaceful public assembly and calls for accountability should not result in imprisonment.

I urge the Trump administration, other donor governments, including the EU, and the international financial institutions to hold the government of Niger accountable for respecting its citizens' right to freedom of expression and assembly and to join me in calling on President Issoufou to release the detainees and to dismiss the charges against these individuals. This is now a matter of urgency, as four civil society leaders reportedly face jail sentences at a judgment hearing on July 24.

Doing so would be a positive step by the government of Niger toward proving that it is serious about upholding the values that underscore our partnership, including to maintain its eligibility under the recently initiated Millennium Challenge Corporation Compact. That Compact is now subject to heightened scrutiny by the Appropriations Committee, which provides the funding for it.

VOTE EXPLANATION

Mr. PETERS. Mr. President, I was unable to attend yesterday's vote on the nomination of Scott Stump, of Colorado, to be Assistant Secretary for Career, Technical, and Adult Education, Department of Education. Had I been able to attend, I would have supported the nomination.

CONFIRMATION OF SCOTT STUMP

Mr. ALEXANDER. Mr. President, yesterday the Senate voted to confirm Scott Stump, who was nominated to serve as Assistant Secretary for Career, Technical, and Adult Education at the Department of Education. Mr. Stump will be in charge of matters related to career, technical, and adult education at the high school and post-secondary levels.

Stump is well-qualified for this role. He spent nearly 14 years at the Colorado Community College System as assistant provost for career and technical education, where he was in charge of directing the system's career and technical education programs and guiding implementation of the Carl D. Perkins Career and Technical Education Act. He is also a past president of the National Association of State Directors of Career Technical Education Consortium, now called Advance CTE. He is supported by the Association for Career and Technical Education and Advance CTE. He was approved by the HELP Committee on June 26, 2018, by voice vote.

Mr. Stump will be key in carrying out the Perkins Act reauthorization, which I expect Congress to complete its work on this year. The reauthorization, which aligns Federal dollars more closely with the needs of employers and employees and gives States more flexibility in spending Federal dollars, was passed out of the HELP Committee unanimously on June 26, 2018. The House of Representatives passed its reauthorization on June 22, 2017.

I look forward to working with Mr. Stump as he takes on this role at the Department of Education, and I urge my colleagues to support him as well.

TRIBUTE TO ROCCO SICILIANO

Mr. ROBERTS. Mr. President, today I wish to commemorate the life of Rocco Siciliano, of Beverly Hills, CA. This combat-decorated veteran of World War II served his Nation as an infantry platoon leader in the 10th Mountain Infantry Division in Italy, earned the Bronze Star for Valor, the Combat Infantryman's Badge, and the Army Special Commendation Medal. He and thousands of his fellow countrymen served as soldiers in the liberation of Europe under Supreme Allied Commander General Dwight D. Eisenhower, a fellow Kansan and personal hero of mine. Rocco later served in President Eisenhower's administration, first as an assistant secretary in the U.S. De-

partment of Labor from 1953 to 1957, then as Special Assistant to the President for Personnel Management policies from 1957 to 1959. This leads me to the reason I rise today.

Rocco Siciliano, after decades of service to our Nation in many significant roles and having secured many accomplishments over his illustrious career in both the public and private sectors, was elected chairman of the Dwight D. Eisenhower Memorial Commission in 2001. Joined on the commission by fellow decorated World War II combat veterans, Senators Daniel Inouye and Ted Stevens, Rocco led the commission whose congressionally mandated mission is to create a national memorial to our 34th president, Dwight D. Eisenhower. Rocco successfully led the Commission for 14 years before stepping down as chair in 2015. As Rocco's successor as chair of the Commission, I feel I must recognize him for his significant accomplishments. During his tenure, Rocco guided the commission through the processes of memorial site selection and the design competition. His remarkable and steadfast work has helped the commission get us to this memorable juncture. The memorial to Ike is under construction in our Nation's Capital, between 4th and 6th Streets on Independence Avenue, Southwest. Rocco continues to serve as chair emeritus on the commission as one of the four Presidentially appointed commissioners. The commission seeks to dedicate the completed memorial to Ike on May 8, 2020, the 75th anniversary of V-E Day.

Speaking on behalf of the Eisenhower Memorial Commission, I wish to recognize Rocco's patriotism, leadership, perseverance, and tenacity that have been of great benefit to our Nation. He has been a valued colleague in this monumental endeavor, and I stand to honor him today.

ADDITIONAL STATEMENTS

REMEMBERING MARCUS J. YATES

• Mr. CASEY. Mr. President, today I wish to join the Philadelphia community in renaming the 6000 block of Springfield Avenue to Marcus J. Yates Way.

Thirty years ago, on July 18, 1988, a gun fight on this block took the life of 5-year-old Marcus Yates. Marcus's death was a tragedy that prompted Philadelphia residents to seek change in their community, and while today's street dedication leaves us with a daily reminder of Marcus's life, it also serves as a testament to the dedication of the Yates family and those who stood alongside them, to ensure that his death would not be in vain.

Marcus's killing served as the inspiration for efforts to better protect the children of west Philadelphia. Neighbors looked to create new, safer spaces for children, with residents setting up sports teams and drama clubs. Fol-

lowing the incident, citizens also organized a number of antidrug groups and held antidrug marches throughout the city, citing the increase in drug trafficking as a cause for the increase in gun violence in the community.

In 1990, the Yates family opened the Marcus J. Yates Home for Children, housing over 30 foster children from the area. Since their son's death, the Yates family has become advocates against gun violence, seeking to prevent similar devastation from occurring throughout the Nation. They have taken this effort from the municipal level all the way to the Federal Government.

When people described Marcus, they often commented on his vibrant, welcoming spirit. It is a tragedy that the community lost a bright soul at such a young age. Through the efforts of Marcus's family and his community, his legacy is one of advocacy and action. They have worked tirelessly to ensure that his short life was not lost in vain.

The efforts of the West Philadelphia community, as well as the resilience of the Yates family are examples for us all. Their actions show us that with compassion and collaboration, tragedy can be a driving force for positive change. We honor their efforts and their persistence today on the anniversary of a life taken too soon.●

TRIBUTE TO JACKSON WILLIAM "J.W." STINE

• Mr. CASSIDY. Mr. President, today I would like to acknowledge and honor Jackson William "J.W." Stine on his 100th birthday. Mr. Stine is a longtime businessman and World War II veteran combat pilot who has served the State of Louisiana for many years.

Mr. Stine was born to Sulphur residents Andrew and Elma Stine on July 22, 1918. He attended Normal College—today Northwestern State University—and went on to marry his high school sweetheart, Doris "Dee Dee" Drost on January 14, 1944. They remained married for 67 years until Dee Dee passed away in 2011. Together they raised seven children, and today, they have 31 grandchildren and 71 great-grandchildren.

J.W. joined the U.S. Army Air Corps in 1944. Captain Stine flew over 40 combat missions as a pilot of a B-26 aircraft over Germany, Italy, and France. He flew the B-26 Marauder in the 17th Bombardment Group. J.W., with the 17th Bombardment Group, and conducted bombing missions against critical targets throughout the Mediterranean, Italy, France, and Germany. It received the Distinguished Unit Citation, DUC, for its support of the Anzio invasion and another for its outstanding performance over Schweinfurt. For operations in support the invasion of France, it received the French Croix de Guerre with Palm.

J.W. and his best friend, J.C. Carlin, opened a construction company in Sulphur after World War II and then a

lumber company to supply the construction company which was called Starlin Lumber. He eventually bought out J.C.'s share and changed the name in 1973 to Stine Lumber.

J.W. instilled the core values of faith, family, and community in his seven children. He is a proud father of a nationally known artist, a colonel in the Air Force, a captain in the National Guard, two former Louisiana State legislators, a former Sulphur City councilman, a former Louisiana commissioner of administration, past president of Greater Beauregard Chamber of Commerce, past McNeese State University Foundation president, past chairman of the Boy Scouts of America Calcasieu Area Council, past chairman of the Council for A Better Louisiana, a current member of the Christus Health System Board, and current chairman of Louisiana Association of Business and Industry.

On July 22, 2018, J.W. Stine will celebrate his 100th birthday. I and my fellow Louisianans are proud of his accomplishments and the positive impact that he has had on our state. He fought for our Nation, raised an incredible family, and started a successful business. He has truly lived out the American Dream.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 490. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Gibson Dam.

S. 931. An act to designate the facility of the United States Postal Service located at 4910 Brighton Boulevard in Denver, Colorado, as the "George Sakato Post Office".

S. 2692. An act to designate the facility of the United States Postal Service located at 4558 Broadway in New York, New York, as the "Stanley Michels Post Office Building".

S. 2734. An act to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse".

The message further announced that the House has passed the following

bills, in which it requests the concurrence of the Senate:

H.R. 66. An act to establish the Route 66 Centennial Commission, to direct the Secretary of Transportation to prepare a plan on the preservation needs of Route 66, and for other purposes.

H.R. 1376. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

H.R. 2979. An act to designate the facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, as the "Jack H. Brown Post Office Building".

H.R. 3076. An act to require the Director of the Office of Management and Budget to issue guidance on electronic consent forms, and for other purposes.

H.R. 3230. An act to designate the facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, as the "Harmon Killebrew Post Office Building".

H.R. 3460. An act to designate the United States courthouse located at 323 East Chapel Hill Street in Durham, North Carolina, as the "John Hervey Wheeler United States Courthouse".

H.R. 3906. An act to direct the Administrator of the Environmental Protection Agency to establish a stormwater infrastructure funding task force, and for other purposes.

H.R. 4407. An act to designate the facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, as the "Corporal Jeffery Allen Williams Post Office Building".

H.R. 4446. An act to amend the Virgin Islands of the United States Centennial Commission Act to extend the expiration date of the Commission, and for other purposes.

H.R. 4890. An act to designate the facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro, Maryland, as the "Wayne K. Curry Post Office Building".

H.R. 4946. An act to designate the facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, as the "Specialist Trevor A. Win'E Post Office".

H.R. 4960. An act to designate the facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, as the "Spc. Sterling William Wyatt Post Office Building".

H.R. 5238. An act to designate the facility of the United States Postal Service located at 1234 Saint Johns Place in Brooklyn, New York, as the "Major Robert Odell Owens Post Office".

H.R. 5333. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application, and for other purposes.

H.R. 5415. An act to require agencies to submit reports on outstanding recommendations in the annual budget justification submitted to Congress.

H.R. 5504. An act to designate the facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, as the "Sergeant Dietrich Schmieman Post Office Building".

H.R. 5554. An act to amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs and generic new animal drugs.

H.R. 5772. An act to designate the J. Marvin Jones Federal Building and Court-

house in Amarillo, Texas, as the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse".

H.R. 5846. An act to require the Comptroller General of the United States to conduct a study regarding the buyout practices of the Federal Emergency Management Agency, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 899. An act to amend title 38, United States Code, to ensure that the requirements that new Federal employees who are veterans with service-connected disabilities are provided leave for purposes of undergoing medical treatment for such disabilities apply to certain employees of the Veterans Health Administration, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 66. An act to establish the Route 66 Centennial Commission, to direct the Secretary of Transportation to prepare a plan on the preservation needs of Route 66, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1376. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2979. An act to designate the facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, as the "Jack H. Brown Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3076. An act to require the Director of the Office of Management and Budget to issue guidance on electronic consent forms, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3230. An act to designate the facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, as the "Harmon Killebrew Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3460. An act to designate the United States courthouse located at 323 East Chapel Hill Street in Durham, North Carolina, as the "John Hervey Wheeler United States Courthouse"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3906. An act to direct the Administrator of the Environmental Protection Agency to establish a stormwater infrastructure funding task force, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4407. An act to designate the facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, as the "Corporal Jeffery Allen Williams Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4446. An act to amend the Virgin Islands of the United States Centennial Commission Act to extend the expiration date of the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4890. An act to designate the facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro,

Maryland, as the "Wayne K. Curry Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4946. An act to designate the facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, as the "Specialist Trevor A. Win'E Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4960. An act to designate the facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, as the "Spc. Sterling William Wyatt Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5238. An act to designate the facility of the United States Postal Service located at 1234 Saint Johns Place in Brooklyn, New York, as the "Major Robert Odell Owens Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5415. An act to require agencies to submit reports on outstanding recommendations in the annual budget justification submitted to Congress; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5504. An act to designate the facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, as the "Sergeant Dietrich Schmieman Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5772. An act to designate the J. Marvin Jones Federal Building and Courthouse in Amarillo, Texas, as the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 5846. An act to require the Comptroller General of the United States to conduct a study regarding the buyout practices of the Federal Emergency Management Agency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5333. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5963. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled "Report to the Congress on the Profitability of Credit Card Operations of Depository Institutions"; to the Committee on Banking, Housing, and Urban Affairs.

EC-5964. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2015; to the Committee on Energy and Natural Resources.

EC-5965. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to

section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data, and defense services to Saudi Arabia for replacement of old machine guns, grenade launchers, lasers, night vision goggles, accessories, and spare parts and components that are in poor condition in their inventory in the amount of \$50,000,000 or more (Transmittal No. DDTC 17-132); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-266. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing its support of the right of American citizens to keep and bear arms; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 87

Whereas, the Second Amendment of the United States Constitution and Article I, Section 11 of the Constitution of Louisiana guarantees the right of Louisiana citizens to keep and bear arms; and

Whereas, in recent years, Congress as well as certain states have passed laws which have eroded or attempted to erode the right of the citizens of this country to keep and bear arms; and

Whereas, Americans have the right to protect themselves at home with a firearm; and

Whereas, the United States Constitution recognizes that the right to keep and bear arms is necessary to the security of a free nation and for its citizens to protect themselves and their families; and

Whereas, there are some who would repeal or impair the right to keep and bear arms. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby express support of the right of American citizens to keep and bear arms and does not support any actions that would impair or erode that right, including but not limited to the right of citizens to protect themselves and their families in their home. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-267. A petition from a citizen of the State of Texas relative to an amendment to the United States Constitution; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany H.R. 1900, a bill to designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, and for other purposes (Rept. No. 115-304).

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 557. A resolution expressing the sense of the Senate regarding the strategic importance of NATO to the collective security of the transatlantic region and urging its member states to work together at the upcoming summit to strengthen the alliance.

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2497. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. HEITKAMP (for herself, Mr. COTTON, Mr. BOOKER, and Mr. YOUNG):

S. 3218. A bill to allow employers to offer short-term savings accounts with automatic contribution arrangements for financial emergencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON (for himself, Mr. YOUNG, Ms. HEITKAMP, and Mr. BOOKER):

S. 3219. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to modify the requirements for multiple employer plans, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself, Ms. HEITKAMP, Mr. COTTON, and Mr. YOUNG):

S. 3220. A bill to establish the Refund to Rainy Day Savings Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. YOUNG (for himself, Mr. BOOKER, Mr. COTTON, and Ms. HEITKAMP):

S. 3221. A bill to provide for an additional nondiscrimination safe harbor for automatic contribution arrangements; to the Committee on Finance.

By Mr. CORNYN:

S. 3222. A bill to designate the J. Marvin Jones Federal Building and United States Courthouse in Amarillo, Texas, as the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. RISCH (for himself, Mr. MANCHIN, Mr. ALEXANDER, and Ms. HEITKAMP):

S. 3223. A bill to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for the management of fish and wildlife species of greatest conservation need, as determined by State fish and wildlife agencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOOZMAN (for himself and Mr. COTTON):

S. 3224. A bill to direct the Secretary of Agriculture to exchange certain public lands in Ouachita National Forest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CARPER, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HIRONO, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Ms. SMITH, Ms. WARREN, Mr. WYDEN, Mrs. FEINSTEIN, and Ms. KLOBUCHAR):

S. 3225. A bill to ensure the humane treatment of pregnant women by reinstating the presumption of release and prohibiting shackling, restraining, and other inhumane

treatment of pregnant detainees; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 3226. A bill to direct the Administrator of the Environmental Protection Agency to ensure that the treatment of natural gas vehicles is equal to the treatment of electric vehicles; to the Committee on Environment and Public Works.

By Ms. HARRIS (for herself, Mr. MERKLEY, Ms. CORTEZ MASTO, Ms. WARREN, Mr. BLUMENTHAL, Mr. MARKEY, Mr. CARPER, Mr. SANDERS, Mrs. GILLIBRAND, Mr. KAINE, Mr. BOOKER, Mr. MENENDEZ, Mr. WYDEN, and Ms. DUCKWORTH):

S. 3227. A bill to reunite families separated at or near ports of entry; to the Committee on the Judiciary.

By Mr. GARDNER:

S. 3228. A bill to amend the Internal Revenue Code of 1986 to provide for distributions from 529 programs to pay apprenticeship and qualified early education expenses, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 21, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 116

At the request of Mr. HELLER, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 116, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 205

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 422

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 422, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 427

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 427, a bill to enhance Social Security benefits and ensure the long-term solvency of the Social Security program.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Ms.

HIRONO) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 498

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 498, a bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries, and for other purposes.

S. 514

At the request of Mr. PERDUE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 514, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

S. 515

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 783

At the request of Ms. BALDWIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 783, a bill to amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.

S. 817

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 817, a bill to amend the Internal Revenue Code of 1986 to increase the age requirement with respect to eligibility for qualified ABLE programs.

S. 948

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 948, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1121

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1121, a bill to establish a post-secondary student data system.

S. 1212

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1212, a bill to provide family members of an individual who they fear is a danger to himself, herself, or others, and law enforcement, with new tools to prevent gun violence.

S. 1278

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1278, a bill to provide for the admission of the State of Washington, D.C. into the Union.

S. 1522

At the request of Mr. HEINRICH, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1522, a bill to establish an Every Kid Outdoors program, and for other purposes.

S. 1642

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1642, a bill to amend the Revised Statutes, the Home Owners' Loan Act, the Federal Credit Union Act, and the Federal Deposit Insurance Act to require the rate of interest on certain loans remain unchanged after transfer of the loan, and for other purposes.

S. 1712

At the request of Mr. WYDEN, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 1712, a bill to amend the Higher Education Act of 1965 to provide for the automatic recertification of income for income-driven repayment plans, and for other purposes.

S. 1730

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. 1730, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 1989

At the request of Ms. KLOBUCHAR, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2101

At the request of Mr. DONNELLY, the names of the Senator from Nevada (Mr. HELLER), the Senator from New Mexico (Mr. UDALL), the Senator from Vermont (Mr. SANDERS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2101, a bill to award a Congressional Gold Medal, collectively, to the crew of the

USS Indianapolis, in recognition of their perseverance, bravery, and service to the United States.

S. 2105

At the request of Mr. BOOZMAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2105, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 2131

At the request of Mrs. MURRAY, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2131, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish medically necessary transportation for newborn children of certain women veterans, and for other purposes.

S. 2144

At the request of Mr. VAN HOLLEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2144, a bill to provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements.

S. 2463

At the request of Mr. CORKER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2463, a bill to establish the United States International Development Finance Corporation, and for other purposes.

S. 2567

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2567, a bill to amend the Public Health Service Act to enhance the national strategy for combating and eliminating tuberculosis, and for other purposes.

S. 2577

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2577, a bill to reauthorize programs authorized under the Debbie Smith Act of 2004.

S. 2578

At the request of Mr. SCHATZ, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 2578, a bill to amend title 13, United States Code, to require the Secretary of Commerce to provide advanced notice to Congress before changing any questions on the decennial census, and for other purposes.

S. 2593

At the request of Mr. LANKFORD, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2593, a bill to pro-

tect the administration of Federal elections against cybersecurity threats.

S. 2823

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2823, a bill to modernize copyright law, and for other purposes.

S. 3051

At the request of Mr. HOEVEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3051, a bill to require the Secretary of Transportation to establish a working group to study regulatory and legislative improvements for the livestock, insect, and agricultural commodities transport industries, and for other purposes.

S. 3128

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3128, a bill to reauthorize the National Flood Insurance Program.

S. 3131

At the request of Ms. HARRIS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3131, a bill to amend the Fair Labor Standards Act of 1938 to provide increased labor law protections for agricultural workers, and for other purposes.

S. 3172

At the request of Mr. PORTMAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 3172, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. RES. 61

At the request of Mr. NELSON, his name was added as a cosponsor of S. Res. 61, a resolution calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States.

S. RES. 572

At the request of Mr. KENNEDY, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Kentucky (Mr. McCONNELL), the Senator from North Dakota (Mr. HOEVEN), the Senator from Alaska (Mr. SULLIVAN), the Senator from Indiana (Mr. YOUNG) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Res. 572, a resolution supporting the officers and personnel who carry out the important mission of U.S. Immigration and Customs Enforcement.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 3222. A bill to designate the J. Marvin Jones Federal Building and

United States Courthouse in Amarillo, Texas, as the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse"; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J. MARVIN JONES FEDERAL BUILDING AND MARY LOU ROBINSON UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The J. Marvin Jones Federal Building and United States Courthouse located at 205 SE 5th Ave., Amarillo, Texas, shall be known and designated as the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3396. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize programs of the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3396. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize programs of the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEFINITION OF LIVESTOCK.

Section 602(2) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471(2)) is amended in the matter preceding subparagraph (A) by striking "fish" and all that follows through "that—" and inserting "llamas, alpacas, live fish, crawfish, and other animals that—".

AUTHORITY FOR COMMITTEES TO MEET

Mr. DAINES. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the

Senate on Tuesday, July 17, 2018, at 10:15 a.m., to conduct a hearing entitled "Sharks".

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, July 17, 2018, at 10 a.m., to conduct a hearing entitled "the semi-annual monetary policy report to the Congress".

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, July 17, 2018, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, July 17, 2018, at 9:45 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, July 17, 2018, at 10 a.m., to conduct a hearing entitled "Reducing Healthcare Costs: Eliminating excess healthcare spending and improving quality of value for patients."

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, July 17, 2018, at 12 p.m., to conduct a closed hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, July 17, 2018, at 2:30 p.m., to conduct a closed hearing.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Karina Ramirez Velazquez, be granted privileges of the floor for the remainder of the day.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that the following individual fellows in my office be granted floor privileges for the remainder of the 115th Congress: Casey Dreher, Cathleen Carlson, Nick St. Laurent, Gabe Kapchuk, Shaanan Cohny, Roberta Kienast Daghir, and Derek Southern.

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

AMENDING TITLE XIX OF THE SOCIAL SECURITY ACT

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from

further consideration of H.R. 6042 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 6042) to amend title XIX of the Social Security Act to delay the reduction in Federal medical assistance percentage for Medicaid personal care services furnished without an electronic visit verification system, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 6042) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JULY 18, 2018

Mr. GRAHAM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, July 18; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed. I ask that following leader remarks, the Senate proceed to executive session and resume consideration of the Oldham nomination and that time until 2 p.m. be equally divided; that at 2 p.m., notwithstanding rule XXII, the Senate vote on confirmation of the Oldham nomination with no intervening action or debate; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ORDER FOR ADJOURNMENT

Mr. GRAHAM. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

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

The Senator from Vermont.

TRUMP-PUTIN SUMMIT

Mr. SANDERS. Mr. President, at the Helsinki summit yesterday, President Trump embarrassed our country, undermined American values, and openly sided with Russia's authoritarian leader Vladimir Putin against the U.S. intelligence community's unanimous assessment that Russia interfered in our 2016 Presidential election. JOHN

MCCAIN is right when he says it was "one of the most disgraceful performances by an American president in memory. The damage inflicted by President Trump's naivete, egotism, false equivalence, and sympathy for autocrats is difficult to calculate. But it is clear that the summit in Helsinki was a tragic mistake."

That is not BERNIE SANDERS. That is former Republican Presidential candidate Senator JOHN MCCAIN of Arizona.

Today, after a strong international backlash, Trump, in a bizarre statement, claimed he misspoke and of course blamed the media for reporting what he said. Even now he could not help but suggest that the electoral interference "could be other people also," not just Russia.

Today, we face an unprecedented situation of a President who, for whatever reason, refuses to acknowledge an attack on American democracy. Either he really doesn't understand what has happened or he is under Russian influence because of compromising information they may have on him or because he is ultimately more sympathetic to Russia's authoritarian-oligarchic form of society than he is to American democracy. Whatever the reason, Congress must act, and must act now, to demand that the President of the United States represent the interests of the American people and not Russia.

Let us be clear. Russia has been meddling not only in U.S. elections but in the elections of other democracies—the United Kingdom, France, Germany, to name just a few. Russia's goal is to advance its own interests by weakening the transatlantic alliance of democracies that arose after World War II, while also inflaming internal divisions in each of these countries.

We should also be clear that this interference is directed from the very highest levels of the Russian Government. Last week, Special Counsel Robert Mueller announced a set of indictments of 12 members of Russia's military intelligence service, the GRU. There can be no doubt that given the nature of the Russian Government, Vladimir Putin was directly involved in this effort, but our concern is not only what has already happened, it is what could happen in the future.

Last week, Director of National Intelligence Dan Coats, a former Republican Senator, raised the alarm on growing cyber attack threats against the United States in a range of areas, including Federal, State, and local government agencies, the military, business, and academia, saying the situation is at a "critical point." He said:

[Russia is the] most aggressive foreign actor, no question. And they continue their efforts to undermine our democracy.

Coats compared the warning signs to those the United States faced ahead of the September 11th terrorist attacks. This is a clear and present threat to our democratic system and those of our allies. Ultimately, of course, we want a

peaceful relationship with Russia. We do not want a return to the Cold War, and we surely do not seek conflict, but at the same time, we must be very clear that we oppose what Putin is doing, both in terms of his foreign policy and his domestic policy.

On foreign policy, we will not accept Russian meddling in the elections of democratic countries, stoking political tensions by promoting hatred and suspicion of immigrants and minorities and trying to undermine longstanding alliances between democratic allies.

In 2014, in violation of international law, Russia invaded neighboring Ukraine and annexed the Crimea region. Russia has assassinated political opponents abroad, most recently through the use of poison in Salisbury, England, on a former spy and his daughter, a chemical attack that endangered the lives of many civilians. The British Government concluded that this atrocious attack was likely carried out by Russia's military intelligence service.

Domestically, Putin has undermined democracy in Russia, crushing free speech, jailing political opponents, harassing and assassinating journalists who criticize him, and increasing persecution of ethnic and religious minorities and the LGBT community. President Trump had an opportunity to speak out on all of these issues, to confront Putin about these destabilizing and inhumane policies, but he chose not to. If the President of the United States is not going to do it, Congress must.

The Congress must make it clear that we accept the assessment of our intelligence community with regard to Russia's election meddling in our country and in other democracies. The Congress must move aggressively to protect our election systems from interference by Russia or any foreign power and work closely with our democratic partners around the world to do the same. The Congress must demand that the sanctions against Russia that were passed last year be fully implemented. The Congress must make it clear that we will not accept any interference with the ongoing investigation of Special Counsel Mueller, such as the offer of preemptive pardons or the firing of Deputy Attorney General Rod Rosenstein, and that the President must cooperate with this investigation.

Finally, the Congress must make it clear to President Trump that his job is to protect the values that millions of Americans struggled for and died to defend—the values of democracy, justice, and equality.

Tweets, comments, and press conferences are fine, but we need more from Republican Senators now. It is time for the Senate to rein in the President's dangerous behavior. If their leadership will not allow votes on dealing with this extraordinarily important matter, then my Republican colleagues must join with Democrats to make it happen, or all of their words are worthless.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Florida.

Mr. RUBIO. Mr. President, the events of the last 36 hours, particularly the issue that now dominates the media coverage in America, and our political debates on the floor cause me to come today to the floor of the Senate to speak for a few minutes to my constituents in the State of Florida but also to anyone else who clearly should care about this issue across our country, for it is one that impacts our Nation in ways that I don't think have been fully vetted or are clearly understood by enough people.

The idea that the Russian Federation, at the command of Vladimir Putin, interfered in our election is something that most Americans are now familiar with. It has been a topic of ongoing conversation, discussion, debate, argument, and dispute, pretty much since the fall of 2016 and to the present day. It has morphed into something that has become domestically more of a partisan issue. It is hard to believe. If you were able to get in a time machine and go back just 5 years and tell someone that Russian interference in our election would become a partisan issue, along the lines in which we see it play out now, few would believe you.

I will spend very little time today talking about the past and saying "you guys did this on the other side of the aisle before we did" and vice versa because it isn't constructive and means nothing to the future.

It wasn't long ago, in a major Presidential debate where the Republican nominee, Mitt Romney, pointed to Russia as the greatest geopolitical challenge of the United States, that he was roundly mocked not just by President Obama, who was running for election and subsequently won, but by many in the press. I don't say that for purposes of drawing a "you guys were wrong back then" kind of argument. I say it solely for purposes of understanding how far we have come and where we are today.

By the way, I wouldn't necessarily agree with that statement. I believe, by and large, that the greatest geopolitical challenge for the United States and the world in the 21st century will be whether China's rise is peaceful and productive or not.

When the story of the 21st century is written, there will be some chapters in that book about Vladimir Putin and Russia, and it is a topic that increasingly dominates our domestic debate today in ways that I think require more careful examination and understanding if we are to make from it good public policy and good decisions for the country.

I think it begins with something that I talked about last week; that is, understanding the nature of this conflict. It begins with a man, Vladimir Putin. I don't know the man, but I know enough about him and have certainly

learned enough about him to make some pretty clear assessments that I believe in deeply. The first is that this is a man who was raised in the Cold War Soviet Union, where people were trained to be suspicious about each other, and who then went on to a career in the intelligence agency of that country, the KGB. The result is that he is, by nature and by all accounts, both a suspicious and a paranoid individual, as someone probably would be if they spent their whole life lying to other people. You begin to assume that everyone is a liar. This is a man who made his living by deceiving westerners and manipulating them.

He also grew up in a society where neighbors spied on each other and kids turned their parents in, and you never really knew who the other person you were talking to was. But if you were reported as someone who was against the government, your career, your ability to go to school and the quality of life for your family would be deeply impacted. There is no way that you grow up in a society like that and in an environment like that and, then, later on, go and work as a spy and it does not somehow frame the way you operate or think for years to come.

The other thing that is pretty clear—for reasons I don't fully understand because I don't know him, I don't know his family, and I don't know his upbringing—is that he takes everything deeply personal. Any sort of effort against Russia is not a geopolitical decision or something that he can depersonalize. He seems to absorb all these things as a personal attack on him. As a result, he, I think, has come to view himself as Russia—as the embodiment of the Russian Federation.

You add to all of that his views as a leader, and it is interesting because, if you go back to Vladimir Putin 15 years ago, he wasn't nearly as confident or as bold as he is at this moment. There are a lot of reasons for it, but this is a person who accidentally became the leader of Russia. He is kind of almost the guy who stumbled into the role because of a series of circumstances. He was hardly known before he started his career as Prime Minister but went on to the Presidency, nonetheless. He is someone who wound up in this position almost by accident, but since then, he has solidified his hold.

There is the Vladimir Putin from the first time around and the Vladimir Putin from the second time around, but one thing is abundantly clear from his public statements, and that is that he viewed the end of the Cold War as a disaster for Russia, and not for the reasons some people think. It is not an ideological rationale, but because Russia, which already has a deep and long history in its geopolitics of feeling ignored by Europe and Asia and disrespected by the world—at the end of the Cold War, Russia was a nation that faced incredible challenges.

Imagine for a moment that you are in the government or living in the Soviet Union and you oversee this incredible empire that covers all of this territory and have all these nations within your sphere of influence, and overnight, it all evaporates. Overnight, all of the countries in your periphery begin to join NATO. They start having elections. They start becoming allies of the United States. Your territory shrinks. One day, Ukraine is part of the Soviet Union; the next day, it is its own country.

Then add to that, over the next 12 to 15 years, the sort of emergence of the United States for much of that period of time as the world's sole superpower, while Russia was struggling to have an economy or even be relevant in the global discourse.

Then you come to see that Vladimir Putin viewed that period of time in world history, up to the present day, as an example of the strong America and strong West abusing a weak Russia, because this is ultimately how he views life and how he views the world. It is a battle between the weak and the strong, where the strong prey on the weak. You know who he wants to be. So because of all of that and because he is paranoid and because he is suspicious, he believes the United States, for example, was behind the protests in 2011 that broke out on the streets against his rule. He believes the United States is behind everything that is happening in Ukraine. All of this leads him to the two goals he has, and there are two goals that have become crystal clear, especially beginning his second time around as President.

A lot of people forget that he was President, he left, and his handpicked successor served for a period of time. Then he came back for the second time. It is the second Putin we are now dealing with.

Since that time, two things have become pretty clear about his goals. The first is that he wants to reestablish Russia once again as a world power, like the time when the Soviet Union was on par with the United States of America. He can't do that economically. A lot of people don't realize this, but Russia is the 9th or 10th largest economy in the world. To put it in perspective, the Italian economy—Italy is a great country—the Italian economy, with less territory, less oil, fewer people, is bigger than the Russian economy. It is about equal to the Spanish economy. I would dare say—for example, my home State of Florida has an economy now at about \$1 trillion. Russia is at \$2 trillion. There are States in this country that have a bigger economy than Russia's. So he is not a global economic superpower. The only thing that makes him a global superpower is the fact that they possess thousands of nuclear weapons and conventional military capabilities that are significant and have improved as he has invested in them. He quickly realized: The way I am going to become

relevant in the world again is not through my economic or diplomatic prowess; the way I am going to become relevant in the world again is I am going to use my conventional weapons, my conventional capabilities, along with some asymmetrical ones, to inject myself in the discussion in different parts of the world and show people that Russia and Vladimir Putin are strong again.

That is what he has done. It actually began back in 2008 with the invasion of Georgia—we now commemorate the 10th anniversary of that—but it also plays out in his intervention in Syria or the annexation of Crimea. I believe he would have moved forward into Kiev and broader Ukraine had there not been the EU and U.S. sanctions against him as a result.

The first objective is to make Russia a world power again. The second objective, which he thinks is tied to the first, is that he has to make America weak. Vladimir Putin is a strong believer in zero-sum propositions—not in the idea that somehow we can both be better off or that there can be a win-win but a true believer in the idea that in order for me to be stronger or us to be stronger, you have to be weaker.

It plays out that in order for Russia to be stronger, America, which he views as his greatest geopolitical competitor, has to be weaker. That is why they chose to interfere in the 2016 election.

Let me say this: I don't think Vladimir Putin interfered in our elections; I don't believe he interfered in our elections; I know it for a fact. By the way, so does everyone who has looked at this issue and knows anything about it. There is zero doubt about it. What I think we are missing in our debate is the why and the how.

The why is not what people think. He may have had a personal preference in an election, but his interference and his efforts to interfere in our elections began well before the President of the United States descended down those escalators in New York in the summer of 2015. They intended to do this long before that period of time.

His No. 1 objective was to ensure that no matter who was elected President of the United States, that person would assume office under a cloud of nagging and persistent controversy. He wanted to weaken them internally because, as an intelligence officer, he understood the power of being weakened from within. He understands it so much that he jealously protects his image in Russia, he guards it, disclosing very little about himself or about his personal life. He never puts himself in a position to appear vulnerable. He only shows pictures of things he wants people to see and actually allows no dissent—to the point where a substantial number of the people who opposed Vladimir Putin are not out of politics or even in jail; they are dead. Sadly, the world is littered with story after story of a Russian opposition figure found dead in his

hotel room, strangled, fell out of a window, poisoned. It happens over and over again. These things are not a coincidence.

He wanted to weaken whoever was the next President of the United States. No matter how this election turned out in November, whether the President was named Trump or Clinton, we would be dealing with a President right now under a cloud of controversy because he had it lined up either way.

The second thing he wanted to do as part of the first part is undermine confidence in our institutions—I mean all of our institutions: our elections, the media, our political figures, everything. It has extended to important institutions like the FBI and our intelligence agencies. He undermined confidence so that no one could be believed. And the President is under controversy. Divide us against each other so that there are no authorities in which we trust. Some of this, by the way, was already happening in our country, but they had the nuanced understanding of it to be able to exploit it.

The third, as part of the first and second, is to really drive divisions—not just to weaken the President and undermine confidence in our institutions but look for ways to do so by exacerbating preexisting tensions in our society.

These were the aims of the Russian interference campaign beyond everything else. It was not about electing one candidate or another; it was about these things. It would be hard to see what happened yesterday and the reaction to it and not conclude that this effort succeeded his wildest expectations. Today, the President of the United States has operated for the better part of a year and a half under a persistent cloud of controversy.

On the one side, his political opponents are intimating that his Presidency is illegitimate, that his election was not real. I heard words like “treason” thrown around yesterday.

On the other side is complete denial that there was any interference and the undermining publicly of important institutions in this our country, such as the Federal Bureau of Investigation, which, by the way, is made up of thousands of employees, the vast and enormous majority of whom are patriotic Americans who keep us safe every single day. Undermining confidence in our institutions is tied to the point I just made, not to mention the fact that, increasingly, Americans get their news and information from someone who tells you what you already believe and confirms your bias even further, which drives our divisions.

There is no way you could see what was happening in this country over the last year and a half—which was already happening, by the way, and for which all of us in American politics are somewhat responsible—and not conclude that Vladimir Putin's plan to undermine the Presidency, no matter who it

was, to undermine confidence in our institutions, and to drive divisions in our country has been wildly successful, at a very low price.

Interestingly, yesterday one of the interviews that he did—I think it was Mr. Wallace at FOX News who asked him about this, and his response was that none of the things that were leaked are untrue, as if to almost say with a wink, even if we colluded—or not colluded—even if we hacked and even if we did all these things and interfered, so what? We didn't lie. These are all true things.

So what have I heard in response to some of this? I will not spend a lot of time addressing some of the arguments made by the President's opponents. There is an ongoing investigation being conducted by Mr. Mueller, which I believe should reach its conclusion naturally as he continues to do his work. I have said this, and I will repeat it: It is in the best interest of the President of the United States and of our country for Mr. Mueller to do his work without interference and be able to conclude it. No matter where you line up or whom you voted for, we should all want to know the truth. That truth will ultimately have to be proven in a court of law.

From his history, I have no reason to believe that Mr. Mueller will not conduct a full, thorough, and fair investigation. Ultimately, it is truth and the light of the truth that will help us overcome a lot of these controversies we find today. Until that has happened, any accusations are unfair, unwise, and counterproductive.

But one of the arguments I have heard from people on my side of the aisle is that this is not a big deal because everybody does it. And if by "everybody does it" you mean everybody spies, yes, virtually every nation on Earth has an intelligence agency, and some do a better job than others. But do not be misled—everyone does not do what we saw in 2016. Our problem in 2016 was not that the Russians spied on Americans or that the Americans spied on the Russians or that the Chinese spied on us; our problem in 2016 is that the Russian Federation, under the command of Vladimir Putin, weaponized information. One thing is to gather information; another thing is to strategically leak it in an effort to influence the domestic politics of another country. And that is what Vladimir Putin ordered done for purposes of undermining the next President, whoever it was, and undermining confidence in our elections and our institutions.

They hacked into emails. They released these emails through a third party. It was picked up in the media, it was reported, and then we fought about it. That is what they have done. They have done it in other countries for years. They did it somewhat in the Cold War. They did it in 2016. And they will do it again. Let there be no doubt—they will do it again. Then

after they released all this stuff, they used their army of bots and trolls to drive this information online, on platforms, particularly trying to drive it to certain groups and people to divide us even further against each other.

One of the most dangerous things they did, which is now open record in the indictment issued last week by the Mueller investigation, is they probed the electoral systems of our States and counties. A lot of people are saying: They didn't get in the ballot box. Absolutely. I tell you with full confidence that the reason President Trump won had nothing to do with Vladimir Putin—nothing. But I think we are wrong if we think all we should be worried about is the ability to change votes at the ballot box because if they can somehow change people's registration and enough people on election day go to vote and are told "You aren't allowed to vote," their trolls will be ready to drive that news out there on election day. Then come election day, no matter who won, the other side will say that there were these weird things that happened down there in some county or some State, so the election is not valid.

Imagine that for a moment. Imagine an election in 2000 in my home State that was decided by less than 600 votes. Imagine that in a Republican county, a bunch of Democrats went to vote on election day and were told: You can't vote today because you are not registered. If that happened to enough people, the Russian trolls would jump all over it. They would start driving it on the news. It would be featured on cable news that day.

That night, if they lost, they would be arguing "The election was rigged. The electoral officials in the Republican county rigged the elections"—all driven by the Russians, and vice versa, by the way.

That is the danger, that we can one day potentially elect a President of the United States who swears into office with a substantial number of people believing that the election was stolen, undermining not just the President at that point but our very system of democracy. That is what they did. Anyone who tells you that everyone does that is lying. Everyone does not do that. The United States does not do these things. I am a big critic of the Chinese, but the Chinese don't do these things. I have other problems with them. The Belgians don't do this, and the Japanese don't do this. Only one country in the world has weaponized information in this way in order to interfere in an adversary's election, and that is the Russian Federation under Vladimir Putin.

The other argument I have heard is: What is wrong with better relations with Russia? Nothing is wrong with better relations with Russia. I will tell you right now that the world would be a better place, a more peaceful place, and our lives would be a little easier. We would be stronger if, somehow, we

had a partner in the Russian Federation with whom we could work to deal with things like terrorism and the proliferation of nuclear weapons and Iran and all sorts of issues—North Korea. We all wish we had that.

The reason that isn't happening, frankly, is not because of us. It is because of Vladimir Putin. For Vladimir Putin, better relations are not what he is interested in. He is not seeking a partnership with the United States. What he is seeking is geopolitical, perceptual equality. He wants to be viewed as being on par with America, both as a leader and his country as a whole, and he believes the only way he can do that is to pull himself up and tear us down. I, frankly, have to tell you that it is very difficult to have better relations with someone who believes that the only way for him to be better off is for you to be worse off. As long as the Russian Federation is led by someone who has total control of his government and has these views, it is going to be very difficult to have better relations.

That does not mean we don't meet with Vladimir Putin. Anyone who says that the meeting, alone, is wrong is not being wise and is being disingenuous. As 90 percent of the nuclear weapons on this planet are possessed by the United States and the Russian Federation, that alone is reason for us to engage with Vladimir Putin. We have to. We have no choice. Yet we should engage with him with clear eyes and a clear understanding of what he is up to and what he is trying to do. We should engage with a very clear understanding that this is a man who, throughout his life as leader of the Russian Federation, has never passed up an opportunity to exploit the weakness of an adversary or a competitor. Every time he sees weakness and the opportunity to gain an advantage, he will take it, and any engagement with him in which that is not understood is a dangerous one.

So I have no problem with having better relations with Russia. Frankly, I am not one of these people who is over the top on Russia to the extent of the threat it poses. It does have nuclear weapons, but we have bigger threats than Russia. Yet it is a very significant one that needs to be addressed.

Our moving forward is what, I hope, we will focus on. Mueller will continue his work, and the Intelligence Committee, which I sit on, will continue its work. Yet we are going to have an election in a few months. We are going to continue to have elections every 2 years, hopefully, forever, and there is no reason to believe that they will not try to do this again.

That is why, earlier this year, along with Senator VAN HOLLEN, I proposed the DETER Act, which is the only thing that Vladimir Putin understands—deterrence. The DETER Act says here is a list of sanctions, and these sanctions will go into effect immediately if the Director of National

Intelligence, after an intelligence assessment, determines that Russia is, once again, interfering in our elections so that before he even does it, he has a very clear understanding of what the price is going to be.

Men like Vladimir Putin operate as cost-benefit analysts. They weigh the costs against the benefits, and then they decide what action to take. There is no doubt, in 2016, he saw that the costs of what he did were very low. He thought he could hide it. He thought, by the time we would have figured it out, it would have been too late. He thought that America would be in such disarray that it wouldn't be able to get its act together and actually impose any additional sanctions. He saw the benefits as extraordinary, so he took action, and he will do it again if he doesn't think the costs are high enough.

My hope is, over the next few days and in a short period of time, we will figure out a way, in working together as Americans on this issue, to set aside all of the stuff about yesterday—that probe will continue, and our work on the Intelligence Committee will continue—and focus on the future.

No matter how you feel about 2016, who among us would say that if Russia interferes in 2018—or in any year for that matter—it shouldn't be punished? Who among us would say, if we had the opportunity to put into law strong consequences for interference that could deter such an attack, we wouldn't want to do it? That is why I hope that no matter how you may feel about the other things that are going on that the Senate can come together and work together to pass this law, because, otherwise, we are leaving our Nation vulnerable.

I will close with something I said back in October of 2016, which is that Vladimir Putin is not a Republican, and he is not a Democrat, and he is not a conservative, and he is not a liberal. Do not ascribe to him any of the attributes of American politics. He interfered in 2016 in order to create chaos and controversy, not to elect any particular party or individual. By far, that was his strongest motivator, and he will do it again.

I believe, if left unchecked, he will target Members of the Senate who he thinks are his opponents. He will target Members of Congress. Eventually, he will even target our debates outside of elections. I believe, if left unchecked, he is going to take the next step and not just leak information but will make it up. He is going to come up with 9 emails that will be real and will embed a 10th that will be fake. It will be reported, and it might cost one an election or might cost someone enough heartache that one has to resign.

Information is a very powerful weapon. If you go online, you will already see the ability to produce these deepfake videos that look real, videos that only an expert could tell are fake. They are of people saying or doing

things they never said or never did. Imagine those being in the hands of a nation-state and being leaked 2 days before an election. A nation-state is going to do these things. It is going to happen if we do not deter it from happening and if we do not prepare our Nation and the American people. If you think this is chaotic, then allow that to happen without informing us and preparing us and strengthening us and putting in place a deterrent against that. Then you will know chaos—a chaos that will shake us to our core.

I hope that we can take this small but important step of coming together as Americans and protecting our elections for years to come against an adversary who is determined to tear us down in order to build himself up. This is reality. This is the world and the threat we face. The sooner we address it the safer our Nation and our people will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

BLUE-SLIP TRADITION

Mr. MERKLEY. Mr. President, the nomination of Ryan Wesley Bounds is just the latest in more than a year of attacks that have been based on a strategy of converting the United States from a nation that is based and organized on and that fights for the principle of "we the people" into one that bows to the powerful and the privileged.

His nomination has already strained and degraded the Senate's blue-slip tradition as our colleagues rush to pack our courts with extremist judges to advance that vision—not of judges who call balls and strikes but of judicial activists who want to rewrite the Constitution to put down workers, to put down healthcare rights, to lay out and tear down consumer rights and women's rights—so many opportunities and empowerments diminished in the favor of the privileged and the powerful. That is what is going on with the packing of the Court.

This deed of putting forward this nomination on the floor tonight changes a 100-year tradition of comity in the U.S. Senate and the recognition that the home State Senators have something important to say about the integrity of the individual who is being put forward. At stake in this confirmation is the Senate's advice-and-consent responsibility as applied through the blue-slip tradition—a tradition that incentivizes consultation and bipartisan cooperation. When you take away the blue-slip tradition, you diminish the incentive for consultation and cooperation. This tradition has existed since 1917. It was 101 years ago when Senator Thomas Hardwick objected to President Wilson's district court nominee, and he wrote his objection on a blue slip of paper—thus, the name.

No judge until now—101 years later—has ever been confirmed by this body

having not received a single blue slip from a home State Senator. Until this administration, just five had been confirmed without both blue slips having been returned. This tradition has been honored by both parties. It has been a bipartisan tradition. When the Democrats have been in power, the Republicans have wanted it to be honored. When Republicans have been in power, the Republicans have honored it. In fact, in 2009, at the start of President Obama's term when the Democrats controlled both the Executive Office and this Chamber, my Republican colleagues wrote a letter. They wrote that they expected the blue-slip tradition to be observed evenhandedly and regardless of party affiliation. It was not just that letter from which we have heard over time. We have heard from Chairman GRASSLEY.

Chairman GRASSLEY wrote clearly about this:

For nearly a century, the chairman of the Senate Judiciary Committee has brought nominees up for committee consideration only after both home State Senators have signed and returned what is known as a "blue slip." This tradition is designed to encourage outstanding nominees and consensus. . . . I appreciate the value of the blue-slip process and also intend to honor it.

He intended to honor it, he wrote, in 2015. Yet putting this nomination through the committee dishonored the tradition. Bringing it to the floor dishonors this tradition. It doesn't honor it because it violates it.

During the time that President Obama was in office, the Republicans used the blue slips to block 18 nominees. The nominees never progressed without the return of two of those slips.

We can turn back to the former chair of the Judiciary Committee, ORRIN HATCH, who wrote in *The Hill*:

Weakening or eliminating the blue slip process would sweep aside the last remaining check on the president's judicial appointment power. Anyone serious about the Senate's constitutional "advice and consent" role knows how disastrous such a move would be.

The current chair and the former chair were pretty clear, and now they intend to tear it down—a moment of opportunity to sacrifice a century of comity and consultation.

The clear factor is one principle when in the minority and tearing down that principle when in the majority. It is one principle for Obama's nominees and a different principle for Trump's nominees. Where has all of the honor and principle gone in this Chamber? There were no hearings for Obama's nominees without blue slips. There have been hearings for four of Trump's nominees without blue slips.

Now, the majority leader helped to drive this change. He said: Republicans now will treat a blue slip "as simply notification of how you're going to vote." That is what he said. It is simply notification. So it is up to the chair of the committee, the former chair of the Judiciary Committee, and all of

the members who signed that 2009 letter saying how important this was to this Chamber to stand up and actually exhibit some trace of consistency with the position put forward just a short time ago.

So now he is coming to the floor for a vote. This is a nominee on whom there was no consultation. We had a committee out in Oregon, set up by my senior colleague, Senator WYDEN. We told the White House: Wait to make your choice until after the committee submits its list. This is the Oregon bipartisan—bipartisan—judicial selection committee. But the President was in such a hurry to pack the court that he didn't wait for consultation.

I happen to have heard a Member across the aisle saying: Well, the White House said they consulted. Well, let me tell you that they didn't consult. They didn't ask me. They didn't ask Senator WYDEN.

What does that mean for the White House? Is it the case that everything we have heard in the last year and a half is accurate out of the White House, because I have heard virtually every Member across the aisle say otherwise.

So here you have the two of us having asked the White House to wait so they can get some consultation and get some advice from Oregon, but they didn't wait. That was certainly the wrong thing to do.

At the end of 2017, the nominations go back, and the White House has to resubmit them. We said: Here is another chance for you to honor the concept of consultation. And what happened? The White House did it again. They didn't care about consultation.

If we hear from our colleagues tonight, this week, and in the days to come that they are going to push this nomination forward, don't expect consultation from any future President when you happen to be in the minority because that is what you are striking down—a tradition that encouraged, expected, supported, and promoted consultation.

Have no doubt that this isn't an ordinary nominee. When asked about anything else in his record that they should know might be inflammatory, this nominee didn't breathe a word about key writings in his past. When this nominee was asked about his views on diversity and how they might have differed from before, he didn't breathe a word about his former views—and maybe they are his present views.

What did this nominee say on diversity? He said students who work "to promote diversity . . . contribute more to restricting consciousness, aggravating intolerance, and pigeonholing cultural identities than many a Nazi bookburning." That is his attack on diversity, but that isn't all he said. He said diversity training is a "pestilence" that "stalks us."

That isn't the only topic that he weighed in on in such a way that is way out of the mainstream and exhib-

iting massive intolerance for diversity here in the United States, where we come from every corner of the world. When it came to the process of a campus holding accountable young men involved in sexual harassment, young men involved in rape, he also said: "There is nothing really inherently wrong with the university failing to punish an alleged rapist."

I see that my colleague is here to speak, and I appreciate his coming down. He is coming down to speak on the principle of the blue slips and how it enshrines cooperation, and so I am delighted he is here.

I will have more to say later, but at this moment, I defer to my colleague, Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, first of all, I want to say how honored and grateful I am to follow my friend and distinguished colleague, who has outlined some of the reasons that I would vote against this nominee. I especially respect his raising this issue of the blue-slip approval process, which is probably unknown to the vast majority of Americans.

Let me begin by saying, as a member of the Judiciary Committee, as a litigator who has spent about 40 years in the courtroom before Federal and State judges of all kinds all over the country, why the blue slip from a U.S. Senator matters to justice.

We debated this issue on the Judiciary Committee. It is a time-honored tradition that Senators be consulted, that they return a blue slip; that is, approval of a nominee from their State. That is because Senators, such as Senator MERKLEY and Senator WYDEN, are rooted in their States. They know the lawyers. Many of us are lawyers. They know the colleagues of people who may be nominated to the U.S. district court or the court of appeals in the jurisdictions that cover the areas that they serve. They know the lawyers who have appeared before these judges—their qualifications and sometimes their faults. Also, they know the opinions of these lawyers, their records in court, and how they have performed. They know their character, their integrity, and they know their records outside of the courtroom as well.

You have just heard tonight from Senator MERKLEY some statements that are extraordinarily revealing. The American people deserve to know them, and my colleagues deserve and need to consider them.

For generations, the blue-slip process has ensured that judges are well-suited for the States where they will preside. The majority's decision to ignore this process and, for the first time—very, very significantly—to ignore it with respect to both Senators from a State is a precedent that is profoundly damaging to this institution and to American justice.

It isn't about us. It isn't about our prerogatives or our pride. It isn't about

our hurt feelings or our sense of insult. The sun will rise tomorrow on all of us in this Chamber, and we will go on to do the business of this Nation, but for many people who will go into a courtroom where Ryan Bounds may preside, they will experience a lesser standard of justice than they deserve, a lesser standard of justice than most judges provide. They deserve better. They are ultimately the losers, not we. It is not about us. The American people are the losers if we destroy this principle and norm that Senators must approve nominees who are from their own State.

Only rarely, very rarely, is a fraction of the nominees found unacceptable by the Senators from their States. In my experience, in my 8 years here, I think there have been maybe a few, and with good reason. But this President shows that no principle is safe and no norm is inviolate in the rightwing fringe's campaign to remake the Federal judiciary and to remake it in the image of the far right in this country.

They have an ideological agenda and no respect for quality in deciding who will serve on the judiciary. Those groups that are trying to remake the court of appeals and the Federal district courts—that is, to remake judges at the lower level—whether it is the Federalist Society or the Heritage Foundation, are also responsible for the President's decision to make himself a puppet of their recommendations, letting them pick judges who meet their anti-choice and anti-healthcare litmus tests.

Those tests really are President Trump's test. He said: I am going to appoint judges who are pro-life. He berated the Chief Justice because he was responsible for upholding the Affordable Care Act and clearly showed that he would appoint judges who would strike it down.

His decision to pick a Supreme Court Justice nominee who believes that the President should be above the law perhaps should surprise no one, but his outsourcing of that decision to those same rightwing groups that are trying to remake the lower courts is truly unprecedented. He has become a puppet of those groups in all of his judicial nominees and most particularly in his Supreme Court nominee.

I know my colleagues will want to speak tonight about Ryan Bounds and other related issues, but let me just say about Judge Brett Kavanaugh of the Court of Appeals for the DC Circuit that he has shown that he meets the Trump litmus test because he has been vetted and screened by those rightwing groups. He has shown that he would automatically overturn *Roe v. Wade* and that he would, in fact, strike down significant protections—indeed, protections for millions of Americans under the Affordable Care Act—from pre-existing conditions.

He also believes that a President can refuse to comply with a law if he believes it is unconstitutional—if he

alone believes it is unconstitutional—even if the law was duly passed by Congress and upheld by the courts. He has written: “Under the Constitution, the President may decline to enforce a statute that regulates private individuals when the President deems the statute unconstitutional, even if a court has held or would hold the statute constitutional.”

Judge Kavanaugh has also written that the President should be immune from even investigation for criminal or civil wrongdoing. Under his view, a President could not be investigated or indicted, could not be held accountable under the law, and would not have to respond to a civil suit or a subpoena or a request to be investigated by law enforcement. That is the rule he believes should be adopted.

It is clear from Judge Kavanaugh’s position on Executive power that he is a staunch supporter of, in effect, an imperial Presidency. He believes a President is above the law and immune from checks and balances. This view is antithetical to our democratic principles and tradition. It is in keeping with Donald Trump’s view of the Presidency. It is out of sync with what our democracy needs now, especially with this President.

President Trump has repeatedly expressed his admiration of dictators like Kim Jong Un or Vladimir Putin. His apologists will tell us to ignore Judge Kavanaugh’s view of Executive power—pretend like they don’t exist—but we have a responsibility to consider them, to take into account these extreme views on Executive power. They must be a central issue in this confirmation battle.

He would, in effect, welcome legislation enabling the President to fire a special counsel for any reason or no reason at all, and if we have learned anything over the last 24 hours, it is that the special counsel’s investigation must be protected. It must be protected against the concerted and coordinated effort of the Trump surrogates and cronies to discredit or derail it. It must be protected against efforts to impeach Rod Rosenstein. It must be protected against the President’s own threats, continuing to call it a witch hunt, when we see more and more in indictments and convictions that it is real and significant. Donald Trump cannot be permitted to derail it.

We will talk again about Judge Kavanaugh.

As to Ryan Bounds, the decision is for now, and because he has been rightly denied approval through the blue-slip process, because the abandonment of that process does such grave potential damage to American justice, and because Ryan Bounds is unfit by virtue of many of his views and past statements to serve on the Federal bench, I will oppose and vote against him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to join my distinguished colleague from Connecticut in commenting on the qualifications and prospects of these two nominees whom we are facing now on the Senate floor. I thank him for his comments.

I would like to take my time to bring to the attention of this body some of the concerns that—what I think are in the nature of concerns that if we do this now, we will learn to rue the day we made these mistakes.

Let me begin, as I did in my comments about Judge Kavanaugh, with just a quick overview of how our Founding Fathers felt about the judicial branch of government and about the jury and what it was there for. The Founders were experienced politicians. They were adept at history. They read widely. They prided themselves on the expertise they had developed in how you design a government, and they were very conscious about doing something that was unprecedented and that they wanted very desperately to have work right. So they put their hearts and souls into trying to get it right, this American experiment of ours.

From sad experience in the Colonies, they knew big special interests could come in and could completely dominate a legislative body; that the legislative body would be at the beck and call of big, private special interests. They had also seen Governors in the Colonies become corrupted by influence. So they were very concerned that it was not enough that you separated the legislative and executive branches and created some degree of rivalry between the two because that left the prospect still that the big special interests that commanded the legislature could also command the executive branch. Then, where would the ordinary citizen go? Where would you go for relief when some big and powerful interest controlled those two branches of government? You would go to the courts. That is why they made the judiciary independent. That is why they insisted and fought so hard to make sure the institution of the jury made it over from England, made it to the Colonies. It was part of our battle with England that the King had tried to interfere with our juries. We took the power of the jury and the independence of the court seriously, not just as a matter of providing justice to an individual person but as part of the architecture of our Constitution, as part of the architecture of freedom that our Constitution represents.

There is something that is interesting about the jury and the courts, but the jury, in particular, that makes it a little bit different than a lot of the rest of what went on in that Constitution because, clearly, the Founding Fathers were concerned that the power of government would be co-opted by powerful interests and then evil work would be done with that power against ordinary people. So a lot of our constitutional structure is designed to

protect all of us regular Americans against the power of government, but in the courts, and specifically in the jury, there is a different power that was at issue.

Blackstone was the predominant legal figure in the Colonies at the time. The reference that lawyers of the Revolutionary era used was “Blackstone’s Commentaries.” Blackstone described how, within the larger context of the judicial branch, the jury was a defense for regular people not against the government, interestingly—possibly against the government—but also, and perhaps more importantly, against the more wealthy and powerful citizens. It was set up so the courts would provide equality between an ordinary American citizen who was being run over by a big, powerful, wealthy American citizen, and they would be treated fairly. It would be the chance where you could stand up against wealth, where you could stand up against power, and even if they controlled the legislature, even if they controlled the Governor, you still had your shot before that jury of your peers and in those courts.

So that is the context for looking at these judges who are being put forward by a special interest apparatus of perhaps unprecedented power in our country’s history—certainly unprecedented power in our country’s history since Teddy Roosevelt broke the back of the big trusts and the Big Business interests that had dominated in his era.

Here, we have these two characters coming through, and one is Mr. Bounds. Mr. Bounds has a considerable problem with himself, which is that he is filling a seat on the Ninth Circuit that is designated to the State of Oregon. It has, until this moment, always been the tradition of the Senate that the home State Senators associated with that seat have the ability to say no. It is part of our checks and balances. The people from that State who are likely to know him the best—the Senators who are here—have the chance to say no. Both of the Oregon Senators have said no. Has that mattered one whit to the Trump administration? No, they have broken this tradition.

Regrettably, our Republican colleagues are complicit in letting this happen. They are complicit in letting this happen. It is a sad day for the Senate because the blue-slip process—the process by which home State Senators are allowed to say no—is also the only process that defends that this is an Oregon seat in the first instance. There is no other check on the President’s power to appoint. So there are a lot of reasons why Bounds is disqualified, but the most compelling one to me is because the two home State Senators have both said no to this person.

Things do turn about. I have been in the majority here, and I have been in the minority. I have been here with Republican Presidents, and I have been here with Democratic Presidents. Things do turn about. When the day

comes that we have a Democratic President making these appointees and when we have Democratic control so we can confirm these appointees, Republican Senators are going to regret that they threw their own blue-slip rights away today on this nomination, and throwing their blue slips away doesn't just mean they lose their vote as to the Oregon Senator for this seat, it means they lose their vote that defends that this needs to be an Oregon judge in this seat.

There is nothing, after the blue slip is gone, that would allow our colleagues from Texas to prevent a Democratic President from appointing a New York City judge to Texas seats on the circuit court of appeals.

So if that starts to happen, don't come crying back to us now about this. Today is your chance to stop that—to stop all of that—and to put the Senate back to respect for our colleagues' judgment, a mutual and bipartisan respect for our colleagues' judgment that has been the standard of the Senate for a century now. It is going today, and it is going today under what pressure? Why would we want to turn to other colleagues and say: For the first time ever, your views don't count about the judge from your home State, Senator. The only reason for that is the power of the political pressure behind these appointees, and that is the big special interests that are putting these nominees forward, that have precleared them through this mysterious, dark process that the Federalist Society runs, that have pushed forward these political campaigns to support them through this mysterious, dark process that is funded through the Judicial Crisis Network, and they are going to be telling them what to do through a mysterious, dark process of funded so-called friends of the court—*amici*—who are going to be there in the court all day long telling them what to do. That is the process that is breaking the blue slip, and it oughtn't to. It is not right on its own, and it certainly isn't right to break the blue slip.

The last thing I will say is about this character Oldham, who is coming in. Among the leading Republican special interests are the great polluters. They got Scott Pruitt in. What more proof do you need that the polluters are in control than to put Scott Pruitt in charge of the EPA? The man was a joke, and yet in he went, confirmed by the Senate.

Now comes Oldham, who has said that the entire administrative state is enraging to him—enraging to him. It is the illegitimacy of it, he says. "It is the entire existence of this edifice of administrative law that's constitutionally suspect."

No, it is not. We have an entire body of law, the delegation doctrine, that controls what is appropriate for Congress to delegate to an administrative agency. It has been that way for decades. This is fanciful stuff, but it is a wonderful red flag waved for the big

polluters, saying: Whenever you disagree with a regulatory agency that tries to keep you cleaning up your act, I am going to be with you. That is what the Oldham nomination is all about. It is all about telling the big polluters that we have a friend for you on the courts now.

If there is one thing that ought not to happen in this country, it is that somebody walks up the steps of the courthouse, and before the argument is even made, they know they are going to lose the case, not from the arguments in the brief but from the identity of the party on the front page of the brief.

That is why Oldham is going on the court, so that the big polluters can know they will win their cases in front of him without him even having to read the brief. All he will need to do is look at the cover, see that the big polluters are on the cover, and know he is there to attack the administrative state making them keep the water clean, making them keep the air clean, or making them keep their carbon emissions under control.

That is what this is about. This is not right. It is not right that the blue slip is being torn apart today on the Senate floor. It is not right that somebody who doesn't think that the EPA ought to even exist is being put forward as a judge.

But the connections come back to that same initial point, which is that the big special interests who like to control legislatures and who like to control executive branches would also love to control the courts, because that is the place where they can still be held to account.

So it is with real regret that I face this day in the Senate.

I yield my remaining time.

Mr. MERKLEY. Mr. President, will my colleague yield for a question?

Mr. WHITEHOUSE. Of course.

Mr. MERKLEY. I very much appreciate his laying out this basic framework under which this conversation is taking place. But just for clarity, the Senator made the point that there is no law that requires a member of a circuit court to be in a particular State and that it is only under this tradition and agreement among the Members of this body that a judge reside in a particular State as part of a circuit court.

Mr. WHITEHOUSE. That is absolutely correct. There is not a law that assigns within the Ninth Circuit which judges will be treated as Oregon judges and which judges will be treated as California judges. Within Rhode Island, we are part of the First Circuit Court of Appeals. There is one seat on that court that, by tradition, is designated to Rhode Island.

Mr. MERKLEY. So if we lose this blue-slip tradition for circuit courts, it would be the case that when the seat comes open that is now held in Rhode Island, an administration could nominate and conceivably a majority could confirm someone who lives, say, in Arizona.

Mr. WHITEHOUSE. It would mean that the Senators from that State would have no defense against that change. It would mean that the next Democratic President could appoint Rhode Islanders to Texas. It would mean that the next Republican President could appoint Texans to Rhode Island, and neither the Senator from Texas nor the Senators from Rhode Island would have any defense left against that without the honoring of the blue slip.

Mr. MERKLEY. So, in essence, if our colleagues across the aisle vote for this confirmation, they are basically saying that they are voting to give up the understanding among this body that has ensured that they would have a voice in making sure that a member of their circuit court was residing in their State and someone they felt had the qualities of integrity and understanding necessary to administer justice.

Mr. WHITEHOUSE. They would either be giving up the one defense they have to make sure that the seats on the court that are allocated to their State are in fact filled with judges from their State, or they would be suggesting that there should be two different sets of rules that apply—that there be one blue-slip rule for a Democratic President and that there would be a different blue-slip rule for a Republican President.

I don't think that is credible. I think that once the blue slip is torn down, reestablishing it is virtually impossible. I think the day will come when Senators come to regret that they are trying to get a home-State person appointed from Idaho or Colorado or New Mexico or Texas, and they have given up their ability to see to it that happens, and that a lawyer from San Francisco or from New York City or from Florida or from anyplace else can be dropped into their circuit court seat, and they have nothing left to do about it, because the one tool they have to stop that and to enforce that prerogative is the blue slip, and it dies today.

Mr. MERKLEY. Mr. President, I appreciate so much my colleague from Rhode Island laying out what is at stake here.

Why has this 101-year tradition maintained itself over a period of time in which so many things have changed in our culture? The country has been transformed, but for over a century, there has been this mutual understanding that, when it comes to the circuit court, it is appropriate to have members serving on that circuit who have roots in and approval and understanding related to different States within that circuit. That is what has held it together.

If I tear it down for one of my colleagues, I tear it down for myself. If I tear it down for their circuit, I tear it down for my circuit. That is what has held it together—that we each want the circuits to be able to reflect individuals who have an understanding of

the issues that might come up in that circuit.

There is embodied in the law a residency requirement for some positions on a circuit court. But that residency requirement isn't the same as a blue-slip requirement. You can establish residency very easily in another State. Previous decisions of the court have made sure it is possible to easily establish residency in another State. Therefore, it is the blue slip that has maintained this balance.

We were taking a look at some of the writings of the individual who is up for this particular position that so bothered and concerned me and concerned the senior Senator from Oregon, my colleague Senator WYDEN. I shared a little bit about his stated written views on diversity, that students working to "promote diversity . . . contribute more to restricting consciousness, aggravating intolerance and pigeonholing cultural identities than many a Nazi bookburning." That was a direct quote. He referred to diversity training as a "pestilence" that "stalks us."

I have an article he wrote entitled "Labor Unions and the Politics of Aztlan." This is about students who are part of a minority group on campus, and whether they should be able to take up an issue, and, at his campus, they did. They took up an issue about the ability of workers to organize into labor unions.

He said: "I would hardly suggest that no student group should be able to take up a political matter, if it is of direct relevance to its reported mission." He said: I wouldn't say that any group shouldn't be able to, but the sundry ethnic centers or the clubs that derive many a material benefit from those ethnic centers should not be able to take up an issue related to their mission. I am paraphrasing here, but I will come back to it and make sure I give the exact words.

Here, we have it. He said, essentially, that for the Chicano or Latino Stanford students who protested against a hotel chain for firing workers who tried to form a union, if they stood up for those workers, he felt it was the wrong thing for them to be able to do so. He said: "I would contend, however, that no student group that is affiliated with an ethnic center or any other department of this university has any business holding political issues central to its mission."

Can you imagine? He says he wouldn't weigh in that any group couldn't pursue issues on campus, but when it comes to the ethnic groups, it is just plain wrong, in his opinion, for them to be able to take a position on an issue. That is a pretty significant situation, for somebody who is going to be a judge on a body to be able to say that, in his opinion, if it is an ordinary student group, they have every right to get involved, but if it is a Latino or Chicano group or an ethnic group, they shouldn't be allowed to get involved in an issue. How can people come before

that judge and expect anything that resembles a fair hearing, here in the United States of America, where we have a vision of opportunity for every single American, where we have a 1964 Civil Rights Act that was passed long before this nominee attended college and that threw out the notion that discrimination was acceptable?

I am delighted that my colleague from Massachusetts has arrived to weigh in on this issue of the appropriateness of a nominee coming to the floor of the Senate who, in the judgment of the two home-State Senators, isn't appropriate either because of views they have carried that bring into question their ability to fairly administer the law and, therefore, bring into question the entire integrity of the court at that moment, or because the individual also demonstrated a completed lack of integrity by failing to provide this information about their writings when they were asked to do so.

I yield to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I thank Senator MERKLEY for bringing us here this evening to give us this chance to talk about a Supreme Court nominee and to have us all here to talk about a whole range of issues, because this Supreme Court nominee will affect the lives of every single human being. So I thank Senator MERKLEY for doing this.

Since day one, the Trump administration has been plagued with chaos, corruption, and broken promises. Candidate Trump promised to drain the swamp in Washington, but this administration is teeming with shady, corrupt political appointees using their government service to line their own pockets and to do the bidding of their benefactors.

Candidate Trump promised to take care of everyone—to make sure that every American was, in his words, "beautifully covered." Instead, he is trying to rip up the Affordable Care Act, permit insurance companies to discriminate against tens of millions of people with preexisting conditions, and knock millions more off healthcare coverage.

Candidate Trump promised to raise taxes on the rich. Remember that one? Yes. Instead, he handed out an eye-popping \$1.5 trillion tax giveaway to giant corporations and the superrich.

For hard-working American families, the Trump Presidency has turned into a nightmare. Trump hasn't broken his promises to everyone—no, not by any stretch. For millionaires, billionaires, and giant corporations, Trump has kept his promises all the way. Nowhere has that been more obvious than with our courts.

"Equal Justice Under Law"—those are the words inscribed over the top of the Supreme Court. That is what the American judicial system is supposed to be all about—a fair, neutral forum

governed by the rule of law; a place where everyone can be heard; a place where individual rights are respected; a place where nobody is above the law. Those are high aspirations, but these ideas never sat well with the wealthy and well-connected. They are used to getting special deals, and a judicial system that protects everyone, no matter their wealth or status in this country, is a challenge to their unchecked power.

For years, they have engaged in a concerted campaign to turn our courts into one more rigged game, a place that carefully protects the rich and powerful and kicks dirt in everyone else's face. Billionaires and giant corporations have been working on this plan for decades.

Today, the rich and powerful do their best to drown our elections in money and tilt our government in their favor. Every day, they use their money to buy favors in DC. Every day, they deploy armies of lawyers and lobbyists to bend the laws passed by Congress to their will. Every day, they push this government to do just a little more for the rich and powerful and a little less for everyone else.

They are doing the same in our courts too. Since Donald Trump was elected, we have seen judge after judge come through the Senate, some barely qualified, some with deeply offensive records. But nearly all these judges have one key quality: a demonstrated willingness to put a thumb on the scales for those at the top at everyone else's expense.

This week, we will vote on two more Trump-nominated appeals court judges. If they are confirmed, they will continue to tilt the courts away from equal justice under law.

Nowhere is this effort more obvious or more damaging than with the President's Supreme Court selections. During the Presidential campaign, Donald Trump asked one group to draw up a list of acceptable candidates to serve on the Supreme Court—one group, one very influential group, one extremist group—the Federalist Society, a radical, rightwing group deeply committed to overturning *Roe v. Wade*. Trump promised publicly that if he was elected President, he would select Supreme Court nominees exclusively from the Federalist Society's list.

The idea of a Republican President outsourcing the selection of judges has never been so nakedly public. For decades, the Federalist Society has been one of the leading rightwing, billionaire-funded groups working to capture our courts. Their agenda? To impose their extremist agenda on the entire country, undermining critical rights like women's rights, workers' rights, voting rights, and environmental protections.

The courts are at the heart of the Federalist Society's plan, so the group has been laser-focused on filling the Federal bench with people who are precommitted to serving the interests

of the rich and powerful instead of dispensing equal justice under law.

By allowing them to handpick the Justices who sit on the Supreme Court, Trump gave the Federalist Society an unprecedented opportunity to impose their extremist agenda on the entire country. What is at the top of their list? Overturn *Roe v. Wade*. A top conservative explained that Leonard Leo, the Federalist Society's longtime executive vice president, was the man to get the job done. "No one has been more dedicated to the enterprise of building a Supreme Court that will overturn *Roe* than the Federalist Society's Leonard Leo." Criminalize abortion, punish women—that is the Federalist Society's plan.

Donald Trump has been happy to dance to their tune. During the 2016 campaign, he said: Yes, women should be punished if they try to get an abortion. And if he could appoint two or three Justices, *Roe* would be automatically overturned.

Since taking office, President Trump has made it abundantly clear that he plans to fulfill his promise to select candidates exclusively from the Federalist Society's list. Just days after his inauguration, Trump nominated Neil Gorsuch—one of the candidates on the Federalist Society's list—to fill the vacancy on the Supreme Court. Judge Gorsuch had a long record of twisting the law in ways that favored the interests of large corporations over women, over workers, over consumers, and over just about everyone who wasn't wealthy and well-connected. Republicans were so dedicated to getting Gorsuch on the Court that they actually changed the Senate rules to get him through the Senate nomination.

From his powerful perch on the Supreme Court, Judge Gorsuch has continued to make it harder for Americans to find justice. In just 1 year on the Court, he has voted to gut the ability of public sector unions to negotiate for higher wages, better benefits, and improved working conditions for teachers, nurses, firefighters, police officers, and other public servants; he has voted to undermine workers' ability to hold their employers accountable for breaking the law; and he has voted to uphold President Trump's immoral Muslim ban.

The same powerful people who handpicked Justice Gorsuch know they will have another ally in Brett Kavanaugh. Frankly, it is not hard to see why. Like Justice Gorsuch, Judge Kavanaugh's record shows that he will continue to tilt the scales of justice in favor of the rich and powerful and against everyone else. Don't take my word for it; take a look at his record.

Judge Kavanaugh voted to limit the ability of women to make their own healthcare decisions. He opposed a ruling protecting women's access to birth control under the Affordable Care Act. He voted to make it harder for agencies to protect public health, safety, and economic security. He ruled that the

Consumer Financial Protection Bureau—the agency that has returned \$12 billion directly to people who were cheated by corporate lawbreakers—is unconstitutional. He suggested that Federal judges might substitute their own personal policy judgments for those of expert Federal agencies that have been directed by Congress to enforce the law.

Judge Kavanaugh had a lot of competition to get selected to fill the vacancy on the Supreme Court. After all, the Federalist Society had pulled together a whole list of people prescreened to overturn *Roe v. Wade* and help out the powerful corporate interests that are really calling the tune in Washington. Why pick Judge Kavanaugh? Why him instead of someone else on the list?

There is something special that makes Judge Kavanaugh a lot more attractive to President Trump. Judge Kavanaugh believes that, while in office, a sitting President should be above the law. He has argued that sitting Presidents should not face personal civil suits or criminal investigations or prosecutions while in office.

After the spectacle broadcast live on television around the world of President Trump attacking American intelligence agencies and American law enforcement officers while sucking up to Vladimir Putin, we should all question Judge Kavanaugh's willingness to protect the President no matter what. After Trump's deeply embarrassing performance, Republicans who actually want to stand up for the United States of America and stand up to Trump instead of hiding behind carefully worded tweets could refuse to rubberstamp Trump's Supreme Court nominee. Republicans who believe that no one is above the law could vote no on Judge Kavanaugh.

There is a lot more that makes this nominee particularly attractive to President Trump. Judge Kavanaugh has demonstrated incredible hostility toward efforts to rein in public corruption and to break the stranglehold of money on our political system.

Substituting your personal views for the will of Congress is not the job of a judge, and it is certainly not conservative. Stripping rights away from women, voters, workers, and immigrants, while expanding the rights of corporations and rich people isn't fair, neutral, or equal.

Judge Kavanaugh didn't make this stuff up on his own, no. Judge Kavanaugh is part of a movement to twist the Constitution in ways that are deeply hostile to the rights of everyone but those at the top. He has been a part of that movement for the majority of his professional life, both before and after he became a judge, and now he has a record of 12 years of judicial decisions that demonstrate his loyalty to that radical ideology.

All of this makes Brett Kavanaugh a dream candidate for the rightwing, extremist Federalist Society; a dream

candidate for rightwing, extremist Republicans; a dream candidate for the rightwing groups and billionaires who want to buy off our political system; a dream candidate for a sitting President whose campaign is under an active, ongoing FBI investigation that eventually could land in the U.S. Supreme Court; a dream candidate for all of them and a nightmare for everyone else.

President Trump has made his choice. Here is the thing: President Trump is not a King. The Constitution demands that the Senate have a say in who gets to serve on the Supreme Court, and that means every single Senator has a vote. Think about what is at stake. One Justice, one vote could determine whether women can make their own healthcare decisions. One Justice, one vote could determine whether workers can join unions to negotiate for better pay, better working conditions, and better benefits. One Justice, one vote could determine whether millions of people with pre-existing conditions can still get health insurance. One Justice, one vote could make decisions on voting rights, civil rights, immigration, criminal justice, consumer protection, and environmental protection. One Justice, one vote could decide whether everyone or just those at the top can find justice in America.

The Justices who sit on the highest Court in the country should not be prescreened by extremist groups whose agenda is to tilt the scales of justice against Americans who are most vulnerable. They should not work to hand our courts over to corporate giants and wealthy individuals. The Justices who sit on our highest Court should be unequivocally committed to one principle: equal justice under law.

Judge Kavanaugh's record shows that he is not the right candidate to spend a lifetime making decisions that will touch the lives of every American. Every American who believes that our courts should not be another puppet of the rich and powerful should speak out, and every Senator who believes in equal justice under law should say no to Judge Kavanaugh.

Mr. President, I yield the floor to my colleague from Oregon.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank my colleague from Massachusetts for eloquent remarks. I particularly want to thank my colleague from Oregon for putting together this time to speak on issues so important to our State, as Senator WARREN has noted, and issues important to our country. In the context of talking about Ryan Bounds, I am going to talk about how, unfortunately, the handling of the Bounds nomination moves the Senate even further away from what I think the Senate has always been about, which I would describe as principled bipartisanship.

As I indicated, Ryan Bounds, an important judicial nominee, is being considered as a candidate from my home State of Oregon, and we will vote on him before the end of the week.

As I have indicated, I believe the debate about Ryan Bounds is not a typical debate on a typical nomination for reasons I am going to outline tonight.

In my view, it is vital that the Senate look at this nomination in a broader context, particularly as it relates to what I call the decline of principled bipartisanship in the Senate. I want to be clear about what I mean when I mention the words “principled bipartisanship” and the reason I describe it that way—bipartisanship born of principle.

Bipartisanship is not about taking each other's bad ideas. I see my friend from South Dakota in the chair of the Presiding Officer of the Senate. I wouldn't come up to him in the name of bipartisanship and ask him to take a flawed idea, and I am quite sure he wouldn't ask that of me because I know the Presiding Officer well enough to know he has had an interest over the years in bipartisanship built around principle.

So bipartisanship is not about taking each other's lousy ideas; it is about taking each other's good ideas.

The fact is, the Senate has certainly been very polarized, very divided this session, and yet we have been able to do it when we kept that lodestar of principled bipartisanship in mind.

If you had said in January of 2017 that the U.S. Senate would enact a 10-year Children's Health Insurance Program, an improved, expanded Children's Health Insurance Program, I think people would have said: You are hallucinating. It can't happen. Because my colleague, who sits right over there, Chairman HATCH, and I talked about this was a chance to help children and save money, we are able to do something nobody thought was possible because both of us shared an interest in the well-being of children and cost-effective approaches in healthcare.

I know my colleague knows about this. Senator CRAPO, who sits a few seats from Chairman HATCH, and I lined up more than 270 forestry groups because the whole system of fighting fire was broken, and we said we have to do something very different. We have to end the incentive, basically, for raiding the fire prevention fund to put the fire out, and then the problem got worse. It didn't make any sense in South Dakota; it didn't make any sense in Oregon; it didn't make any sense anywhere, but because Chairman CRAPO and I found common ground around principles that this wasn't a cost-effective approach to discriminate against fire prevention, and we saw how important it was to take a balanced approach on natural resources so we could have forest health and get fiber in the mills and protect our land, air, and water, it was an agreement based on principled bipartisanship.

So two big issues, not immigration or trade that are in the headlines, but an awful lot of people in America and in our part of the world are going to benefit from the principled bipartisanship that led to an unexpected breakthrough in terms of meeting the healthcare needs of our children and a transformative approach—not my words, the words of the Forest Service—in terms of fighting fire.

The fact is, the handling of these judicial nominations, and Ryan Bounds in particular, is a break, a dramatic, sharp break from this tradition of principled bipartisanship.

I would like to say, by the way, that in Oregon, we have followed the idea of principled bipartisanship as it related to judicial nominations as well. I have had the pleasure of working with two Republicans very closely on these judicial nominations: the late Mark Hatfield, a revered figure in Oregon, the chairman of the Senate Appropriations Committee, and my former colleague Gordon Smith, two Republicans. Nobody ever thought Gordon Smith and I would work together.

We had a race in 1996. I won by a little bit. He won the next one. Nobody ever thought we would work together, but we worked together on those judicial nominations, literally, hand in glove, a Democrat and a Republican.

Senator MERKLEY, who defeated Senator Smith, brought exactly the same approach to this, and he said: Well, how did it work in the past? I said: Well, we had a judicial selection process that was bipartisan, and we would have all our offices represented.

I remember, when I was the junior Senator and Mark Hatfield was the senior Senator and Bill Clinton had been elected, I said: Senator, I can't imagine that you and I aren't going to find common ground through our selection process and the effort to come together around judges that make sense for our State and our country—and we did.

Year after year, that has been the case for almost 20 years. I have been the senior Democrat in our congressional delegation. It has been an extraordinary privilege that the people of Oregon have afforded me. Year after year after year, we would come together not because we always agreed on someone's philosophy or their view on a particular issue but because we felt, in the name of fairness and principled bipartisanship, we ought to strive to find common ground and make it possible to generally send three nominations to the White House that a President would pick from.

The nomination of Ryan Bounds is a total rejection of the idea of principled bipartisanship. I am going to talk a little bit more about how the selection process works, but I want to begin by making clear that I am troubled by the incendiary, intolerant writings by Mr. Bounds that came to light only after he was nominated.

I am, in fact, more troubled by the fact that he concealed those writings

from the independent and bipartisan Oregon committee that reviews potential candidates for nomination. In my view, moving forward with this nomination, in the face of those revelations, is going to have regrettable and irreversible consequences. It not only tramples on Oregon's bipartisan judicial selection process, as I am going to outline—and my colleague from Oregon already has touched on this—it tramples on a century-old tradition of what is just collegiality, good relations among Senators, courtesy, allowing home State Senators to review judicial nominations.

My view is, this approach cheapens the constitutional responsibility of the Senate to provide or withhold advice and consent on nominees. It has the potential to forever lower the basic standards of honesty and decency to which the Senate holds the nominee. It will be a signal that a nominee can conceal information the public has a right to know—histories of prejudice and scorn that the potential nominees could find embarrassing and disqualifying should that information come to light.

It signals that the Republican majority believes the end justifies the means in the course of seating judges, a prospect that certainly speaks to the larger debate the Senate is going to have on the Supreme Court in the months ahead.

I am going to begin by walking through a number of the issues, beginning with excerpts from the writings Mr. Bounds failed to disclose to our bipartisan judicial selection committee.

I want to make it clear again that I find much of what was written to be disgusting and baffling, and I am again especially concerned that it was concealed from the committee.

First is a passage in which Mr. Bounds targeted ethnic minorities and expressed a dripping disdain for multicultural values.

Mr. Bounds wrote:

During my years in our Multicultural Garden of Eden, I have often marveled at the odd strategies that some of the more strident racial factions of the student body employ in their attempt to “heighten consciousness,” “build tolerance,” “promote diversity,” and otherwise convince us to partake of that fruit which promises to open our eyes to a PC version of the knowledge of good and evil.

Mr. Bounds said:

I am mystified because these tactics seem always to contribute more to restricting consciousness, aggravating intolerance, and pigeonholing cultural identities than many a Nazi [talking about book burning.]

Now, my colleagues who are following this, I am the child of Jewish refugees who fled Nazi terror in Germany. Not all of our family got out. We lost family at Theresienstadt. One of our very dear family members was gassed at Auschwitz.

To compare, as Mr. Bounds did, the work of organizations that promote multiculturalism and tolerance here in the United States to Nazi bookburning rallies is beyond extreme. Our diversity

is a core strength of America. The Constitution protects the right of minority Americans to celebrate their diversity. Mr. Bounds clearly doesn't see it that way.

In an even more sarcastic passage, he wrote:

The opponent is the white male and his coterie of meanspirited lackeys: "oreos," "twinkies," "coconuts" and the like. He enjoys making money and buying material things just to make sure that people with darker skin don't have access to them. He enjoys killing children and revels in the deaths of minorities. If you are white male and pro-choice, for instance, it is often ascribed to your desire for poor black and Hispanic women to abort their children as frequently as possible.

These are his words—words that invent an absurd sense of victimhood based on a fictional reading of how ethnic minorities view others.

I would just ask my colleagues, how can somebody who wrote and published statements like those—statements that were printed in Stanford's newspaper for anybody to read—be capable of hearing a case involving matters of race in an impartial fashion?

After intoxicated athletes vandalized a gay pride monument at Stanford, Mr. Bounds wrote:

We hear of sensations of personal violation and outrage and of suspicion that male athletes and fraternity members are bigots whose socialization patterns induce this sort of terrorism. Perhaps all of this is true, but the castigation of athletes and frat boys for flagrantly anti-homosexual prejudices is predicated on a motivation for this vandalism that has not been articulated.

He continued:

The vandals might face hate-crime charges, fraternity members—regardless of their individually demonstrated prejudices (or, for that matter, sexual orientation)—face mandatory sensitivity training . . . and sensitivity insinuates itself a little further into the fissures of our community.

So in that passage, Mr. Bounds somehow managed to make victims out of homophobic vandals and attack the concept of sensitivity. It is a sort of division in American society. It is as if he believed being sensitive to minorities who are the targets of hate and prejudice on a daily basis was an unreasonable prospect.

Next I will turn to Mr. Bounds' views on sexual assault on campus. He wrote:

There is nothing really inherently wrong with the University failing to punish an alleged rapist—regardless his guilt—in the absence of adequate certainty; there is nothing that the University can do to objectively ensure that the rapist does not strike again.

He continued:

Expelling students is probably not going to contribute a great deal toward a rape victim's recovery; there is no moral imperative to risk egregious error in doing so.

Now, I would be the first to say that a disciplinary proceeding in a university is not a courtroom. They don't operate under the same legal standards. However, universities that receive Federal dollars do have a legal obligation to protect the young women on their campuses. Once again, this is some-

thing that the nominee, Ryan Bounds, seems not to comprehend.

So when you take these writings together—the merit of diversity, the advancement of ethnic minorities, the protection of survivors from sexual assault—these are issues at the heart of some of the most significant cases that come before Federal judges. Mr. Bounds' writings reflect that he held shocking views on these matters as a young adult—views that he hid by concealing the writings I have touched on.

There are plenty of inflammatory examples beyond those I quoted here today that touch on additional topics.

I hope Senators and those following this would find my judgment not something you can debate. This is indisputably appalling stuff. I believe, having talked to some colleagues, they might want to dismiss the writings because they came when Mr. Bounds was a young man, and one would certainly hope that people mature as they age. I would agree with that if Mr. Bounds had done two things: first, if he had disclosed the writings to our independent and bipartisan Oregon committee—in other words, been candid with the bipartisan and independent committee like the Oregonians who came before him for close to two decades. I don't think that is asking too much—to be candid, to be straightforward, as those other Oregonians who went on to distinguished service on the Federal bench did for almost two decades. In addition to disclosing these writings to the independent and bipartisan committee, if he had recanted and apologized for these horrendous remarks. In my view, he failed to take either action.

When you think about this, nobody would ask Mr. Bounds to recant every utterance, every writing, every belief he held as a young adult. I think we would all widely think that is unreasonable. I understand that when there is a Republican in the White House and a Republican in charge of the Judiciary Committee, I am not going to see eye-to-eye with every judicial nominee who comes up for a vote. That is why I have gone to some lengths tonight to mention that I have been the senior Democrat for essentially two decades. Whether it be Mark Hatfield or Gordon Smith, two very thoughtful Republicans, and now our colleague JEFF MERKLEY, we have always, always tried to be deferential, tried to find common ground in recognizing what party was in the White House and what party controlled the Senate.

I am not asking Mr. Bounds to transform himself into Thurgood Marshall. It is completely reasonable to expect an admission that comparing the promotion of diversity to Nazi rallies was wrong.

I can only imagine what my late parents, both of whom fled the Nazis at a very young age—and all they wanted to do was to serve in our military, wear the uniform of the United States. My dad wrote propaganda pamphlets that

we dropped on the Nazis. I can only imagine what my parents would say to Mr. Bounds' idea of comparing diversity to Nazi rallies.

Dismissing the value of diversity is wrong, and insisting that it is not worth protecting the victims of sexual assault because it is impossible to guarantee safety from rape is wrong. Instead, Mr. Bounds hid these writings rather than recant, take back their content.

The comments he has made since they came to light, in my view, suggest that Mr. Bounds sees this as a matter of clumsy word choice and youthful indiscretion. He only acknowledged it after it became a threat to his nomination. I don't think it was a true apology. It is as if he believed he could wave the writings off as a messy, isolated little episode from the past.

In my view—and something I am going to talk about going forward—nominees for the Federal bench must be held to a higher standard. If you are up for a lifetime appointment on a powerful Federal court, you have to be truthful and forthcoming in your nomination process. Ryan Bounds has not, and that ought to be a reasonable judgment from what I have outlined thus far.

Now I want to touch on the second important issue, and that is the way this nomination has literally trampled on our bipartisan selection process for judicial nominees.

As I have said, I am proud that for the better part of two decades, prospective judicial nominees have been identified and vetted by our bipartisan committee made up of Oregonians from across the State and from all over the legal community.

As I indicated, it was especially important to me to partner with my Republican colleagues to ensure that all sides had a voice in this issue—in fact, even before I came to the Senate because I was the senior Democrat in our delegation then as a Member of the House. I always wanted to hear Senator Hatfield's views and what he thought was in Oregon's interest.

When there is a vacancy on the bench, our selection committee performs a thorough statewide search for candidates. It conducts very rigorous interviews. It provides a list of recommended potential nominees to Oregon Senators.

Senator MERKLEY and I review these recommendations closely, and we respect that not everyone on the list is going to be somebody we would have chosen ourselves. They are not all people we would agree with 100 percent. After our review, the two of us submit a short list to the President for his consideration. For us, this is the beginning of how we put advice and consent into practice.

When the Trump administration came to office, Senator MERKLEY and I wrote to the White House Counsel to guarantee that he was aware of our longstanding bipartisan selection process.

As part of the independent committee work, candidates are asked to disclose anything from their past that could have a negative impact on their potential nomination. It ought to be obvious to any lawyer—even to anybody with a casual interest in American law and history—that the incendiary writings, particularly about minorities, would qualify as potentially threatening to a nomination. This was the exact point at which Mr. Bounds withheld any and all information about his writings.

It is not as if Mr. Bounds simply declined to look back far enough into his past when he was interviewed. In fact, Mr. Bounds cited certain activities from his precollege days going back to high school in an effort to paint a picture of diversity and tolerance. So the reality is, he misled the committee by omitting the writings that I have described tonight.

When his writings came to light in February, five of the selection committee's seven members, including the chair, said they would have changed their decision to include Mr. Bounds among their recommended candidates. I think that is a very important statement.

It is not widely known that it will always say in the newspaper that the distinguished President of the Senate recommended so-and-so and the President chose his recommendation. We all know that is generally not the case. We forward a list of individuals—usually three—that our bipartisan committee feels would be qualified to serve on the bench.

In the case of Mr. Bounds, when his writings—the ones he neglected to tell the committee about—came to light, five of the selection committee's seven members, including the chairman, said that they would have changed their decision to include Mr. Bounds among the recommended candidates.

Our local bar association wrote that Mr. Bounds' writings "express insensitive, intolerant, and disdainful views toward racial and ethnic minorities, campus sexual assault victims, and the LGBTQ community."

The association's statement went on to say that it "strongly disavows the views expressed in those articles"—the ones I have read tonight—"as racist, misogynistic, homophobic, and disparaging of survivors of sexual assault and abuse." I will repeat that last part: "racist, misogynistic, homophobic, and disparaging of survivors of sexual assault and abuse."

Those are not my words. Those are the words of Mr. Bounds' local bar association based in Portland. The association, in addition, requested that Mr. Bounds resign from the chairmanship of its equity, diversity, and inclusion committee, which he complied with.

Other member groups of the Oregon legal community added their voices and urged the leaders of the Judiciary Committee to turn to other potential nominees. The leaders of the Oregon

Women Lawyers and the Oregon Asian Pacific American Bar Association wrote the following:

These were not comments from the Twittersphere or errant social media posts. These were well thought-out, carefully constructed, published articles in which [Bounds] repeatedly diminished, mocked, and advocated wholeheartedly against the principles of inclusion for which our organizations have fought.

That is really an important point. Mr. Bounds wasn't sitting down at his laptop, his iPad, pounding out a couple hundred characters. He was thinking carefully; these were published articles that he clearly had spent a lot of time trying to get the words to reflect what was on his mind. And people have recognized it—no 280 characters for those articles.

The Oregon Hispanic Bar Association and the LGBT Bar Association of Oregon wrote the following:

We believe Mr. Bounds' failure to disclose these writings—and his conduct related to their disclosure—demonstrates Mr. Bounds does not show the appropriate judgment and discernment to faithfully uphold and apply the laws of the United States of America.

These are the voices of Oregon's legal community. The nominations process is supposed to be responsive to those voices. Apparently, none of what I have gotten into tonight has been of any interest whatsoever to the chairman of Senate Judiciary Committee, the majority leader, or the White House, because they simply moved forward with the Bounds nomination anyway. Really, there were no substantive discussions with them at all. It appears now that the White House simply had no interest in respecting the bipartisan, 20-year history of tackling these nominations in a way that reflects principled bipartisanship. Mr. Bounds was their choice from the beginning, and no revelation, no red flag—no matter how big—was going to change him.

Our independent group of experts—people with bipartisan roots that go back decades—had no interest in delay. But if blowing up a decades-old bipartisan tradition is bad, then blowing up a tradition that dates back more than a century is even worse.

For 101 years, going back to Chairman Charles A. Culberson of Texas, the Judiciary Committee has sought input from Senators on judicial nominees from their home States. It is done by returning what are known as blue slips. It is the definition of senatorial collegiality—courtesy, if you will, in an effort to make sure that all felt they were going to be heard.

The committee sends blue slips to home State Senators when a nomination comes up. At that point, the home State Senators have a few options. Once they review the nomination, they can return the blue slip with a positive or negative recommendation, and the committee moves forward. Or the home State Senators can withhold the blue slip.

Senator MERKLEY and I withheld our blue slips. We have not consented to a

hearing, a markup, or a debate on the floor. We have done that because Mr. Bounds purposefully misled the independent Oregon committee that reviewed his candidacy by concealing the disturbing writings from his young adulthood. In my view, that is exactly the way the blue-slip process is supposed to work.

History shows that this tradition has benefited both sides. It is a check on the power of the President and a moderating, democratic force on the Judiciary. It helps to ensure that administrations are not seating flawed nominees or extremist judges whose views are simply far from the mainstream of the lives that they have considerable power to change, if confirmed.

In fact, let me quote a letter from the entire Senate Republican conference sent to the last President at the very beginning of his term in 2009. What that means is every member of the Senate Republican caucus sent to President Obama, at the beginning of his term in 2009, a letter with one of the very first lines saying:

Unfortunately, the judicial appointments process has become needlessly acrimonious. We would very much like to improve this process, and we know you would as well.

So at a time when that side of the Chamber—everybody over there—was out of power and they had no choice but to appeal to the other party's good will, they went ahead and struck a bipartisan chord. Their letter described the "shared constitutional responsibility" in the nominations process. They wrote that dating back to the Nation's founding, the Senate has had "a unique constitutional responsibility to provide or withhold its Advice and Consent on nominations."

They continued:

The principle of senatorial consultation (or senatorial courtesy) is rooted in this special responsibility, and its application dates back to the Administration of George Washington. Democrats and Republicans have acknowledged the importance of maintaining this principle, which allows individual Senators to provide valuable insights into their constituents' qualifications for federal service.

Here is the heart of the letter that came from that side of this body:

We hope your administration will consult with us as it considers possible nominations to the federal courts from our states. Regretfully, if we are not consulted on, and approve of, a nominee from our states, the Republican Conference will be unable to support moving forward on that nominee.

So there you have the heart of the fury that we represent tonight. When a new Democratic administration came into office, my Republican colleagues sprang into action to defend the blue-slip process. That letter was sent on March 2, 2009, to President Obama, and our colleague Senator LEAHY was then the chairman of the Judiciary Committee. The letter clearly indicates that Leader McCONNELL and his Republican colleagues believed that nominations should not go forward without blue slips having been returned.

That was when there was a Democrat in the Oval Office. A Democrat held the

gavel in the Judiciary Committee. They had the power to tell the Republicans in the minority to get lost; take a hike. Democrats did no such thing.

We upheld the blue-slip tradition on this side of the Chamber, where my good friend Senator MERKLEY and I sit. We went along with the unanimous request from that side of the Chamber in honoring blue slips.

There were no hearings of judicial nominations when a Democrat held the gavel in the Judiciary Committee, when neither home State Senator had consented. In fact, the Judiciary chairman, Senator LEAHY, has emphasized that he went above and beyond what several committee leaders before him had done to respect the rights of the Republican minority.

Someone watching in the Gallery or on TV, someone who is hoping to see the Congress pick up again on what I have described as principled bipartisanship, probably hoping to hear Republicans are operating with the same bipartisan comity now that they are in power—those people are in for some serious disappointment. If the Senate approves the Bounds nomination, it will be the first time in more than a century that a judge has been confirmed without a blue slip from either home State Senator.

The fact that Mr. Bounds wrote the appalling things I have described ought to have at least slowed this nomination down. For him to have hidden the writings is disqualifying. I don't think the matter can be ignored or wished away.

The fact that these writings are embarrassing and reflect poorly on him in retrospect does not in any way give him a license to conceal them. In my view, my colleagues in the majority ought to look at this issue the same way.

The Republican majority, working hand in hand with the Trump administration, is now on the verge of breaking a century of bipartisan tradition to seat a nominee with very serious red flags. In fact, Chairman GRASSLEY has now held hearings on four circuit court nominees who didn't have blue slips from one or both of their home State Senators.

Recently, Leader MCCONNELL changed his tune on what the blue slip was about. He was quoted as saying that the blue slip "ought to simply be a notification of how you're going to vote, not the opportunity to blackball."

I have two reactions to that. Senator MERKLEY and I have been called a variety of things over the years, but I don't believe anybody has ever said that we are interested in blackballing people. We are interested in doing our jobs. We are interested in carrying out our constitutional responsibilities, our constitutional responsibilities to our constituents.

Second, blue slips have never been simply an indication of how Senators will vote. Leader MCCONNELL knows it.

The letter he and his colleagues sent in 2009 is proof. To invent this new interpretation of how the process should work demonstrates, as I have indicated, that the Republican majority has changed the rules of the game.

My colleagues on the other side ought to be aware of this new responsibility because of how the administration, the majority leader, and the Judiciary Committee have handled the Bounds nomination. This, colleagues, is going to be the end of the blue-slip process. This is lights-out for a process that ensured fairness for each Senator. I would wager that when the next Democratic administration comes in and the Democrats hold the gavel in the Senate, a Republican letter that demands a say in judicial nominations will find it hard not to be treated like a takeout menu that is shoved unsolicited under the doorway—straight to the dustbin.

I have outlined the letter my Republican colleagues sent to President Obama in 2009. It talked about a shared constitutional responsibility, but the administration seems to define "advise and consent" as Senators rubberstamping whatever nominations are sent their way. This is a historic moment and, I think, a sad one. As I indicated, it is part of a larger context—part of a pattern of the majority violating norms, misleading the public, and bending rules to their absolute limits in order to reshape the judiciary and seat judges who are far from the mainstream.

Justice Scalia passed away unexpectedly with 237 days left in President Obama's second term. During the process of deciding on a nominee to fill the open seat, President Obama did something he didn't have to do—something that upset many progressive Democrats. He specifically chose a moderate nominee as a show of good faith. After all, in 2010, when another seat opened up, my friend who chairs the Finance Committee called Justice Garland a fine man, a consensus nominee.

What a difference a few years makes. Judge Garland didn't even get a hearing in 2016. The Republican majority in the Senate ran out the clock on his nomination. Now that Republicans control the White House and the Senate, they changed the rules in the Senate so they could confirm Supreme Court Justices without needing a single Democratic vote—a clear double standard.

The Trump administration has outsourced the selection of judicial nominees to a right-wing group called the Federalist Society, which is funded by powerful corporate interests and individuals with deep pockets. They are answerable to no one but their well-monied backers, certainly not the public at large.

Ryan Bounds is a Federalist Society hand-picked nominee. So was Neil Gorsuch, who now sits in the Supreme Court seat that Leader MCCONNELL and Chairman GRASSLEY held open for

months and months. So is Brett Kavanaugh, whose nomination the Senate will debate at great length in the months to come.

These are nominees who adhere to a backward-looking, corporatist, right-wing judicial philosophy that is packaged in the branding of so-called "originalism."

The guiding principle of originalism is ostensibly that our rights as a people are contained within our founding document, but in practice, originalism provides cover for rightwing jurists to empower corporations over downtrodden workers and the wealthy over the vulnerable. It is a political agenda masquerading as a judicial philosophy.

For example, you would find it impossible to locate in the Constitution where it says that unscrupulous healthcare providers can lie to pregnant women about the services they do and do not provide, but a right-leaning Supreme Court just said they are allowed to deceive women in that way.

Originalist judges regularly trample on the Fourth Amendment, giving the government the power to peer deep into the lives of citizens.

And in an example that is particularly relevant to my home State, which has had a "death with dignity" law on the books for decades, originalist jurists, including Justice Gorsuch and Judge Kavanaugh, deny that Americans suffering with terrible illness have a right to make their own decisions about their own lives and bodies without interference from the State.

Twice, Oregonians have passed ballot measures approving death with dignity. Oregon's Death with Dignity Act has been in place for two decades, and it was upheld by the Supreme Court in *Gonzalez v. Oregon*.

And as I have said on this floor in previous debates, there is nothing in the Constitution that gives the State the power to deny suffering Oregonians the right to make basic choices about the end of their lives.

Justice Gorsuch and Judge Kavanaugh disagree. They would put the State between patients and their doctors, and their view that our rights are only those enumerated in the Constitution conveniently ignores key precedent and the text of the Ninth Amendment, which says:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

... shall not be construed to deny or disparage others retained by the people.

So there is a clear implication written into our founding documents that there are rights held by the people that are not overtly laid out in the text of the Constitution.

Furthermore, the originalist viewpoint ignores what Justice Douglas referred to in *Griswold v. Connecticut* as the "zone of privacy created by several fundamental constitutional guarantees."

It was that zone of privacy that formed the basis of his opinion that

guaranteed the right of married couples to use contraceptives. That right was later extended to unmarried individuals.

A similar legal theory guaranteed the right of all American women to make their own choices about their reproductive health.

And it is that case, *Roe v. Wade*, that is now in the crosshairs of the right wing as the Kavanaugh nomination moves forward.

Colleagues, *Roe* is settled law—it has been that way for 45 years—but it is the right-wing agenda, wrapped in the cloak of originalism, that seeks to overturn it.

Overturning *Roe* would turn the clock back to the dark days when women's healthcare choices were made by the State—nevermind the flimsy legal argument for it. That prospect is overwhelmingly opposed by the American people. The imagery of back alley abortions and risky procedures performed in secret is well understood, in part because those horrors are not all that far back in our history as a Nation.

And the fact is, the women who have the most to lose if *Roe* is overturned are the vulnerable and the poor. It is the women who will lose access to the doctors of their choosing in small town clinics. It is the women who cannot afford to fly to another State where the reproductive healthcare services they need are legal, safe, and available. It is another step that cleaves our laws and our healthcare system in two, going back to another era when healthcare in America worked only for the healthy and the wealthy.

These questions are all part of the broader context I felt the need to address here today as the Senate debates the Bounds nomination.

As somebody who has done my best to operate in a bipartisan manner throughout my career, it saddens me to see the majority party change the rules of the road in this way pushing through nominees that are far outside the mainstream, destroying bipartisan traditions that have stood for decades, even more than a century, reshaping the judiciary at the behest of extremist, right-wing outside groups that put the interests of the wealthy and powerful over the vulnerable.

These actions by the majority collectively pull bricks from the democratic foundations of our government. They will bring to the judiciary same vitriolic discourse that Americans find so disgusting in the Congress. They undermine the public trust.

In the long run, it will be an open question whether the current structure of the courts will survive.

As for today, I want my colleagues to understand what is at stake as the Senate prepares to vote on the Bounds nomination. This nominee concealed disturbing, intolerant writings from his past, misleading the bipartisan committee that reviewed his candidacy.

The White House and Republican leaders here in the Senate have appar-

ently decided that does not matter, and now, a century-old bipartisan tradition that protects our power as Senators and acts as a moderating force on the courts is on the ropes. In my view, this will forever change how judicial nominations are handled. It will further divide the Congress, and it will further divide the courts along partisan lines.

And this will only be a preview of the tense debate on the judiciary that is sure to come in the months ahead.

I will close with one last point.

There are values on the line now that are important to the people of my State and to Americans, particularly the right of all American women to make their own choices about their reproductive health and their healthcare. The *Roe* case is settled law, and it has been that way for 45 years, but now there is really a prospect of its being turned back. The poor and the vulnerable have the most to lose. These are all issues that are part of the broader context I wanted to address here tonight. I am not sure if Senator MERKLEY was here at the particular moment.

I see my colleagues who have been very patient because my time has expired.

We had a bipartisan selection committee for judges in our State, with the late Mark Hatfield and Gordon Smith, who was Senator MERKLEY's predecessor—Democrats, Republicans—all of whom said we don't want to bring the same vitriolic discourse to judicial selection that constitutes so much of the public debate today.

What we sought to do in the Oregon congressional delegation—Senator MERKLEY, Senator Hatfield, Gordon Smith—was to buttress the public trust. What we are seeing now in Oregon and with the judges who are being given, in my view, such short shrift—such unfair treatment—raises the question of whether the current structure of America's courts can survive. That is what is at stake in these votes.

I think what we are discussing tonight is going to only be a preview of the tense debate on the judiciary that is sure to come. I think we are capable of better. Oregon has shown it for two full decades as it relates to judicial selection.

I urge the Senate to return to that kind of collegial process, exemplified by the blue slip, exemplified by the Oregon bipartisan selection committee. Until that happens, I will have to urge a "no" vote on the Bounds nomination.

I thank my colleagues for their patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise not even, I guess, 24 hours since the news broke across the airwaves about what the President was saying and what he was not saying in Helsinki with Vladimir Putin being just a few feet away from him. That was a terrible moment for our country.

Yet, in the aftermath of that, folks came together from across the country and from across all kinds of usual lines of division. Democrats and Republicans came together to express both outrage at the insult but also, I think, to express a sense of solidarity about the path forward—that this moment of crisis in our national security has to be met with bipartisan consensus. Thank goodness that has prevailed so far. We have a long way to go, but that was a good moment for the country after a very bad moment.

I am not here tonight to talk about that, but I want to point to it as an example of the sides coming together on a big issue. I think there have been other moments this year. At one point, when we passed appropriations legislation, there was a strong investment in national security and national defense but also investments in priorities like education and healthcare and the opioid crisis and childcare and the National Institutes of Health—on and on. Great investments for our country will help us grow and make us stronger. The farm bill recently passed the Senate. That was overwhelmingly bipartisan. So there have been good moments.

I am afraid, on the Judiciary, we have had, unfortunately, the opposite. Since I have been in the Senate—and as Senator WYDEN referred to earlier—I have had the privilege of working with colleagues on nominations for the U.S. district court in Pennsylvania—for the Eastern District, the Middle District, and the Western District. It has been a collaborative process. Since 2011, in working with Senator TOOMEY, even though we are on opposite sides of the aisle, we have confirmed—I think it is—14 judges because we have collaborated. There has been give-and-take, and there has been review and scrutiny and then, ultimately, consensus in allowing a candidate to go forward.

No Federal judge in those years would have gone forward without the signing of the blue slip that has been referred to tonight by both Senators. It happened in the past when there were two Republican Senators, but now, with a split delegation, that tradition continues in our State. It is a good tradition. It is the right way to do it.

That tradition prevailed until recently, when it came to appellate court judges—in my case, in the U.S. Court of Appeals for the Third Circuit, which includes Pennsylvania, New Jersey, Delaware, and the Virgin Islands. Even at the very end of the Obama administration, my colleague from Pennsylvania objected and would not return a blue slip. That nomination for the Third Circuit, at that time, did not go forward. I respected the blue slip that my colleague decided not to sign. The Obama administration respected it, and that nomination didn't go forward. I didn't like it, but that is what the agreement was.

Now we are into this new world where, just recently, as our two colleagues from Oregon are talking about

what has happened in the Ninth Circuit, which is in the northwestern corner of our country, and in the Third Circuit, which is where I live and where I work, we had a nomination go forward without a blue slip that had been signed by me. My point of view was disregarded by both the White House and the Senate Judiciary Committee in contravention of years of tradition—and not tradition for the sake of tradition but of practice because it allows you to arrive at a consensus pick that both parties have to agree on.

That is not good for the Senate. It is not good for the judiciary. It is, ultimately, not good for the American people because, if one party has total control, as the Republican Party has now with both Houses of Congress and the administration, you are going to get judges with only one point of view. That leads me to my last point for the night, which will take a few minutes, but I want to make sure this gets on the record.

Another piece of bad news, in terms of the judiciary, unlike the other good news about consensus in other areas of our work, is what has happened under this administration with regard to the selection process for the Supreme Court. This has never happened before when, during a campaign, organizations—in this case, only two—come together and present a list of names. That list of names is, in essence, a bargain between a candidate and those groups. Then that is carried forward to the administration. Now we have a list of just 25 names—25. The last time we checked, there were about 700 Federal judges in the United States of America. The President could pick any one of those Federal judges. Many of them—I don't know how many—had been chosen by Republican Presidents. Many of them are very conservative or conservative, and some are moderates.

Apparently, the only way you get on that list is to be hard right. You have to pass whatever tests are applied by the Heritage Foundation and the Federalist Society. This list has been designed to do the bidding of corporate special interests that are determined to handle healthcare in a fashion that none of us would want it handled—by giving the power back to insurance companies to make decisions on healthcare. It is a corporate agenda that crushes unions or seeks to crush unions. It represents working men and women and promotes policies that, in my judgment, will leave the middle class further behind. So any judge on this list, which I would argue is a corrupt bargain between the advocate and those groups and now the President and those groups, is fruit of a corrupt process.

Just by way of example, the Heritage Foundation is an extreme rightwing organization. That organization just released a new proposal to end protections for people with preexisting conditions, to gut Medicaid for seniors, people with disabilities, and children.

They recently hosted a press conference for Republican attorneys general who are trying to eliminate those protections through the courts. Just in one State, Pennsylvania, more than 5.3 million people have preexisting conditions. That is almost half the population of Pennsylvania. Those 5.3 million people include over 643,000 children who have preexisting conditions.

The Heritage Foundation wants to take us back to those dark days in which you could be denied treatment or coverage because of your having a preexisting condition. I don't know many Pennsylvanians who want to go back to those days, to turn back the clock in that fashion.

The Heritage Foundation also called labor unions cartels. Labor unions, of course, helped to build the greatest middle class ever known to man. In my State, from the formation of the first permanent Pennsylvania local labor union in Philadelphia in 1792 to the Lattimer massacre in Northeastern Pennsylvania, which is one county away from me, to the Homestead strike in Western Pennsylvania—in all of those struggles, Pennsylvania's workers have led the way to ensuring that working people have basic rights, good wages, and of course benefits like healthcare. Yet you have organizations in the United States of America that want to rip away protections that people recently gained when it comes to healthcare.

The last thing—the very last thing—working men and women in Pennsylvania need is another corporate judge on an increasingly corporate court.

Here is some evidence for that assertion. A review by the Constitutional Accountability Center shows the consequences of the Court's corporate tilt, finding that the U.S. Chamber of Commerce has had a success rate of 70 percent in cases before the Roberts Court since 2006, a significant increase over previous Courts that were thought to be conservative, I guess.

In the most recent term, the Court sided with corporate interests in 9 out of 10 cases in which the U.S. Chamber of Commerce advocated for a position.

I was elected by the people of Pennsylvania to represent all Pennsylvanians and to advance policies, especially when it comes to making decisions about judges and Justices in a fashion that would give meaning and integrity to what is inscribed on the Supreme Court: "Equal Justice Under Law."

I was not sent here to genuflect to the hard right or to any organization. In this case, I certainly was not sent here to genuflect to the hard right with regard to groups funded by corporate America.

President Lincoln said it best about what he hoped our Nation would be. He called on our Nation to work to ensure "that government of the people, by the people, for the people, shall not perish from the earth."

It seems that some in Washington today—and I have to say, the adminis-

tration with them, with this nomination to the Supreme Court, most recently announced—are determined to pack the Court with a government of, by, and for extreme right, corporate special interests. So I oppose the President's nomination because it is a corrupt bargain, as I said before, with the far right, big corporations, and what can only be called Washington special interests.

On a night like tonight, when we are talking about major matters of justice—how our courts will function, whether they will be balanced, whether there will be mainstream judges and Justices—I hope we will go back to that model that still prevails in some States—I would say in most States—when it comes to district court judges: collaboration between and among Democrats and Republicans. It is now being jettisoned at the appellate court level, certainly in the Third Circuit and now apparently in the Ninth Circuit and several others. Of course, on the Supreme Court, there is no consultation. There is consultation with two groups; that is it—and maybe some others who get to be in the room. But if you are a conservative judge in America today, appointed by a Republican, you need not apply to become a Supreme Court Justice. You have to be hard right enough to be on that list of 25. You could be one of those hundreds of conservative judges, but you are not going to get on the list of 25 because you haven't demonstrated that you are hard right enough.

I think it pains all of us that we are at this point. There were days, not too long ago, when Presidents consulted with both parties before—before—a Supreme Court nomination. We know that. That is on the record, as clear as day. But now we have this list, and only the list for the Supreme Court. Now we have blue slips that are being thrown out the window or not honored when it comes to the appellate courts. I hope that this kind of cancer doesn't go all the way to the Federal district courts.

I think all of us wish we were in a different place, and I hope we can return to those traditions that lead to consensus and, I think, lead to bipartisan collaboration and, ultimately, better fulfillment of that goal and that value of equal justice under law.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to join many of my colleagues who have come to the floor to speak about our country's third branch of government; that is, our courts.

Senators have a solemn obligation to advise and consent on the President's nominees to our Federal courts. As a member of the Judiciary Committee, I take that obligation very seriously.

As Senator MERKLEY—who is heading up this evening's speeches and has brought a number of people together—knows, it is not just an obligation of

members of the Judiciary Committee; it is also an obligation of Senators, when they look at the judges who are coming out of their particular States, to make sure that this is a person— whoever the nominee is—who represents our country as an independent voice and someone who respects precedent as a member of the Federal bench, whether it is on the Supreme Court level or whether it is on the circuit or Federal district court levels.

In the U.S. Senate, we are here to do the people's business and not the President's business. This is an important job, particularly when it comes to nominees to our Nation's highest Court. The next member of the Supreme Court will make decisions that will affect the lives of people across the country for generations.

In the last decades, the Supreme Court has decided whom you can marry, where you can go to school, and—for people like my grandpa, who was a miner and who worked 1,500 feet underground his whole life—how safe your workplace is. Those are decisions that affect people and their lives.

The next Justice of the Supreme Court will make decisions that will affect the lives of people across the country, determining whether health insurers can deny coverage to people who are sick or have a preexisting condition or whether women's rights are protected. These are all cases that will be coming to the highest Court of the land. It is for this reason that it is critical that here in the Senate, we do our jobs and thoroughly examine Judge Kavanaugh's record.

This is part of our jobs in evaluating Supreme Court nominees, regardless of which party controls the White House. In fact, when Justice Elena Kagan's nomination was considered, because she had worked for an administration, approximately 171,000 pages of documents were made available.

Given Judge Kavanaugh's years of service on the DC Circuit, as well as his previous work in the Bush administration, we will need to do due diligence in reviewing the record. That is part of our job.

For a lifetime appointment to our Nation's highest Court, the American people deserve no less. This is especially important because, for me, many of Judge Kavanaugh's past rulings are very troubling.

One area that I am concerned about is, of course, related to Judge Kavanaugh's record on consumer issues. I have done a lot of work in this area, and, of course, I am concerned about the Executive power issue. I would say that is a paramount concern, as well as some of his other decisions regarding healthcare and women's healthcare, but I want to discuss the consumer issues because I don't think they get a lot of attention, and they should. They matter to people in their everyday lives.

In his current job, Judge Kavanaugh ruled that the Consumer Financial

Protection Bureau, which protects consumers when it comes to everything from credit cards, loans, and mortgages, was unconstitutional. He also went out of his way to dissent against net neutrality.

Judge Kavanaugh also wrote a dissent that would have limited a woman's access to contraception, and he ruled against allowing a woman the right to control her own reproductive health in a decision that was later reversed by the full DC Circuit.

We also know that Judge Kavanaugh has criticized the case called *Chevron*, which ensures that health and safety rules stay on the books. It is about how you consider agency decisions and the experts in the agencies. As I noted in Justice Gorsuch's hearing, overturning *Chevron* would have titanic, real-world implications, jeopardizing rules that protect health and public safety, requirements against lead-based paint, and clean water protections for our Great Lakes.

Finally, as I noted at the beginning—I will sort of end with my discussion of his rulings as I began—there are concerning implications to Judge Kavanaugh's writings, which support an expansive view of Executive power. It is an important moment, this moment in our country's history. We just saw the President of the United States stand next to Vladimir Putin and not publicly raise any of the issues that I thought should be raised, and we have Members of both parties gravely criticizing those decisions.

What I can say to the people of our State is, no matter what happens in the White House, our Founding Fathers set up a system of checks and balances. There is a check because of the courts, which can make decisions when they interpret our Constitution. There is also a check because of the House of Representatives and the U.S. Senate.

What does Judge Kavanaugh say about this? When they are in school, kids are told—and I know I was told this—that no one is above the law. But decisions he has made and his writings would not lead you to that same conclusion, that simple lesson that we were taught.

When you look at the article he wrote for the *University of Minnesota Law Review*, as well as one in the *Georgetown Law Journal*, he has an incredibly expansive view of Executive power. He has said that we shouldn't even have a special counsel process, when in fact Members of the Senate, including those on the Judiciary Committee, Democrats and Republicans, have gone the other way and said: Yes, we want the check of a special counsel investigation when it is necessary—as it has been found to be in this case by the Trump Justice Department—but we want to make sure that the special counsel is protected. That is what the Judiciary Committee said.

We passed a bill out of the committee that strengthened that law and made it harder for someone to fire the special

counsel. Yet in his writings, Judge Kavanaugh said that the President should be able to fire the special counsel. He also said that the President should be able to deem whether or not a law is constitutional. These are certainly questions I will be asking about in the Judiciary Committee, and I think we have a right to do that.

Yes, we can ask about a case that is before the Court, but before I came to the Senate, I had seen numerous nominees, including Supreme Court nominees, answer questions about cases such as *Brown v. Board of Education* and *Griswold v. Connecticut*. Justice Alito answered a question about that case.

A number of the nominees on the Supreme Court today have answered questions about settled precedent, and I believe we should be able to ask Judge Kavanaugh those questions and receive answers, especially for cases that are 45 years old.

People can have certain views on issues. Everyone does; judges do. But they have an obligation to follow the Constitution, to follow the law, and to respect precedent, and that is going to be our job so that the American people can understand where this nominee is coming from.

First, we will review all of those documents I talked about that are sure to come our way, and then, secondly, we will ask the questions the American people expect us to ask and get the answers they deserve to have.

I would also like to briefly address one of the two circuit court nominees before the Senate this week, because even as we review the President's Supreme Court nominee, we cannot lose sight of the importance of our lower Federal courts. The overwhelming majority of cases are decided by these lower courts. That is why it is imperative to have judges who are fair and committed to equal justice under the law for all Americans.

One Senate tradition that has been key to the appointment of good judges has been the blue slip. The blue slip is a check and balance that has promoted cooperation and better decision making about judges across party lines. It is for that reason that I am deeply concerned that the Ninth Circuit nominee now on the Senate floor will be receiving a vote, despite not having a blue slip from either home State Senator.

Prior to his nomination, no judge has ever been voted out of the Judiciary Committee—since I have been there—without a blue slip from either home State Senator. Since the tradition has been in existence, we have said that there should be a blue slip. There is no blue slip in this case. If Mr. Bounds is confirmed, he will be the first judge in history to be appointed to the Federal bench without a blue slip from either Senator from his home State.

This is all the more concerning, as noted by Senator MERKLEY and Senator WYDEN, because they have tried to

work with the White House in a bipartisan manner to find a qualified nominee to fill this vacancy. They convened a bipartisan committee of Oregon lawyers to review applications and make recommendations. This committee included attorneys chosen by those two Senators, as well as by Republican Congressman GREG WALDEN.

This is how judicial vacancies in Oregon have been filled for the past two decades, including the time when former Republican Senator Gordon Smith was in office.

So it is extremely unfortunate that my colleagues have disregarded this process. I respect them very much. I think they should have had a say. I think they should have been consulted, and I think we should follow the blue-slip process.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I rise alongside my colleagues tonight to speak on two incredibly controversial circuit judge nominees that the Senate considers this week.

The first, Ryan Bounds, of the Ninth Circuit, has not received the approval of either home State Senator. The majority is unfortunately moving forward with his nomination anyway, breaking a tradition that goes back 100 years—a bipartisan tradition, a moderating tradition, a tradition we need.

This is merely the latest example of the majority's sustained effort to toss aside the rules and the customs that have guided the judicial nomination process for 100 years. In May, Michael Brennan became the first circuit court nominee to be confirmed over the blue-slip objection of a home-State Senator.

If Judge Brennan's confirmation wasn't proof enough, the majority, by moving to vote on Bounds over the objections of both Oregon Senators, is signaling loud and clear that future Presidents need not work with Senators to ensure the selection of consensus nominees to fill these lifetime appointments.

For the past 20 years, including during the Bush administration, the Oregon Senators have convened a bipartisan judicial panel to interview candidates. Although Bounds was one of the candidates approved by the committee, it was later discovered that Bounds misled the committee about a number of highly controversial articles he wrote while in college. The majority unfortunately is moving forward on his nomination anyway.

Five of the seven members of the committee—a bipartisan committee—including the chair, said they would not have recommended Bounds if they knew of his writings at the time they interviewed him. The majority is unfortunately moving forward with his nomination anyway.

In light of these inflammatory writings—and they were truly inflammatory and nasty, unbecoming of

someone being a town circuit judge, let alone a court of appeals judge—and the bipartisan committee's assertion that they should be disqualifying, Senator MERKLEY and Senator WYDEN, correctly and wisely, refused to support his nomination, but the majority is moving forward on his nomination anyway.

I might say about Bounds that he is not a judge. He doesn't have much of a history. He practiced in a private law firm. It seems he is a member of the Federalist Society—hard right. That is his only real qualification. Is he a thoughtful jurist? Obviously not. Is he a moderate jurist, neither far right nor far left? Obviously not. This is what we are doing on the bench these days. The hard right, the Federalist Society, which is probably in the 10 percent furthest to the right in America, chooses the judges, and nobody objects on the Republican side.

Now, another nominee, Mr. Andrew Oldham, for the Fifth Circuit, is even more disturbing for a lifetime appointment on the Federal bench. Mr. Oldham's career leaves no doubt that, if confirmed, he would be the living embodiment of a judicial ideologue. This is a hard-right warrior. He helped to defend a Texas law that would make it virtually impossible for women in rural areas to exercise their constitutionally guaranteed freedom to make decisions about their reproductive health. It was a law designed to tell rural women that they couldn't have freedom of choice. It was an absurd law, struck down by the Supreme Court in 2016. This is the kind of man we are putting on the bench.

As the Texas solicitor general, he defended the State's extremely restrictive photo ID laws, which a Federal court of appeals ruled created an unconstitutional burden on the right to vote, had an impermissible discriminatory effect against Hispanics and African Americans, and was imposed with an unconstitutional discriminatory purpose. The purpose that this nominee had in this law was to prevent people of color and poor people from voting. There was very little evidence of any fraud. This is the kind of person we are adding to the bench?

Mr. Oldham helped to lead the charge on litigation challenging the constitutionality of our healthcare law—a law that most Americans support. He lost at the Supreme Court, once again. Now the Republicans want to give him a promotion, putting him in a position to rule on future cases concerning the law.

Here is what Mr. Oldham said about the EPA: It is "illegitimate." He repeatedly helped Texas to join Oklahoma—and then-Oklahoma Attorney General Scott Pruitt—to sue the EPA. Let me repeat that. Oldham considers the EPA illegitimate. The rightwing media has gone crazy about "Abolish ICE." Meanwhile, the Senate Republican majority is about to vote to give a lifetime appointment to a man who wants to abolish the EPA.

"Abolish the EPA" is a position I think none—none—of my Republican friends would dare support in public, would dare vote for—get rid completely of the Clean Water Act, the Clean Air Act? But they are happy to vote for a judge who believes in it and might help do it for them.

Mr. Oldham is so far out of the political mainstream that he doesn't represent the average Republican, let alone the average American. I hope his nomination will be objected to.

The truth is that Bounds and Oldham are part of a decades-long campaign by the hard right to install conservative ideologues on the Federal bench. They started it. Bork did not start this. It started when George W. Bush became President and his deal with the hard right was this: I will put these new nominees on the bench who are ideologues. They don't want to interpret law; they want to make law. That is what the Republicans have been doing.

When Clinton was President and when Obama was President, most of the judges they chose were moderate to liberal. They were not extreme. But the hard right has such a grip on the Republican Party these days—the Federalist Society, the Heritage Foundation, way out of the mainstream.

Most Americans don't believe in repealing *Roe v. Wade*. It is the mission of the Federalist Society. Most Americans don't believe the government should get out of healthcare altogether—Medicare, Medicaid, ACA. It is the goal of the Heritage Foundation. But they put these judges forward. President Trump has gone along with their lists and their nominees. Unfortunately, we don't hear a peep out of our Republican colleagues as the hard right hijacks the judicial bench in America.

The goal of this campaign is to achieve by judicial fiat what Republicans have been unable to accomplish through legislation. This hard-right agenda—extremely pro-corporate, extremely anti-consumer, anti-environment, anti-gun safety—must be pursued through the courts because the hard right—the Koch brothers and all of these hard-right groups—realize that they never get things through even a body like the Senate, where they have a majority of the Republicans, or the House. They want the one unelected branch to turn the clock back decades, if not centuries. It will hurt America. It will fractionalize America. The middle class will be worse off. But the hard-right knows that these types of nominations don't get much focus.

An apotheosis of this is the nomination of Brett Kavanaugh to the Supreme Court as well. Kavanaugh was groomed as a partisan lawyer in the Clinton and Bush eras. He was added to a list of 25 judges vetted and approved by these two groups—the Heritage Foundation, dedicated to getting rid of Medicaid, getting rid of Medicare, getting the government out of healthcare altogether and letting people struggle,

letting those parents who have kids with illnesses never get insurance; and the Federalist Society, dedicated by its leader, by its own admission, to repealing *Roe v. Wade*. An analysis of the judicial philosophy of Kavanaugh by Professor Lee Epstein found that Judge Kavanaugh would be the second most conservative Justice on the bench, even to the right of Justice Gorsuch and second only to Justice Thomas, one of the most extremely conservative judges who has ever been on the bench.

That political and judicial history is key to understanding how Kavanaugh would rule as a member of the Supreme Court. On issues like healthcare and reproductive rights, on which the President has been crystal-clear about picking judges who are anti-*Roe* and hostile to healthcare, Judge Kavanaugh will have an enormous and unfortunate impact, if confirmed. After what the President has said, after knowing what the Federalist Society and the Heritage Foundation stand for, does anyone think Judge Kavanaugh would have been nominated by those parties if they weren't sure he would repeal or dramatically limit the ACA or *Roe v. Wade*?

Judge Kavanaugh, like Mr. Oldham and like Mr. Bounds, is outside of the political mainstream—dramatically outside—even outside of the Republican mainstream. It is part and parcel of the hard-right campaign that Republicans bow down and go along with to install conservative ideologues on the bench.

So I would say to my fellow Americans: No matter what your political persuasion—Democrat, Republican, Independent—everyone should want a more representative process for choosing judges and Supreme Court Justices in the Senate. Instead, humming in the background of the Senate's more newsworthy business, the Republican majority has confirmed a conveyor belt of nakedly partisan, ideological judges to the bench. Senators from both parties, in an America that wants moderation, should lock arms and put a stop to it. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I so appreciate my colleagues from Minnesota and New York coming to the floor to share their insights on this challenge that we are in, where a 101-year-old convention is about to be smashed to smithereens by the majority in a determination to pack the courts and corrupt the constitutional application of law and in a determination to have judges who are not at all interested in the way the people envision our Nation. They are not at all interested in the rights of workers. Rather, they twist each provision to enable the powerful in our country to repress the workers of our country, to enable the interests of our country that simply want to roll on, on a commercial plane, to take away the ability of consumers to get a fair shake. They want

to take away the ability of individuals to have fair access to healthcare. They want to take away one right after another after another on behalf of the wealthy and the well-connected. This corruption—this legislating from the bench that is occurring from the far right—absolutely flies in the face of the fundamental nature of our Constitution.

But here it is. Not only is it their quest to put the powerful in the catbird seat to rule over everyone else in this country, to undermine the fundamental strategy of the distribution and equal voice principle that Jefferson so forcefully articulated, but they are even willing to run roughshod over their own rights in the future, because each and every person who votes for a judge who has no blue slip—not one, not a single blue slip—is saying that in the future they are giving up the ability to be consulted when it is an individual who has been assigned to their State for the circuit court. That is how intense they are at this moment of dancing to the tune played by the Koch brothers and the Federalist Society. It is really one of the saddest things we have seen in a series of abuses of the process here in the U.S. Senate.

This nomination ends a tradition that has served our country well for over a century. It is a tradition that—just a brief span of time ago, my colleagues across the aisle were pleading with the Democratic majority to respect their rights. But not now. Not now. This is one of those cases where, in the transition from minority to majority, views have been flipped 180 degrees—a tradition since 1917, when Senator Thomas Hardwick objected to President Wilson's district court nominee, writing his objection on a blue slip of paper. That is where the phrase comes from. Not since then has any judge for the circuit court or district court ever been confirmed without a blue slip.

In 2009, my Republican colleagues wrote a letter. All signed on to it. They wrote: We expect the blue-slip tradition to be observed evenhandedly and regardless of party affiliation.

I ask you, which Member across the aisle has the consistency to stand up and honor the very principle they asked to be honored when then in the minority? Who? We are waiting. We are waiting for just one to come to the floor and be consistent in honoring the principle they begged the Democrats to honor when we were in charge.

To be sure, when the tide turns and they again say suddenly that they love this tradition, and won't the Democrats once again honor the tradition they begged us to honor in 2009, 2010, 2011, 2012, 2013, and 2014? They begged us to honor it. They are going to be back asking again. But you cannot expect that after smashing this tradition, you can ask to have it back. So when it comes your turn, if you don't have any integrity today to honor the principle you begged for yesterday, don't let us hear you begging for it in the future.

What did people have to say in the past? The former chair of the Judiciary Committee at the time, in 2014, said: "Weakening or eliminating the blue slip process would sweep aside the last remaining check on the President's judicial appointment power." That is what the Republican chair said when President Obama was in office. He said: "Anyone serious about the Senate's constitutional 'advice and consent' role knows how disastrous such a move would be." Why isn't one of my colleagues today coming down to say how disastrous it would be?

Our majority leader said just recently that Republicans will now treat a blue slip as simply notification of how you are going to vote. Is that the way each and every one of you wants it to be from this floor, that while you have had the privilege in the past of weighing in on an individual assigned to your State, no more will you be treated differently from any other Senator because you are just being given a chance to indicate how you are going to vote? That is what the majority leader says we are going to reduce your Senate prerogative to, which means it is gone, it is no different from any other Member here.

There was a whole logic behind this blue-slip process, a logic that each circuit should have input from Senators whose States were represented on those circuit courts and that when the individual came from those respective States, it made sense to get the insight of the Senators from that State, not have decisions about your particular circuit court made by somebody from across the Nation. But that is where we are headed to now.

This nomination was tainted from the start because the President didn't consult with our senior Senator from Oregon, Mr. WYDEN, or with the junior Senator; didn't call us up; didn't sit down; didn't invite us to a meeting; didn't hold a conversation; didn't have a dialogue; didn't consult. So don't expect any consultation in the future if you vote for this nominee.

Then at the end of the year, when the nomination was returned, we told the White House: You have another chance to wait until you get some consultation done, until you talk to us. No. They just forwarded it back again—no consultation. So there it is.

When this individual, Ryan Bounds, was interviewed by our committee in Oregon, he was asked to provide anything that was potentially controversial from his past, and he didn't. He was asked about his views on diversity and what information he had put out in the past, and he didn't supply any. So not only are there the controversial viewpoints of the past, there is a lack of integrity in the present. It isn't as if Senator WYDEN and I took it lightly. But how can you expect people to get a fair hearing or believe they have any chance of getting a fair hearing with these types of opinions being expressed?

What did he say on diversity? He said that students working to “promote diversity . . . contribute more to restricting consciousness, aggravating intolerance . . . than many a Nazi bookburning.” So if you advocate for diversity, you are compared to being an individual who burns books—not just any individual; a Nazi burning books.

That wasn’t his only comment on diversity. He wrote quite extensively. Another phrase he used is that diversity training is a “pestilence” that “stalks us,” as if it is some kind of grim reaper to encourage people to reach out and embrace people who come from a different point of view or a different color or come from a different State. That is what he thought, that any training you might have in how to understand your own internal prejudices is a pestilence that stalks us.

He didn’t like the fact that the university was trying to address the issue of men abusing women. He said that there is “nothing really inherently wrong with the University failing to punish an alleged rapist.” That is what you want to vote for?

He said more. He really disliked minority groups on campus taking a position on anything. In his essay “Labor Unions and the Politics of Aztlan,” he said: “I would hardly suggest that no student group should be able to take up a political matter, if it is of direct relevance to its purported mission.” So he is not objecting to most groups weighing in on something related to their vision, but, he said, “I would contend, however, that no student group that is affiliated with an ethnic center or any other department of this university has any business holding political issues central to its mission.”

So if you are a member of a student group that isn’t an ethnic group, it is wide open—demonstrate, argue, involve yourself, engage. But if you happen to be a member of an ethnic club or group on campus, then no way. You have no business taking a position.

How can anyone expect to get a fair hearing with someone with this extensive hostility toward ethnic diversity or ethnic groups? That is a pretty serious question to ask yourself in your responsibility of advice and consent, in your responsibility to ensure that there is not just integrity on the court but a perception of integrity, not just fairness on a court but a perception of fairness. How does anyone get a perception of fairness with these writings?

Mr. Bounds had the opportunity to inform the committee of these writings, but he chose not to. He kept them hidden away. The head of the Oregon selection advisory committee wrote the following: “Mr. Bounds failed to disclose these writings when specifically asked by the committee about his views on equity and diversity.”

He did get asked about them later when they were discovered. There was a hearing in the Judiciary, and he had

a chance to respond in questions for the record. He wrote in response that he regretted the rhetoric in the articles, but he didn’t repudiate the viewpoint. He regretted, apparently, the particular words he used to express it, but he didn’t say that he repudiated the viewpoint on his commentaries attacking diversity, attacking diverse clubs, saying that every other club has a right to participate and engage itself in issues relevant to its mission except the ethnic clubs. He didn’t repudiate that. How do you expect to get a fair hearing before this judge?

At his hearing before the Judiciary Committee, in questions for the record, Senator BLUMENTHAL asked if he regretted not turning over the writings to the Oregon screening committee. He replied that it seemed reasonable to him that there wouldn’t be a lot of interest in writings that have no bearing on someone’s professional practice. These writings have everything to do with his professional practice, his consideration as a judge—a circuit court judge, not a district judge. He is not being nominated for the bottom rung; he is being nominated to the rung next to the Supreme Court. You don’t think it has a bearing that you have written these things? You don’t think it has a bearing that you hid them from the committee? That in itself tells you a great deal.

It is why this nomination is opposed by so many groups: the AFL-CIO, the Leadership Conference on Civil and Human Rights, the National Women’s Law Center, the Oregon Women Lawyers Association, the Asian Pacific American Bar Association of Oregon, the Oregon Hispanic Bar Association, the LGBT Bar Association of Oregon.

Why wouldn’t they oppose when you have an individual who failed the integrity test by hiding the writings, doesn’t repudiate the writings, and has it in for diversity and minority groups?

Records are being broken. Two nominees up this week would mean 23 appeals judges confirmed. A lot are being confirmed. There are a lot in waiting. Why not bring someone to the floor who doesn’t have these deep flaws? Why not vote down this individual and put up the next one?

We have already broken the record for confirmations in the President’s first year, last year. Obama’s 14 circuit court nominees waited an average of 251 days; Trump is half that at 125 days—less than half. We are marching through this.

Why not bring someone else to floor? Why not set this one aside? Because it fails the test of being fairminded and fails the test of integrity. Putting this judge forward does something else. It is not just a judge who fails the test on integrity and fairness; it is also the destruction of your rights, each and every Senator here, to have a say on circuit court nominees in your circuit. Is that really the place you want to go?

We have seen judges come before us who have had hearings held without

ABA evaluations. We have had two considered who were unanimously rated “not qualified.” We certainly, therefore, have a lot that has changed dramatically. Last year was the first time that a seat had been stolen from one administration and set a year into the future. That is a precedent everyone here should regret—to have failed advice-and-consent responsibilities, which is a failure that no other set of Senators ever failed before. Fifteen times before, there have been open seats during an election year. Fifteen times before, the Senate debated the nominee. Fifteen times before, they voted on the nominee. But not last year.

The leadership of this body failed the test of leadership by failing to consider a nominee from the President for the Supreme Court. Is that the precedent you want to live with for the future?

Of course, now we have a new nominee for the Supreme Court. Not only does this nominee come from a list secretly compiled by the Federalist Society to make sure that they met the test the President had put forward—opposing *Roe v. Wade*, opposing the Affordable Care Act that has provided healthcare to another 30 million people across this land, 400,000 in my own State, but also the President chose off that list the one person best suited to write him a get-out-of-jail free card because of the massive, expansive view of Presidential power—a view of Presidential power you can find nowhere in the Constitution; a view that is completely at odds with the checks and balances our Forefathers so carefully crafted into that document; a view that says that a President should never be indicted and, even more extraordinary, never be investigated. That is a President above the law. That is a President beyond the law. That is something that is not a President. That is a King. That is a tyrant. That is a dictator who answers to no one because he or she is above the law. That is not a President in a constitutional democratic republic where there are checks and balances.

Indeed, this nominee has said that if a President deems a law to be unconstitutional because it is his or her opinion, the President doesn’t need to follow the law. Can anyone remind this nominee for the Supreme Court that our system was designed to let the Supreme Court weigh in on what is and isn’t constitutional, not to have a President dictate that? It is a scary proposition, an unworthy proposition to have that individual considered on the floor of this Senate.

In Federalist Paper 76, James Madison said that it is the duty of the Senate to prevent the appointment of unfit characters. Each and every Member of this Senate on both sides of the aisle has that responsibility.

These are questions you have to ask yourself: Is the person fit when they say the things that Ryan Bounds said? Is a person fit to serve on the bench

when they say that no student group affiliated with an ethnic center has any business holding political issues central to its mission right after he writes that other groups should have that power?

Is the individual fit who says that promoting diversity contributes more to restricting consciousness and aggravating intolerance than a Nazi book burning?

Is the person fit who says that training in diversity—training that each and every one of us has to take and our staff members have to take in this body—is a pestilence that stalks us, as if embracing the notion of understanding one's own biases is an evil thing?

Is the person fit who said there is nothing wrong with the university failing to punish an alleged rapist?

Is the person fit who hid these writings from the selection committee?

Is the person fit when the selection committee said that based on these writings, they would vote overwhelmingly not to recommend this individual?

Is the person fit when they fail the test of integrity and are asked to produce their views on diversity and hide them?

I contend that standard that James Madison laid out for the responsibility of advice and consent—that standard of

voting down individuals who are unfit—has rarely had a clear opportunity to be executed and should be executed 100 to 0 in turning down this nomination and in preserving the blue-slip tradition.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Mrs. ERNST). Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 10:09 p.m., adjourned until Wednesday, July 18, 2018 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

JAMES MORHARD, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE DAVA J. NEWMAN.

SURFACE TRANSPORTATION BOARD

MARTIN J. OBERMAN, OF ILLINOIS, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2018, VICE DANIEL R. ELLIOTT III, RESIGNED.

MARTIN J. OBERMAN, OF ILLINOIS, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2023. (REAPPOINTMENT)

DEPARTMENT OF STATE

KEVIN K. SULLIVAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-

COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

THE JUDICIARY

DAMON RAY LEICHTY, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE ROBERT L. MILLER, JR., RETIRED.

JOHN MILTON YOUNGE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE MARY A. MCCLAUGHLIN, RETIRED.

DEPARTMENT OF JUSTICE

NICHOLAS A. TRUTANICH, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE DANIEL G. BOGDEN, TERM EXPIRED.

G. ZACHARY TERWILLIGER, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE DANA J. BOENTE, RESIGNED.

WILLIAM TRAVIS BROWN, JR., OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE KEVIN CHARLES HARRISON, TERM EXPIRED.

NICK EDWARD PROFFITT, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE ROBERT WILLIAM MATHIESON, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 17, 2018:

FEDERAL RESERVE SYSTEM

RANDAL QUARLES, OF COLORADO, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2018.

DEPARTMENT OF EDUCATION

JAMES BLEW, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.