



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, TUESDAY, JULY 10, 2018

No. 115

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

PRAYER

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

Let us pray.

Holy Father, thank You for the showers of blessings You bestow upon us each day. Help us to open our hands to Your generosity, expressing our gratitude in loving obedience.

Lord, inspire our lawmakers to live for You, striving to please You in their every endeavor. May they not forget that they belong to You, the Great Shepherd of their destinies. Go before them, that they may follow in Your steps. Go behind them to steer them when they stray. And go beside them so that they will experience the strength and joy that come from Your abiding presence.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Madam President, President Trump has made a superb selection to serve as Associate Justice of the Supreme Court of the United States: Judge Brett Kavanaugh of the DC Circuit. Judge Kavanaugh possesses an impressive resume, an outstanding legal mind, and an exemplary judicial temperament. He has served 12 years on the Nation's most consequential circuit court. During that tenure, he has proven to be one of the most thorough and thoughtful jurists in our country. Importantly, that record demonstrates an understanding of a judge's proper role in our constitutional Republic.

Judge Kavanaugh understands that in the United States of America judges are not—not—unelected superlegislators whom we select for their personal views or policy preferences. A judge's duty is to interpret the plain meaning of our laws and our Constitution according to how they are written.

Judges need to be unbiased. They need to treat all parties fairly. They need to approach every case with open ears and an open mind. Judges' decisions must turn on the facts of each case and be based on the texts that it is their job to interpret.

By all accounts, Judge Kavanaugh is precisely that kind of judge. His re-

sume, to put it simply, is topnotch: a bachelor's degree from Yale, with honors; a law degree, also from Yale, where he was a member of the law review; a lecturing position at Harvard Law School, to which he was appointed, by the way, by then-Dean and now-Justice Elena Kagan.

After graduating, he quickly built a reputation as a star law clerk, including on the Supreme Court, for Justice Kennedy; as an energetic and talented public servant; and as one of the preeminent legal minds of his generation.

In 2006, the Senate confirmed him to the DC Circuit. He has compiled an extensive record on the Federal bench. He has published more than 300 opinions and has earned considerable praise for his clear writing and reasoning.

Judge Kavanaugh has built a long and distinguished record. It paints a clear picture of how he would conduct himself as a member of the Nation's highest Court. It reflects a firm understanding that judges must interpret laws as they are written. We do not choose them to make policy, to pick favorites, or to craft novel legislation from the bench.

Some of our colleagues—and others on the left—seem to see the role of judges very differently. President Obama summed up this alternate view well when he was running for President. He explained that he sought to appoint judges who harbored particular empathy for certain parties in certain cases. That is great if you happen to be the party in the case whom the judge likes. It is not so great if you are the other guy. It doesn't align with our Nation's historical understanding of the rule of law or the role that Federal courts play in our democracy.

I respectfully submit that, then and now, some of our Democratic colleagues seem to be a little confused. They seem to be confusing the nature of a political office with the nature of a judicial office. This would explain why some of our colleagues sound

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



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eager to try and turn judicial confirmations into something like political elections—to grill Judge Kavanaugh on policy outcomes, like voters rightly grill all of us when we run for our seats in the Senate.

Some Democratic Senators have telegraphed that they will heed the demands of the far-left special interest groups and try to force Judge Kavanaugh to commit under oath to decisions he might make on particular issues in hypothetical cases. Forget that the cases don't even exist yet. Forget the total absence of any facts, legal arguments, or research. Forget how inappropriate and undesirable it would be for a judge to predetermine a ruling before either side's lawyers uttered a single word.

That is simply not how this process has ever worked or ever could work. I am not the one saying this. Here is what a prior Supreme Court nominee said on this very subject: "A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of the particular case, it would display disdain for the entire judicial process."

Those are the words of another then-DC Circuit Court judge and current Supreme Court Justice Ruth Bader Ginsburg during her Senate confirmation to the Supreme Court in 1993.

I think we all should remember that standard. We will do well to remember that we are evaluating a judge, not debating a candidate for political office.

Even more regrettably, a number of our Democratic colleagues could not even wait until the President's announcement last night before launching attacks on his nominee. This was, in some cases, quite literally a fill-in-the-blank opposition. They wrote statements of opposition only to fill in the name later.

Sadly, this is not a new approach for the far-left special interest groups. Just last year, Justice Gorsuch met with partisan opposition before the ink was even dry on his nomination. I am sorry to say that Judge Kavanaugh seems to have already broken that record, because Senate Democrats were on record opposing him before he had even been named—just fill in the name, whomever it is we are against—before the ink was even dry on Justice Kennedy's resignation.

This is a telltale sign that some of our colleagues are throwing thoughtful independent judgment out the window and are outsourcing their thinking on this matter to far-left special interest groups.

There has been a lot of talk about outsourcing here. If anybody is outsourcing, it is the Democrats outsourcing what they say to these outside groups that are demanding opposition to anyone at all costs, no matter who it is.

As I discussed on the floor yesterday, we know exactly what this partisan playbook looks like. It has been hauled

out for most everyone who a Republican President has nominated to the Supreme Court for the last 40 years. It is like clockwork.

I fully anticipate that we will hear all kinds of fantastic stories about the pain and suffering that this perfectly qualified, widely respected judge will somehow unleash on America if we confirm him to the Court. That kind of cheap, political fearmongering insults the intelligence of the American people because Americans understand the difference between a political office and a judicial office. They understand the difference between the policymakers who throw pitches and the judges who call balls and strikes.

I look forward to the Senate's fair consideration of this most impressive nomination. I look forward to meeting with Judge Kavanaugh later this morning, to hearing his testimony in committee, and to voting on his confirmation right here on the Senate floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Mark Jeremy Bennett, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Madam President, last night President Trump selected Brett Kavanaugh as his nominee for the upcoming vacancy on the Supreme Court. In selecting Judge Kavanaugh, President Trump did exactly what he said he would do on the campaign trail—nominate someone who will overturn women's reproductive rights

and strike down healthcare protections for millions of Americans, including those with preexisting conditions. He has put at risk civil rights, labor rights, environmental rights, and LGBTQ rights. How do we know? Because President Trump repeatedly promised to nominate Justices who will overturn *Roe v. Wade* and who will undermine our healthcare laws.

This didn't come out of the clear blue; President Trump promised it. He said he would only pick "pro-life judges" who would "automatically" reverse *Roe v. Wade*. President Trump actually went so far as to say that women should be "punished" for their healthcare choices. President Trump also said that his judicial appointments would "do the right thing," unlike Justice Roberts on healthcare. That is President Trump's litmus test, and it couldn't be clearer.

During the campaign, President Trump commissioned a list of 25 people who would meet the litmus test, who were vetted and approved by two organizations that represent the hard right—the Federalist Society, led by a man named Leonard Leo whose goal in life has been to overturn *Roe v. Wade*, and the Heritage Foundation, whose goal is to strike down healthcare law because they don't want the government to help people out when they have preexisting conditions or other healthcare needs.

Edward Whelan, a prominent conservative activist, said this about Leonard Leo, the man who put together the list that Trump promised to choose from: "No one has been more dedicated to the enterprise of building a Supreme Court that will overturn *Roe v. Wade* than the Federalist Society's Leonard Leo."

If anyone believes that Judge Kavanaugh or anyone else on the list would uphold *Roe v. Wade*, then I have a bridge to sell them.

Leonard Leo's goal in life is to repeal *Roe*. He came up with the list. Do you think he put any slackers, in his opinion, on that list? No.

Judge Kavanaugh got the nomination not because he will be an impartial judge on behalf of all Americans but because he passed President Trump's litmus test—repeal women's freedom for their reproductive rights and repeal America's healthcare, including protection for preexisting conditions. If Judge Kavanaugh were to be confirmed, women's reproductive rights would be in the hands of five men on the Supreme Court. That is not what the women or the men of America want.

Judge Kavanaugh in his own writings made clear he would rule against reproductive rights and freedoms and that he welcomes challenges to the constitutionality of the Affordable Care Act, of our healthcare act. Judge Kavanaugh has argued that the Supreme Court should question the constitutionality of the Affordable Care Act. He openly criticized the Supreme

Court when they upheld the law. He is no neutral arbiter. He has already made up his mind. He wouldn't have been approved by the Heritage Foundation if they weren't certain that he would repeal the ACA. He wouldn't have been approved by the Federalist Society if Leonard Leo wasn't certain that he would repeal *Roe v. Wade*.

Judge Kavanaugh has argued that the Trump administration could keep a young girl in Federal custody to prevent her from obtaining constitutionally protected healthcare. He has argued that employers should be able to deny their employees access to affordable contraceptive coverage. If Judge Kavanaugh feels that way about contraceptive rights, imagine what he feels about a woman's right to choose.

I will make one other point about Judge Kavanaugh. He is a deeply, deeply conservative justice, way out of the mainstream. He has written troubling decisions rejecting something 90 percent of Americans want—commonsense gun laws. He has undone environmental protections. He has challenged them. Our Clean Air and Clean Water Acts would be at risk. He would make it far more difficult for regulations to exist to enforce those laws.

Here is what is most amazing: He has gone so far as to say that a President doesn't need to follow the law if he "deems" it unconstitutional.

Folks, here we have a President, President Trump, who cares less about the rule of law, less about the restraints that every other President has felt were put in place by the Constitution and the norms that have blessed this great country for 200 years, and we are going to put on the Bench someone who says: If this President, President Trump, deems some law is unconstitutional, he doesn't have to follow it. How many Americans think the President would be judicious and limited in doing that? That is not the President I have seen over the last year and a half—oh, no.

An analysis by Professor Epstein of Washington University of St. Louis found that Judge Kavanaugh would be the second most conservative Justice on the Court, to the right of Judge Gorsuch, second only to Justice Thomas. This is the most conservative Court we have had in 80, 90 years—since the 1930s, at the very minimum. To those who say that President Trump has made a moderate selection from the judicial mainstream in the form of Judge Kavanaugh, think again and look at his record. He is a deeply conservative justice.

His judicial philosophy appears to spring from his history. Judge Kavanaugh was embedded in the partisan fights of the past few decades involving the notorious Starr report, the Florida recount, President Bush's secrecy and privilege claims once in office, and ideological judicial nomination fights throughout the Bush era.

The hard right has had a goal. They can't achieve their hard-right philos-

ophy through the two elected branches of government, try as they might—the Congress and President—but if they get control of the one nonelected branch, the judiciary, they can turn the clock back in America for decades, maybe centuries. That has been their goal. When Judge Kavanaugh worked in the White House, he helped them achieve that goal. Judge Kavanaugh's background as a partisan political operative seems exactly like the kind of man President Trump would want on the Supreme Court if legal issues from the Mueller probe arise—deferential to a fault to Executive authority.

Judge Kavanaugh's long track record of partisan politics comes with a long paper trail. The Senate must now be able to access and have the time to adequately review all documents, emails, and other paperwork associated with Judge Kavanaugh before the process moves forward. Judge Kavanaugh's papers may be critical to helping the American people understand the kind of jurist that Judge Kavanaugh would be on the Supreme Court, and if that makes us take a little more time, so be it.

As the President himself has said, this is one of the most consequential nominations we have had in a generation. To get the full record before any of us vote is absolutely necessary, important, essential, and fair. Judge Kavanaugh's papers may give the Senate the best and only chance of understanding Judge Kavanaugh's personal views.

No doubt, Judge Kavanaugh will be schooled, as were his most recent predecessors, to reveal as little as possible about his philosophy and personal views in his confirmation hearing. No doubt he will employ practiced evasions that have become a farcical tradition of the nomination process: I will respect precedent. I will follow settled law and strive to uphold *stare decisis*. Gee, Senator, I can't comment lest I bias myself on a future case.

We have seen what happened when Justice Roberts, Justice Gorsuch, and Justice Alito said that. Once they got on the Bench, they overturned precedent with alacrity to achieve their political goals. Probably the worst was *Citizens United*, where Chief Justice Roberts undid close to a century of tradition and allowed wealthy people to send millions of dollars undisclosed into our politics, making the swamp so much worse. Most recently, Justice Gorsuch, Justice Roberts, and the rest dramatically overturned precedent in the *Janus* case on a whim, as the dissent noted. They just pulled a theory out of a hat—a First Amendment ruling that the First Amendment prohibited unions from organizing. My, oh my, how can anyone believe that Judge Kavanaugh will stick to precedent when Justice Roberts, Justice Gorsuch, and Justice Alito ignore precedent and make their own political rulings regularly?

We need to review the record—Judge Kavanaugh's written history, where

the best clues of his jurisprudence may lie. It is no less than the standard my Republican colleagues demanded of then-Judge Kagan during her confirmation process. They asked for her entire record; 170,000 documents were sent here.

We need those documents now more than ever because this new Justice will be so pivotal in determining the future of our Nation for so long. The nomination could alter the balance of the Court in favor of powerful special interests against working families for a generation. The pro-hard-right business Heritage Foundation wants only nominees who will side with the big boys against the average person, and in Judge Kavanaugh, they have someone who would do just that.

We cannot let it happen. If the Senate blocks this nomination, it will lead to a more independent, moderate selection that both parties could support.

I yield the floor.

The ACTING PRESIDENT *pro tempore*. The Senator from Utah.

Mr. HATCH. Madam President, I enjoyed listening to the minority leader and disagree with almost everything he said. I do believe he is one of the great Senators here, and I care for him. He has a job to do, I suppose.

It seems strange that every time a Supreme Court nominee comes from the Republicans, there is every reason in the world not to confirm that nominee in the eyes of the current Democrats. Even without the first day of hearings, we are getting that type of situation. It is hard to believe. It is really hard to believe.

I rise today in strong support of the nomination of Brett Kavanaugh to be an Associate Justice of the Supreme Court. I have known Brett for quite a while. He is a terrific human being. He is honest, decent, and a good family man. He is everything you would want on the Bench. He is fair. He is considerate. He is knowledgeable. He is intelligent. He understands the law, and when he doesn't understand the law, he will search it until he does.

President Trump has made an outstanding choice. He has kept his commitment to the American people. He has selected a nominee with deep experience in the law and an understanding of the proper role of a judge under our Constitution.

I first met Brett Kavanaugh 14 years ago when he came before the Judiciary Committee for his first confirmation hearing to the DC Circuit. I was the chair of the Judiciary Committee at that time. I was impressed at that time by Brett's sterling credentials, his broad knowledge of the law, and his demeanor. At only 39 years of age, he knew more about the law than most lawyers who have practiced a lifetime. I think anybody who is fair would acknowledge that.

Brett was confirmed to the DC Circuit in 2006 following years of obstruction by Senate Democrats. I was pleased and proud to support Brett's

nomination to the DC Circuit. I have followed his work on that court the last dozen years with great interest. He spent a dozen years on that court, the second greatest court in our country, without criticism, by the way—or at least, I should say, without fair criticism. He has been a true intellectual leader, authoring landmark opinions on the separation of powers, administrative law, and national security.

It is no overstatement to say that Judge Kavanaugh is among the most distinguished and most influential judges in the entire country. The Supreme Court has adopted his positions and his opinions no less than 11 times. He has authored multiple dissents that ultimately prevailed in the Supreme Court. That ought to be complimented, not condemned.

He has taught courses at Harvard, Yale, and Georgetown. I would have preferred if he had taught some courses at Brigham Young University and the University of Utah, but that was too far west, I guess. But you can't knock Harvard, Yale, and Georgetown.

It bears mention that liberal and conservative Justices alike have hired his former clerks, which shows the respect he has across the ideological spectrum.

Truly, there is no one more qualified and more prepared to serve on the Supreme Court than Brett Kavanaugh. The funny thing is most people know that, including my friends on the other side. That is one reason they are afraid to have him on the Court. I speak from experience on this. I am the former chairman of the Judiciary Committee. I have participated in the confirmation of more Federal judges than any Senator in our Nation's history—more than half of all Federal judges ever confirmed. I have participated in the last 14 Supreme Court confirmation battles, including the confirmations of all current members of the Court.

I know a good nominee when I see one. Brett Kavanaugh is not just a good nominee; Brett Kavanaugh is an exceptional nominee, and any fair person has to admit it.

It has been a little over a year since we last considered a nominee to the Supreme Court. That nominee was Neil Gorsuch.

I have to say, President Trump hit a home run with Justice Gorsuch. I came to this floor nearly a dozen times in support of Justice Gorsuch's nomination because I knew Neil Gorsuch, and I knew what kind of a Justice he would be. I knew he would interpret the Constitution according to its original meaning, not according to the pet theories of liberal law professors or progressive activists. I knew he would give effect to the plain text of statutes rather than roaming around to find bits and pieces of legislative history to support his preferred view. I knew he would hold the administrative state to task and help check the unrestrained growth of the unelected, unaccountable fourth branch of government.

Justice Gorsuch has done all of that and more. He has shown himself to be an independent thinker who faithfully applies the text of the Constitution and the text of statutes. He has shown that he is perfectly comfortable disagreeing with the administration when the administration advances what he believes is a wrongheaded argument. Most of all, he has shown that he understands deeply that under our Constitution, political power lies with the people and their elected representatives, not nine Justices in Washington, DC.

In all the ways Neil Gorsuch has been a home run, Brett Kavanaugh will be one too. In his dozen years on the DC Circuit, Judge Kavanaugh has been an independent, fair-minded jurist who is deeply committed to the Constitution and the rule of law. He has made his mark especially in cases involving the separation of powers and agency decision making. He is serious about ensuring that the branches of government stay within their proper spheres and that agency officials have sufficient political accountability. He has also shown a commitment to our First and Second Amendment freedoms. In all this, he has been a true intellectual leader. And like Justice Gorsuch, Judge Kavanaugh has demonstrated that he understands that in our system of government, judges interpret the law. They don't make the laws; they interpret them. Policymaking is for the other branches of government.

In a rational world, Judge Kavanaugh's nomination would be confirmed by the Senate overwhelmingly. I don't think there is any question about that. His qualifications are unquestionable. His integrity is beyond reproach. He is respected throughout the country as one of our Nation's leading jurists.

Sadly, however, sometimes we don't live in a rational world, at least not when it comes to the Supreme Court. We saw this last year. My Democratic colleagues attacked Justice Gorsuch as unfit and unqualified. They said he had not sided often enough with the right sort of causes and that he would not do enough to protect the "little guy" when deciding cases. Democrats' objection, at root, was that they did not think Neil Gorsuch would rule the way they wanted. They did not think he would reach liberal enough outcomes. Of course they couldn't say that directly, as that would have given the whole game away and shown that their opposition was really just about politics, which is exactly what it was. So they latched on to a couple of cases, blew them entirely out of proportion, and misrepresented what then-Judge Gorsuch had actually said.

They asked him questions about cases likely to come before the Supreme Court that neither he nor any other nominee could answer without violating the canons of judicial ethics. He could not answer without violating the canons of judicial ethics. Yet they asked these questions anyway. I guess

they expected an answer, but no self-respecting nominee would have given an answer.

They claimed he would be some sort of rubberstamp for the administration, when there was nothing in his record at all to suggest he had ever been a rubberstamp for anything.

My Democratic colleagues could not with a straight face oppose Neil Gorsuch or Neil Gorsuch's nomination on the merits, so they kicked up a cloud of half-truths and misrepresentations and used those to justify their opposition. Fortunately, the majority of my colleagues saw these desperate tactics for what they were—complete baloney, and that is putting it mildly.

Now we are about to replay the same game. In the coming weeks, my Democratic colleagues are going to throw everything they have at Judge Kavanaugh. We are going to see Judge Kavanaugh's opponents twist his words, misrepresent his opinions, and do everything they can to make him into some sort of a monster, a judicial monster. They will call him a rubberstamp for the rich and powerful and warn that his confirmation will mean the end of liberty and civil rights. That is trash talk, but that is what we are used to around here when they are afraid of the nominations that come from the Republican side. There is no reason to be afraid; these are people who are going to abide by the law, live in accordance with the law, and decide cases the way the law demands and dictates.

This is the same playbook we have seen before. It is the same playbook we saw last year with Neil Gorsuch. It is the same playbook we would have seen no matter whom the President nominated because the opposition will not be about Judge Kavanaugh's credentials or his qualifications; it will be about politics, straight and simple. My Democratic colleagues want a Justice who will reach the outcomes they want, who will use the Constitution to make policy, but Judge Kavanaugh is not that kind of a judge. He interprets the Constitution as written. He interprets our laws as written. He follows the separation of powers and leaves policymaking to the political branches.

Brett Kavanaugh is one of the most respected judges in our country for good reason—because he is a real judge. He has been an intellectual leader on one of our Nation's most important courts for over a decade. He has heard thousands of cases and issued hundreds of opinions. He is a great thinker, a powerful writer, and, I might add as somebody who knows him well, a kind and humble man. I cannot think of a better person to fill Justice Kennedy's seat on the Supreme Court than his former clerk because Justice Kennedy is a kind and humble man, and he is excited about having this nominee take his place.

After all the kicking and screaming last year, after all the obfuscations and misrepresentations, we confirmed Neil

Gorsuch to the Supreme Court. We did so because he was unquestionably qualified and because he had demonstrated a firm understanding of the judge's proper role under the Constitution.

Like Neil Gorsuch, Brett Kavanaugh is unquestionably qualified. Like Neil Gorsuch, Brett Kavanaugh has shown a commitment to the Constitution and to the principle that judges are to interpret the law, not make it up. Like Neil Gorsuch, Brett Kavanaugh will be confirmed. I have confidence in my colleagues that he will be confirmed. He is a good man. I know him personally. I have known him for a long time. He is a good man. He is a brilliant man and a man whose nomination I am honored to support.

I intend to do everything in my power to see Judge Kavanaugh confirmed to the Supreme Court. I could not be more pleased that one of my final acts here in the U.S. Senate will be to help shepherd through one last nominee to our Nation's highest Court. I could not be more pleased that this nominee is Judge Brett Kavanaugh.

I know Judge Kavanaugh. I know what a great Justice he will make. I know that he will be fair. I know that he will live in accordance with the law. I also know that he has courage and conviction and that he will do what Justices have to do; that is, interpret the Constitution and our statutes in this country in ways that will please the vast majority of all Americans. That is about all we can ask for. I know he will do that because I know the man. I know his family. I know his parents. All I can say is that I am very pleased that our President has decided to nominate him as a Justice on the United States Supreme Court.

I would caution my colleagues to pay attention to his record because you can't keep voting against people just because politically they are not on your team. I think you can if they are not qualified, but he is qualified. I think you can if they are not willing to abide by the law as written, but he is and has proven that.

I could go on and on. All I can say is that he is a good nominee. I hope all of my colleagues will support him. I hope my friends on the Democratic side will do the right thing. The right thing will help propel the confirmation process along. Who knows who the next President is going to be. It could be a Democrat, and I would hope that Brett Kavanaugh would be an example to Republicans, if they are in the minority, to do what is right—make your case, but don't slander people or libel them, and certainly don't stop decent, honorable candidates from holding these positions on the Federal bench.

I wish Judge Kavanaugh well because I think he will make a great Justice on the Court. I think he will be the type of Justice who will make everybody proud, even those with whom he disagrees. He is a decent man. He is an honorable man. He is a family man. He

is brilliant. He is exactly like the person our Founding Fathers would like to have on the Supreme Court Bench. I believe that if we give him a chance, he will do a very good job. He is not going to always please me. He is not going to always please the Republicans. He will do what is right. I hope my colleagues on the other side will understand that and will not make this another cause celebre.

Be that as it may, we are going to push as hard as we can, and hopefully he will become our next Justice on the United States Supreme Court.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, last night the President of the United States announced that Brett Kavanaugh is his choice to fill the vacancy on the U.S. Supreme Court left by the impending retirement of Justice Anthony Kennedy. I was glad to have the occasion to join the President and others at the White House last night, and I could not be more pleased with the President's choice.

Now that the President has performed his duty under the Constitution, it now falls to us to do our duty. The appointments clause to the U.S. Constitution says that subject to the advice and consent of the Senate, the President shall appoint members of the Supreme Court, among other officials. The President has done his job, and now it falls to the U.S. Senate to do our job under the Constitution of the United States.

We have all learned a little bit more about the nominee in just the few hours since his nomination. Of course, we know he is a judge on the U.S. Circuit Court of Appeals for the DC Circuit—what some have called the second highest court in the land. By that, they mean that because it sits in the District of Columbia, many important cases involving the U.S. Government go up through that court as opposed to courts in Texas or Indiana or other places around the country. For more than 10 years, he has served in that capacity.

We know he has had a distinguished academic and legal career. He graduated from an elite law school—Yale—and clerked for Justice Kennedy himself, the man he will succeed when confirmed. Most importantly and as evidence of Judge Kavanaugh's good judgment, he made the wise decision to marry a Texan. His wife grew up in Abilene and graduated from the University of Texas.

Now that the nomination has been made, the Senate will follow what we

refer to here as regular order. That means the Judiciary Committee, led by Chairman GRASSLEY, will thoroughly vet the nominee, and then the committee will debate and vote on the nomination, and then the nomination will come to the floor of the Senate, where we will debate and vote on the nomination.

We have already heard some say that there is not enough time to carry out this process before the midterm elections, which should raise all of our antennae. Both Justice Gorsuch and Justice Sotomayor were confirmed 66 days after they were nominated, so the truth is that we have plenty of time to do our job under the Constitution. We do want to be thorough, and we will, but we also owe it to the Court and to the American people to move expeditiously to fill this post so as not to leave it vacant. Justice Kennedy said that he intends to leave at the end of the month.

As the senior Democratic Senator from Kentucky said recently, "The Senate should do nothing to artificially delay consideration of the next Justice." I agree with him, and that is consistent with the standard here in the Senate.

Some have said: Well, we have a midterm election coming up, and maybe we ought to defer filling the vacancy. But I would note that in 2010, leading up to a midterm election, just like this year, Senate Democrats confirmed President Obama's nominee to the Court, Elena Kagan. So there is plenty of precedent for moving expeditiously, thoroughly, not recklessly but in a focused fashion to confirm this nomination once it has been vetted and voted on.

It is no secret that Judge Kavanaugh will help decide cases that will be important in the life of our Nation. That is the role of the Supreme Court, and it is already clear from his previous experience that he has had plenty of preparation—academically and work experience and life experience—that has prepared him to do exactly that.

Judge Kavanaugh has demonstrated the intellectual capacity that we would expect of a Supreme Court Justice, and over the years, he has demonstrated a rigorous understanding of the law. He has demonstrated his sharp mind and analytical skills in a variety of jobs—working in the White House as a lawyer and as Staff Secretary to the President.

By the way, for those who don't know what a Staff Secretary does in the White House, that is the person who has the final eyes on a document before the President is presented something for his signature. It is a very, very important job. Brett Kavanaugh was Staff Secretary to the President of the United States during the term of office of President George W. Bush.

He has also taught at law schools, such as Harvard, where he was actually hired by now-Justice Elena Kagan, whom he would serve alongside, as well

as Georgetown and Yale. We know that during the years he has been on the appellate bench, he has handed down hundreds of decisions. Let's not forget that in order to attain that important position, the Senate already confirmed him once in 2006 by a vote of 57 to 36.

We all know that this is President Trump's second nomination to the Supreme Court, after that of Justice Neil Gorsuch just last year. In his first term on the Court, Justice Gorsuch has already demonstrated the power of his pen, the clarity of his thought, and the force of his legal reasoning, and I am sure that Justice Scalia would be proud of his successor's impartiality, his rigor, and his self-discipline. Based on his distinguished record, I think Judge Kavanaugh will display many of the attributes Justice Gorsuch has displayed on the Supreme Court.

In the coming weeks, we will hear a lot about Judge Kavanaugh's interesting life story, his long career as a dedicated public servant, his service to his community, and, yes, his strong Catholic faith, but at the end of the day, the decisions of the Supreme Court should not be affected by personal agendas, political or otherwise. That is because the interpretation of the law is a discipline unto itself, and it should always be separated from the personalities, the preferences, or the ideological or political agenda of the judge. That is what judges do. If they can't do it, then they shouldn't serve as judges.

Justices, by their work, must be insulated from the day-to-day politics that are all too common here in the Congress. The Court, of course, should not be a partisan or political institution. It was created by the Founders to be something apart from the political branches of government, the executive and legislative branches. That is because the political branches of the government run for election and are held accountable by the voters—not so with judges who serve for a life term.

I know President Obama once argued in favor of what he called an empathy standard in judicial decision-making, but that is not my standard, and I know it is not Judge Kavanaugh's standard either. It is another way to call for results-oriented judging, which is the opposite of what a good judge should do.

As a former judge and justice of the Texas Supreme Court, I believe those who serve in the judicial branch must put their personal beliefs aside and apply the law as written and faithfully interpret those laws passed by Congress, signed into law by the President, as well as interpreting the text of the Constitution. If they want to be policymakers, they ought to run for Congress. They ought to be subject to the vote of the electorate. They ought to run for school board. They ought to run for city council. If you want to be a judge, you have to take an oath to do something different from serving in those sorts of political offices.

It is crucial that as this process begins to unfold, we remember that. It is important that the President's nominee not be subjected to personal attacks from the angry and unhinged element we have seen already reflected on our TV screens and that at times seems to forget that judges in our political system are not charged with making the law or making policy but rather interpreting the law and the Constitution and the laws written by the Congress and signed by the President.

Based on what we have seen so far, the confirmation process will no doubt be contentious. We have seen activists already encourage Members of the Senate to abandon civility and decorum, and I hope we resist. We have seen some of our colleagues already engage in various publicity activities and talk about battle lines being drawn, as if this is some sort of war to be fought. They indicated their unwavering opposition to the President's nominee before we even knew who the nominee might be. One of our colleagues came to the floor of the Senate before the nomination was announced and said he would oppose whomever President Trump were to nominate. Well, that should tell us a lot—that it is not about the individual, it is about the office, and it is about kowtowing to a political base that demands opposition at all costs and at all turns to anything this President might do, no matter how qualified the nominee might be.

In the days ahead, I think we can predict from experience that these attacks will continue. Some of our colleagues will demand that Judge Kavanaugh reveal how he will rule in a particular case in exchange for their vote. How corrupt would that be, to insist that the judge tell you ahead of time how he would rule in a particular case in exchange for a vote for confirmation? That would clearly be wrong. It would be wrong for any judge, without hearing the case—the arguments of the lawyers, the facts of the case—to prejudge an outcome. That, again, is not what judges do. They don't run for office based on a political platform as do the political branches of government. Those of us who run for office for the Senate or the House are happy to talk about what we believe in and what we would do if elected to office, but that is not what judges are supposed to do.

What is more, there is clear precedent for resisting those sorts of guarantees ahead of time. Justice Ruth Bader Ginsburg said during her own confirmation process that sort of assurance is completely inappropriate. Justice Ginsburg gave what I think is the correct response to such requests, saying she would offer no hints, no forecasts, no previews of her rulings.

Trying to predict how ethical Justices will decide particular cases is a futile endeavor because, for good judges, it depends on learning the facts as well as entertaining the legal arguments by the lawyers involved, not

coming into it with a preconceived notion of how you would rule in any case under any facts involving a particular topic. Sure, hypotheticals can be dreamed up, but no judge knows the right decision until he or she studies the case before them.

I can tell my colleagues, we relish the opportunity to support and defend the President's nominee against any and all baseless attacks. We will not back down. We will not surrender the field to those who make unjustified criticisms of the nominee or attribute to him some characteristic or some experience which is entirely false. We will defend the record of Judge Kavanaugh, who I believe is a thoughtful and willing public servant, against deliberate attacks to denigrate him. We will not allow others to distort the nature of his previous judicial decisions or use him as a sacrificial lamb in some sort of vengeance campaign against this President. We pledged that same level of support for Justice Gorsuch, and we showed we were able to do just that—defend the President's nominee against unjustified attacks—and will do so again, joined by Judge Kavanaugh's many other supporters, including those who do not share his political or judicial philosophy.

I noted today a liberal law professor, Akhil Amar, who wrote an opinion piece saying that, yes, even liberals should support this nominee, and he gives his reasons why. You can read it for yourself in the New York Times, but the stakes are simply too important to let unfair and inaccurate accusations be made about the nominee without correcting them. The American people deserve better. This nominee deserves better.

The American people demand judges like Brett Kavanaugh, who are fair and independent arbiters of the law. The basic problem is, in recent years, some have viewed the court as a way to circumvent and evade the political process and achieve their preferred policy outcomes when judges pronounce some radical change in the law or public policy from the bench without the chance for voters to vote on that individual or on those policies. Many have come to see this as an end-run around the normal political process. Those who can't win at the ballot box, well, let's win on the court, but that is not the right philosophy. That is not the one preferred by most Americans, nor shared by the Founding Fathers of this country or evidenced in the Constitution.

During the first 18 months of this administration, President Trump has nominated, and we have confirmed, 42 members of the Federal judiciary, including Justice Gorsuch. Next on our list is Judge Kavanaugh. So we look forward to doing our duty under the Constitution to vet the nominee, to ask the tough questions, to have the debate and then the vote in the Judiciary Committee, and then bring that nominee to the floor of the Senate and have that debate and that vote here.

Vote we will this fall on this nominee, and I trust we will keep the same sort of timeframe we have seen applied impartially in cases like Justice Sotomayor, Justice Kagan, and Justice Gorsuch. There is no reason to drag this out other than for partisan, political purposes.

So let's do our job. Let's be dignified about it. Let's not engage in unnecessary name-calling or falsely attribute to the nominee beliefs he does not have or make wild, unhinged predictions about what may happen to the Supreme Court were he to be confirmed.

I look forward to confirming this new equally outstanding nominee this fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I come to the floor to talk for just a few, quick moments about what the stakes are as we begin this debate over a new swing vote on the U.S. Supreme Court.

This is a fairly simple chart listing off a number of preexisting conditions that tens of millions of Americans have. What it says is, the Supreme Court could take away your healthcare if you have a history of cancer, diabetes, heart disease, strokes, cerebral palsy, mental illness, ALS, lupus, epilepsy, Parkinson's—the list goes on.

The reason for this is, the new priority for those who oppose the Affordable Care Act and the protections that are built in it for Americans who are sick or have ever been sick—their new strategy is to use the court system as a means to try to invalidate the protections in the law for people with preexisting conditions—protections, by the way, Republicans said they supported during the debate over the Affordable Care Act.

The case currently before the district court level, *Texas v. United States*, has drawn interest because of an exceptional decision by the Trump administration. The Trump administration has decided to weigh in on behalf of the petitioners, abandoning the traditional role of the executive to defend a statute. Traditionally, an executive will defend a statute regardless of whether they politically support it because who else will defend a statute if not the Department of Justice and the U.S. Government?

In this case, the Trump administration is going to court to argue the U.S. Congress cannot, under the Constitution, provide protection to people with preexisting condition against discrimination and rate increases from insurance companies. Now, this should freak out the tens of millions of Americans who have preexisting conditions because without the protection in the law today, healthcare will be unaffordable and unavailable to the over 100 million Americans who have any history of disease.

Given the importance the Trump administration has placed on this case by weighing in, in this exceptional, unprecedented way on behalf of those who

are trying to pull apart protections for people with preexisting conditions, we have to expect, we have to prepare for the fact that this case may move from the district court to the appellate court and eventually to the Supreme Court. If it does, this seat we are about to debate will likely, potentially, be the deciding vote as to whether Americans in this country who have preexisting conditions will continue to be able to get healthcare. So I just wanted to come to the floor, as we start, to set the table for this conversation to make very clear what the stakes are.

The Trump administration has taken the exceptional position of arguing against people with preexisting conditions, saying Congress cannot, by law, protect people with preexisting conditions. President Trump, as a candidate, made it very clear that his priority was to put Justices on the Court who would correct for the fatal flaw of John Roberts. He identified that fatal flaw as John Roberts' defense of the Affordable Care Act. He made a promise he wouldn't make that mistake again; that he would not put somebody on the Court who would vote to uphold parts of the Affordable Care Act.

You have to take the President at his word. Most of the things he said he would do as President of the United States, when he was a candidate, he has done. A lot of folks here didn't take him seriously—didn't think he would really try to unwind NATO, didn't think he would really try to ban Muslims from the United States, didn't think he would pursue this crazy idea of a wall. He did all those things.

So let's take him at his word when he says he is not going to appoint a Supreme Court Justice who will uphold the Affordable Care Act, and the case that is moving up to the Supreme Court today is a case that would take away protections for people with preexisting conditions.

Second, he essentially outsourced the decision over who would be his nominee to these two political groups: the Federalist Society and the Heritage Foundation. We know where the Heritage Foundation is on the Affordable Care Act. They have basically made it their mission, over the course of the last 7 years, to try to destroy the Affordable Care Act. They have essentially written the legislation that has been put before this Congress, on a variety of occasions, to try to replace the Affordable Care Act with something that provides no protections for people with these illnesses, but the Federalist Society is in this game, too, of trying to attack the Affordable Care Act.

In one of the main judicial attacks on the Affordable Care Act, *NFIB v. Sebelius*, one of the lead counsels of record was a Federalist Society member, and 24 other Federalist Society members signed and filed amicus briefs in support of this judicial attack against the Affordable Care Act and the protections for preexisting conditions.

The Heritage Foundation and Federalist Society have been in the business of trying to take away protections for people with preexisting conditions from the beginning of this fight. So when you outsource the selection of the Supreme Court Justice to those groups, you know whom you are going to get. You are going to get a Justice who is going to vote to unwind these protections. You don't have to do that kind of supersleuthing because the President effectively already told you he was going to appoint someone who would remedy the fatal sin of John Roberts, which was to uphold at least a central tenet of the Affordable Care Act.

I understand what Senator CORNYN is saying; that we should just accept that the nominee, when he comes before the Judiciary Committee, isn't going to answer any questions and that we shouldn't assume anything we don't know, but we have some pretty good evidence thus far. In addition, we have Judge Kavanaugh's writings, Judge Kavanaugh's attacks in his judicial opinions on the Affordable Care Act.

Seven-Sky is a really interesting case that came before the DC Circuit Court. It essentially, in the end, upheld the constitutionality of the individual mandate. Judge Kavanaugh dissented. I will admit, it was an interesting dissent, and people should read it, but in that dissent, he goes out of his way to suggest that Congress has gone far afield from its constitutional limitations in adopting the Affordable Care Act.

He wrote in his dissent that the individual mandate is "unprecedented on the federal level in American history" and predicted that upholding the mandate would "usher in a significant expansion of congressional authority with no obvious principled limit." Those are extraordinary words.

It is interesting because if you read the dissent, it, in fact, hints that ultimately the individual mandate can be upheld as a tax. So I acknowledge the subtleties in that dissent, but that is an extraordinary phrase, that upholding the individual mandate would "usher in a significant expansion of congressional authority with no obvious principled limit." The obvious limit is the Constitution, and the idea that judges would decide what the principled limit is, other than the Constitution, I think is something that should be part of our debate. The fact that Judge Kavanaugh went out of his way to talk about his fears as to how broad the Affordable Care Act may be, in addition to his inclusion on the Federalist Society and Heritage Foundation list and in addition to Trump's very clear signaling that he is only going to appoint a judge who is willing to overturn the Affordable Care Act, tells you that if you have any of these conditions, you are in the crossfire right now.

One hundred thirty million people in America have preexisting conditions.

Let's take a few of these just to give a sense of the scope of the threat. There are more than 15.5 million cancer survivors in the United States today; 23 million Americans have been diagnosed with diabetes; there are about 100 million adults who have high blood pressure, about 100 million more who have high cholesterol; 26 million Americans diagnosed with asthma; 44 million Americans have mental illness; 400,000 diagnosed with multiple sclerosis; and 28 million diagnosed with heart disease.

Without the protections in the Affordable Care Act, if you have these diagnoses, you likely will not be offered healthcare. That is what happened prior to the protections for people with preexisting conditions; you just weren't even offered a plan if you had some of these conditions. But if you were offered coverage, you were offered them at rates that were unaffordable.

Here is some data based on CMS's calculations around operated risk adjustment methodology. They say that for folks who have diabetes without complication, the increase in rates without protections for people with preexisting conditions could be about \$5,600 a year. If you have a drug dependence, if you have an addiction, the increase could be \$20,000 a year. If you have had a heart attack or a history of serious heart disease, your increase could be \$60,000 a year. If you have metastatic cancer, you could be paying a 3,500-percent premium; that is, \$140,000 in additional surcharge a year. Obviously nobody can afford that. That is why, if you have a history of metastatic cancer, you are not getting offered insurance unless you have that protection. Those are the stakes.

I want to make people understand that we are going to have a big debate over what Judge Kavanaugh will mean for the future of reproductive choice in this country, women's access to contraception. Those are really, really important debates. But I want everyone to understand that this case is coming; *Texas v. United States* is moving through the court system. It is moving through the court system, in part, because the Trump administration is trying to get the judicial branch to invalidate protections for people with preexisting conditions. Despite the fact that the President told us he liked that part of the law, he has now instructed his judicial department, instructed the Office of the Attorney General to try to strip away protections for people who have high cholesterol, mental illness, cerebral palsy, multiple sclerosis, and it may mean this seat on the Supreme Court is going to decide that case. I think we can be pretty sure of how Judge Kavanaugh is going to rule. His hostility to the Affordable Care Act in his writings, his inclusion on lists by groups that have worked for years to undo these protections, and the clear signal from the President that he was only going to pick individuals for the Court who would unwind

the Affordable Care Act tell you how big the stakes are.

The Supreme Court could take away your healthcare if you have any of these diseases, and the likelihood that they will take away your healthcare if you have any of these preexisting conditions is radically increased if Brett Kavanaugh is confirmed. I announced last night that I will oppose his nomination, and I will be on the floor talking at length about many of the reasons this body should reject his nomination. At the outset, I wanted to make clear that this debate over the future of preexisting condition protections for people in this country—130 million people who have preexisting conditions—needs to be at the center of this conversation regarding Brett Kavanaugh's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Connecticut. Certainly I am happy he is bringing to the attention of the Senate this critical issue of the future of the Supreme Court and the impact it will have on families across America. Certainly, when it comes to something as basic as our health insurance, we understand this.

There are forces at work in Washington in the Trump administration that are trying to put an end to the Affordable Care Act, and in Congress, many Members of Congress—the House and the Senate—have voted 60 times to repeal the Affordable Care Act. We barely saw it survive just a few months ago when Senator JOHN MCCAIN, in the middle of the night, came and stood in that well and voted no, along with two other Republican Senators. They saved the Affordable Care Act.

Most Americans had their own questions about the Affordable Care Act and how important it was, but they couldn't understand how the Republicans would come to us and say "Get rid of it" and have no replacement.

We realize, as the Senator from Connecticut just explained, that under the old rules with insurance companies, under the old rules, many of us were victims. If you had someone with a preexisting condition in your family—perhaps you had diabetes, perhaps your child was a cancer survivor, had asthma, or so many different things—health insurance was very expensive, if you could get it. We changed the law. We said: You can't discriminate against an American because someone in their family has had a preexisting condition. Everybody is in the same pool in America. We are going to join together.

Well, now the Trump administration has said they are going to fight that in court. They are going to try to declare it unconstitutional to protect people with preexisting conditions, so they filed a brief in a lawsuit—a lawsuit that is wending its way to the Supreme Court. When the Senator from Con-

necticut, Mr. MURPHY, came before us and talked about the new nominee to fill the vacancy on the Supreme Court, it is important that he focused on the impact it could have on ordinary people.

Most Americans, put to the test, couldn't name the Justices on the U.S. Supreme Court. Well, they know it is a big Court, an important Court, the highest Court in the land, but they don't know who is there until we get into this kind of debate. As we do, people tend to learn a lot more about the Justices and what their core beliefs are.

When it comes to Judge Brett Kavanaugh, who now sits on the DC Circuit Court of Appeals, he has a lengthy record—12 years of opinions as a judge, not to mention all the years before that when he was active politically in Washington, DC. Senator MURPHY of Connecticut is correct to note that his approach to the law and his approach to the Constitution do not give us great hope in preserving the protections on health insurance that are part of the Affordable Care Act. One decision by that Supreme Court could undo years of legislative work and literally remove protections from families. We are talking about that today. We should be talking about that today. But it isn't what we are voting on today, and that is why I have come to the floor.

NOMINATION OF BRIAN BENCKOWSKI

Mr. President, back on page 8 of the Executive Calendar of the United States Senate, there is a long list of nominations that are pending before the Senate, and one of these, Calendar No. 639 on the Message No. 1402, is the name Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General. You would have to search the Executive Calendar to find it, but it is going to be voted on this afternoon in the Senate.

Is it another routine nomination? Not at all. This position in the Department of Justice is the Assistant Attorney General for the Criminal Division, who is the leader and is responsible for over 600 Federal prosecutors who are prosecuting cases across the criminal spectrum from treason against the United States to the opioid crisis and everything in between—600 men and women, career prosecutors, prosecuting the laws, the cases on behalf of the U.S. Government. President Trump has suggested that he wants this man, Brian Allen Benczkowski, of Virginia, to be in charge of those 600 prosecutors.

Is this a big assignment? In the Department of Justice, it is one of the biggest assignments. This person will be directing the cases that are filed on behalf of the United States of America, critical cases for protecting our national security, critical cases relative to crimes that are being committed, critical cases when it comes to our rights as citizens. He will be leading 600 Federal prosecutors.

Is it not reasonable for us to ask a basic question about Brian Allen Benczkowski, of Virginia? We did so in the Judiciary Committee, and here is the question we asked: Mr. Benczkowski, you are seeking the position of Assistant Attorney General in charge of the Criminal Division with 600 prosecutors that you will direct. Please tell the committee how many cases you have prosecuted. As a lawyer—first, how many civil cases have you tried.

The answer? None.

Oh, well, how about criminal cases? How many criminal cases have you prosecuted in your lifetime as a lawyer? None.

How many motions have you argued before a Federal court? None.

Wait a minute. You are being chosen to head up the Criminal Division of the Department of Justice, and you have no experience? You have never prosecuted a case ever—never once been in a Federal courtroom, not one time?

So far, President Trump has sent us a record number of nominees for the Federal courts, and I will tell you, as a member of the Senate Judiciary Committee, all but a few have been approved. I think some of them are awful choices, and some are good. But the awful choices are men and women who have said and done things in their legal practice and private lives that really raise serious questions about whether they have the temperament to be a Federal judge.

With few exceptions, all of the Republicans on the Senate Judiciary Committee have voted every time for Trump nominees. Two exceptions were a district court nominee for Washington DC and a district court nominee for Alabama, and in both of those cases, the people who were being appointed by the Trump administration to a lifetime appointment in a Federal district court had no experience in a Federal courtroom.

I can tell you that one of the hearings on one of the Trump nominees—and I will not bring his name up for the record, but you can find it if you wish—cross-examination by a Republican Senator on our committee, Senator KENNEDY of Louisiana, was devastating. This Trump nominee couldn't find his way to a Federal courthouse with GPS. He had no experience whatsoever in trying a case, so the decision was made to withdraw his nomination. Only rarely in a year and a half have Trump nominees been so unqualified that they have withdrawn their nominations.

Now, this afternoon, we consider Brian Allen Benczkowski, of Virginia, to head up the Criminal Division of the U.S. Department of Justice, a man with no trial experience—none—in a Federal courtroom, not in a civil case, not in a criminal case.

There is more to the story. Why is he here? He is here because at one point in his career he was staff director to then-Senator Jeff Sessions of Alabama. He

worked on the Senate Judiciary Committee. I remember seeing him. He looked like a competent, affable Senate staffer. We didn't have any direct relationship. Now that Senator Sessions has been elevated to Attorney General, he wants this staffer, Brian Allen Benczkowski, to head up one of the most important divisions in the Department of Justice. That is his connection. That is his angel. That is why his name is on this calendar. That is why the Trump administration chose him.

If that were the end of the story, it would be bad enough—someone with no experience whatsoever prosecuting a case to head up 600 Federal prosecutors. But as they say, and as Paul Harvey used to say, there is more to the story.

You see, what happened was this—and follow me if you will. After Donald Trump won the Presidency and was in his transition period, Mr. Benczkowski left his private practice of law to be part of the Trump transition team assigned to the Department of Justice. Between November and January, the swearing-in, he served on that transition committee, trying to smooth the way for the new administration to take over the Department of Justice.

At the end, when President Trump was sworn in, Mr. Benczkowski left the transition committee and went back to his private practice here in Washington for a well-known firm. But before he returned to that firm, he asked the Trump administration and his former boss, I hope you will consider appointing me as a U.S. attorney somewhere in the United States.

Remember, he has no experience—none. He has never prosecuted a case, but he suggested that he wanted to be considered for that lower level position—compared to the head of the division—as he returned to private practice.

He went back to his law firm, and follow the story. He goes back to this law firm, and one of the partners at the law firm calls him in and says: I need you to take over a case to represent one of our firm's clients. The client is known as Alfa Bank. It is a Russian bank, and it is a Russian bank, as I describe the story, that is very significant in terms of our conversation today about the Russian impact on the U.S. election. Alfa Bank needed Mr. Benczkowski to look at the so-called Steele dossier. Do you remember that? It was the memo that came out about then-Candidate Trump and things that were alleged that occurred in Russia. Well, they said to Mr. Benczkowski: Represent the Alfa Bank because their name popped up in the Steele dossier, and we think it is terrible, and they want to consider a defamation lawsuit. So Mr. Benczkowski took on the Alfa Bank as a client in reference to allegations made in the Steele dossier.

There is more to the story. During the course of the Trump campaign, there were unexplained pings and con-

tacts between Alfa Bank and the Trump campaign computers—more than one. It is still unexplained as to why this Russian bank would have any access or communication with the computers of the Trump campaign.

The Alfa Bank is not just another corner bank. The Alfa Bank is run by individuals who are oligarchs in Russia. They are closer to Vladimir Putin than you can imagine.

This Alfa Bank is pretty well connected, and they had some communication, still unexplained, between that bank and the Trump campaign. Now, Mr. Benczkowski began representing the Alfa Bank on a question of defamation lawsuits concerning the Steele dossier as well conducting a forensic computer analysis of the server communications.

Wouldn't you think for a moment that if you were Mr. Benczkowski considering the possibility of a job in the Trump administration, you would have said to your law firm: I am not going to touch this one. We have all these allegations about Russian involvement in the campaign. We have some computer contact between Alfa Bank and the Trump campaign. We have this oligarch close to Vladimir Putin personally. We have this Steele dossier, which mentions the Alfa Bank. Wouldn't you think that the average lawyer would say to his law firm: Sorry, I am being considered for a position in the Trump administration. I am not going to get close to the Alfa Bank.

No, Mr. Benczkowski said: I will do the work for the Alfa Bank.

When the time came and he wasn't considered for the U.S. attorney spot, he was considered to head up the Criminal Division of the Department of Justice, and Mr. Benczkowski filed all of these papers about all of his activities—as a Senate staffer, as a lawyer, and all the rest. It came out in the course of that that he had represented the Alfa Bank.

That is not good. It was discovered, with some background checks through the FBI, that he was in that position. He was confronted. Basically, we said in the committee: Are you going to recuse yourself from any matters before the Department of Justice involving the Russia investigation?

He said: No, I will not. I am going to stick with involving myself in the Russia investigation.

What will you recuse yourself from, in light of this representation of Alfa Bank?

I will not take up any cases involving Alfa Bank.

That is it?

That is it.

That is the best we could get from him in terms of recusing himself from any potential conflict of interest. Why is this important at this moment in time? Because at this moment in time, I don't know when Bob Mueller will complete his investigation. I don't know how the White House will react. I don't know what will happen with Attorney General Sessions, who now has

recused himself from the Russia investigation. I don't know what will happen when it comes to any threats to the Deputy Attorney General in terms of his future.

There is a possibility that if this President decides that he is going to take an action that is going to have a direct impact on the Mueller investigation and if he decides, for example, that he is going to remove from consideration of this in the future the Deputy Attorney General who appointed Bob Mueller—I am talking about Rod Rosenstein—a vacancy in that position could be filled on an acting basis by Mr. Benczkowski. He could take up that position.

Is this an important decision, then, back here on page 8 of the calendar, to be voted on this afternoon? I think it is. First, there is the obvious gross incompetence and inexperience of this man to head up the Criminal Division of the Department of Justice; second, the fact that he represented the Alfa Bank, which is under suspicion as to its activities; third, the close connection between Alfa Bank and its owners with Vladimir Putin and Russia; fourth, the ongoing investigation of the Russian involvement in the last election campaign; fifth, the threat that this could occur again in the future; sixth, the fact that we need an aggressive Department of Justice to stand up and protect our democracy and the right to vote of every single American. The list goes on and on.

This is the wrong man for this job. I cannot believe, as a proud Democratic Senator, that the Republican Party couldn't find one experienced prosecutor in the United States to take over the Criminal Division of the Department of Justice. Instead, they are going to give it to a man who has never, ever darkened the door of a Federal courthouse. That is what they are doing.

It shows you the lengths they are going to go to, and it shows you the importance of just another nomination stuck on page 8 on the calendar that will be voted on this afternoon.

Here is the question. It is a majority vote. There are 50 Republican Senators and 49 Democrats in this Chamber. Senator MCCAIN, of course, is ill and hasn't been here for several months. It is 50 to 49, among those likely to attend today. Under the rules, as written in the Senate, a majority vote can move this man forward—Mr. Benczkowski. That is all it takes. What it boils down to is whether or not any Republican Senators see a problem with this nomination. I hope that each one of those Senators will reflect on the fact that they personally know a handful of individuals, maybe more, who are more qualified to take on this critical job than Mr. Benczkowski. Please join us in stopping this nomination. Let's put somebody in this job who understands it, who has experience.

How many people would walk into a lawyer's office and say: I would like

you to represent me. Have you ever had a case like mine before?

And the lawyer says: No, I have never seen one like this and have never represented anybody like you.

And the client would reply: Perfect, that is just what I am looking for, someone who is so inexperienced and so incapable of representing me that I can't wait to pay their fee.

Let's not pay the fee to Mr. Benczkowski. Let's return him to his private practice.

Mr. President, I ask unanimous consent that a letter to President Trump urging the withdrawal of Mr. Benczkowski's nomination, dated May 9, 2018, and signed by all Democratic members of the Judiciary Committee, be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, May 9, 2018.

President DONALD TRUMP,

The White House,

Washington, DC.

DEAR MR. PRESIDENT: We urge you to withdraw the nomination of Brian Benczkowski to be Assistant Attorney General for the Department of Justice's Criminal Division and to submit another nominee for this important position.

With new information about Russia's election interference continuing to come to light and with a federal criminal investigation ongoing, it is imperative that we have a head of the Criminal Division who is free and clear from Russian connections. Mr. Benczkowski's representation of the Putin-allied Alfa Bank and his refusal to recuse himself from Russia-related matters mean that he will not be able to credibly oversee the Division's involvement in Special Counsel Mueller's investigation and other sensitive matters such as the criminal investigation of Michael Cohen. Furthermore, at a time when the Department of Justice's handling of criminal matters has come under intense public scrutiny, it is essential that the Criminal Division have an experienced and well-qualified leader whose judgment and independence are beyond reproach. Mr. Benczkowski, who has no prosecutorial experience, does not meet these criteria. Simply put, Mr. Benczkowski is not the nominee our country needs at this critical moment.

The Assistant Attorney General for the Criminal Division must oversee and manage litigation strategy for hundreds of federal prosecutors handling a wide range of criminal cases. Mr. Benczkowski, however, has never served as a prosecutor, nor has he ever tried a case. While Mr. Benczkowski does possess experience as a top aide to then-Senator Jeff Sessions and in various Department of Justice staff positions, this does not qualify him to lead the career prosecutors of the Criminal Division. His dearth of courtroom experience makes him ill-suited for the position he now seeks.

Mr. Benczkowski also demonstrated poor judgment by choosing to represent Alfa Bank, a Russian bank controlled by Putin-allied oligarchs, in March 2017—while he was seeking employment in the Justice Department and despite public reports that the bank was under FBI investigation for suspicious computer server contacts with the Trump Organization. He continued representing Alfa Bank in April and May 2017 even while he was under consideration to head the Criminal Division. At a time when we need the Department of Justice's Crimi-

nal Division to help uncover, prevent, and deter Russian interference in our democracy, Mr. Benczkowski's choices so far have not inspired confidence that he is the right person to lead that fight.

Additionally, unanswered questions remain about Alfa Bank that should be resolved before the Senate even considers voting to confirm this bank's lawyer to a top Justice Department position. The Senate does not know if Alfa Bank has been, or still is, under federal criminal investigation, nor do we know the full story behind Alfa Bank's suspicious contacts with the Trump Organization during the 2016 campaign. The work that Mr. Benczkowski did for Alfa Bank, which included reviewing the Steele Dossier for a potential defamation suit and overseeing a forensic data firm's analysis of Alfa's computer server contacts, in no way put to rest the serious questions about Alfa Bank's activities. It would be an abdication of the Senate's advice and consent role to confirm Mr. Benczkowski without first getting answers to these crucial questions.

We are further concerned about Mr. Benczkowski's capability to serve as an independent leader of the Criminal Division. Mr. Benczkowski has worked closely in the past with Attorney General Sessions and sought his help obtaining a Justice Department job in the Trump Administration. We are troubled by Mr. Benczkowski's refusal to commit to recuse himself from Russia-related matters if confirmed, and also by the Department's refusal to identify steps that would be taken to prevent Mr. Benczkowski from learning information about Special Counsel Mueller's investigation and relaying that information to Attorney General Sessions in contravention of the Attorney General's recusal commitments. Also, if confirmed Mr. Benczkowski would have visibility into the criminal investigation and potential prosecution of Michael Cohen, who reportedly sought to pursue business deals in Russia, among other alleged activities. Attorney General Sessions has reportedly declined to recuse himself from the Cohen matter, and Mr. Benczkowski, if confirmed, could serve as a conduit of information to the Attorney General about this sensitive matter, which may implicate the Russian interference investigation. We need a head of the Criminal Division who will instill confidence that recusal obligations will be respected and that criminal enforcement decisions will be made independently based solely on the facts and the law. Because of his own inadequate recusal commitment, Mr. Benczkowski does not inspire this confidence.

Many of us know Mr. Benczkowski and we respect his public service. But we can, and must, do better when it comes to the nominee to head the Justice Department's Criminal Division. There are many well-qualified attorneys who have significant prosecutorial experience, who are free and clear from Russian connections, and whose independence and judgment are unquestioned. Mr. Benczkowski is not such a nominee. We urge you to withdraw Mr. Benczkowski's nomination and send the Senate a new nominee who meets that standard.

Sincerely,

Richard J. Durbin, Dianne Feinstein, Patrick J. Leahy, Amy Klobuchar, Richard Blumenthal, Cory A. Booker, Sheldon Whitehouse, Christopher A. Coons, Mazie Hirono, Kamala D. Harris.

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

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

Mr. JONES. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. JONES pertaining to the introduction of S. 3191 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JONES. I yield the floor.

Mr. VAN HOLLEN. Mr. President, I rise to support Mark Jeremy Bennett's nomination to serve as a judge on the U.S. Court of Appeals for the Ninth Circuit.

Mr. Bennett's nomination is how judicial nominations should work. His name was not on a rightwing wish list created by outside groups. Instead, the White House worked closely with both of Hawaii's Democratic Senators to find a consensus nominee that would get broad bipartisan support.

Senators are constitutionally directed to provide the executive branch with advice and consent. I encourage the White House to continue to consult with Members of both parties on all future nominees.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, I come to the floor to discuss my strong opposition to the nomination of Judge Kavanaugh for a lifetime appointment to the U.S. Supreme Court.

There are few issues I take more seriously as a Senator than my duty to consider and vote on Supreme Court nominees. It was watching the Clarence Thomas hearings and seeing how my voice and the voices of people like me all across the country were not being heard that got me to run for the Senate in the first place. I believe it is one of the most important jobs we have on behalf of our constituents.

During my time in the Senate, I have had the opportunity to consider nominees from Democrats and from Republicans. For each one of these nominees, I made my evaluation and based my decision on their experience and record and on my understanding of whether they would uphold the Constitution and protect our rights and freedoms.

I voted for some of them, including a nominee from President Bush. I voted against some of them, each on their merits and each based on how I thought they would serve, but this time is different. There will still be scrutiny. There absolutely needs to be. This time we know everything we need to know already. This time, the bal-

ance of the Court is on the line. We know exactly where this nominee will fall on specific issues, no matter what vague answers he chooses to deliver throughout this process. We know this because President Trump told us openly, publicly, and repeatedly.

More than any President I have seen, he has been explicit about what he expects from his nominee. He has laid out specific tests and promised to only pick nominees from a prescreened list of people who would absolutely meet them.

Here is what he has said, and here is how we know exactly what this nominee will do. President Trump has said he wants a nominee who is fully committed to overturning *Roe v. Wade*, criminalizing abortions, and rolling back women's ability to access contraception and other basic healthcare.

On the campaign trail, he promised that *Roe v. Wade* "can be changed" and that he was going to be "putting pro-life justices on the court" so that it would be overturned "automatically."

He has said he wants a nominee who would immediately declare healthcare reform unconstitutional and cut off access to care for people with preexisting conditions.

On the campaign trail, he criticized Chief Justice Roberts because he—this is him—"should have, frankly, ended *ObamaCare*, and he didn't" and promised "a strong test" for a "strong conservative" who would be different from Roberts on healthcare.

He has made it clear that he wants a nominee who would keep handing more power to massive corporations and the wealthiest Americans and keep diluting the power of regular voters. He has made it clear that he wants a nominee who would eliminate protections that preserve the air we breathe and the water we drink. He has made it clear that he wants a nominee who would roll back the rights and freedoms for our workers, for LGBTQ Americans, and for so many others.

So there is no doubt. It could not be any clearer. For a nominee who would swing the balance of the Court—I am going to believe that President Trump has told us the truth, and I am going to believe that the extreme rightwing groups who wrote this list for him are sure about where this nominee stands.

So I want to be very clear to anyone who may doubt it or who may think they need to learn more before making a decision. A vote for President Trump's Judge Kavanaugh is a vote to allow five men on the Supreme Court to overturn *Roe v. Wade*, criminalize abortion in America, and roll back the progress we have made to help more women and girls access the basic healthcare they need. A vote for President Trump's Judge Kavanaugh is a vote to put the government, bosses, and men in charge of the reproductive rights and freedoms of women and girls. A vote for President Trump's Judge Kavanaugh is a vote to go back to the days when women had to go into

back alleys for healthcare, when women had to ask for permission, when women were shamed, and when women and girls died because of the laws of our land. We unfortunately already know all too well what this looks like because there are States nationwide where extreme politicians have chipped away at women's healthcare rights and have been waiting for exactly this moment—for someone exactly like Judge Kavanaugh—to go even further.

But that is not all. A vote for President Trump's Judge Kavanaugh is a vote to end protections for people with preexisting conditions and go back to the bad old days when insurance companies were in charge and people would have to pay more or be cut off from care simply for being sick.

A vote for President Trump's Judge Kavanaugh is a vote to give massive corporations even more power over our economy, our workers, and our elections.

A vote for President Trump's Judge Kavanaugh is a vote to eliminate environmental protections and make our air and water dirtier and less safe, erasing so much of the progress we have made in recent decades.

A vote for President Trump's Judge Kavanaugh is a vote to step back from the progress we have made to expand rights and freedoms and basic human decency to LGBTQ Americans.

I could go on, and in the coming days and weeks, as we learn even more about the ways Judge Kavanaugh will fulfill President Trump's promises, I absolutely will.

I voted against Judge Kavanaugh when he was nominated for the circuit court, and I strongly oppose this nomination now. I will be urging my colleagues to stand with me in rejecting him and calling on President Trump to send us someone who will stand with women and workers and families and who will truly commit to respecting settled law and the rights and freedoms we hold so dear.

I will be here urging people across the country to stand up and speak out and make their voices heard.

This is a critical moment right now. The U.S. Senate has the power to stop this Court from swinging against our rights and freedoms, and every Senator needs to know they will be held accountable for their vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and that the Chair lay before the Senate the message to accompany H.R. 5515.

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

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 5515) entitled "An Act to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

COMPOUND MOTION

Mr. MCCONNELL. Mr. President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and authorize the Chair to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on the motion.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m. today the Senate resume legislative session and vote on the pending compound motion; further that if the motion is agreed to, Senators Cornyn and Reed each be recognized to offer a motion to instruct conferees; that the Senate vote on the motions in the order listed with no further action on the motion; that there be 2 minutes of debate between each vote, equally divided in the usual form; and that following disposition of the Reed motion and the appointment of conferees, the Senate resume executive session.

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

EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now resume executive session.

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 12:36 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. Under the previous order, all postcloture time has expired.

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

Mr. RUBIO. 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 72, nays 27, as follows:

[Rollcall Vote No. 145 Ex.]

YEAS—72

Alexander	Harris	Nelson
Baldwin	Hassan	Perdue
Bennet	Hatch	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Roberts
Brown	Hirono	Rubio
Cantwell	Hyde-Smith	Sanders
Capito	Johnson	Schatz
Cardin	Jones	Schumer
Carper	Kaine	Shaheen
Casey	Kennedy	Shelby
Cassidy	King	Smith
Collins	Klobuchar	Stabenow
Coons	Leahy	Tester
Corker	Lee	Tillis
Cornyn	Manchin	Toomey
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	McConnell	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Gillibrand	Murkowski	Wicker
Graham	Murphy	Wyden
Grassley	Murray	Young

NAYS—27

Barrasso	Ernst	Moran
Blunt	Fischer	Paul
Boozman	Flake	Portman
Burr	Gardner	Risch
Cotton	Heller	Rounds
Crapo	Hoeven	Sasse
Cruz	Inhofe	Scott
Daines	Isakson	Sullivan
Enzi	Lankford	Thune

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 Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General.

Mitch McConnell, Steve Daines, Chuck Grassley, Tom Cotton, John Kennedy, Marco Rubio, Thom Tillis, Mike Crapo, Orrin G. Hatch, John Barrasso, John Boozman, David Perdue, James Lankford, John Cornyn, Roger F. Wicker, John Thune, John Hoeven.

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 Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General, 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. HOEVEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 146 Ex.]

YEAS—51

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

NAYS—48

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

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

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 Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from South Dakota.

NOMINATION OF BRETT KAVANAUGH

Mr. THUNE. Mr. President, there are a lot of things you need to know when you are considering voting on a candidate for Congress—for example, what are his or her views on healthcare, taxes, the military, the economy, the First Amendment? The list goes on and on. When it comes to judges, there are only two important questions: One, is this individual well-qualified, and two, does this person understand the proper role of a judge? Unlike legislators' opinions, judges' political opinions should be irrelevant because a good judge will leave his or her political opinions outside the courtroom door. A good judge knows that her job is to

judge based on the law and the facts, not political opinions or personal feelings.

Supreme Court Justice Antonin Scalia, whom we lost in 2016, had this to say about the proper role of a judge:

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

Current Supreme Court Justice Neil Gorsuch has said more than once that "a judge who likes every outcome he reaches is very likely a bad judge."

Last night, the President nominated Judge Brett Kavanaugh to be the next Supreme Court Justice. This is another outstanding pick from President Trump. Like Justice Scalia and Justice Gorsuch, Judge Kavanaugh understands that the job of a judge is to interpret the law, not write it; to judge, not legislate; to call balls and strikes, not rewrite the rules of the game.

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, he has had an outstanding career as a judge on the DC Circuit Court of Appeals, where he has handed down thoughtful, well-reasoned decisions that reveal his deep respect for the law and the Constitution. His opinions have been endorsed by the Supreme Court more than a dozen times and are regularly cited by courts around the country.

I am looking forward to sitting down with Judge Kavanaugh during the confirmation process. We are going to follow regular order on this nominee, just as we did with Justice Gorsuch. The Judiciary Committee will vet Judge Kavanaugh, and Senators of both parties will have the chance to sit down with him before the full Senate votes on his nomination this fall.

Unfortunately, a number of Senate Democrats have already made it clear that they are going to make this process as partisan as possible. One Democratic Senator—the senior Senator from Pennsylvania—put out a statement yesterday announcing his intention to oppose the President's Supreme Court nominee before the President had even made his announcement. That is right—the Democratic Senator from Pennsylvania decided he wasn't even going to pretend to examine the nominee's qualifications. Instead, he announced his intention to oppose the nominee before he even knew whom he was opposing. That is, unfortunately, par for the course for the Democratic Party.

If one thing has been clear since Justice Kennedy announced his retirement, it is that Democrats are not interested in a nominee's qualifications or commitment to the rule of law; they are interested in a nominee's political opinions. They are ready to disqualify any nominee who doesn't share their political views.

Democrats' apparent belief that the only good judge is a judge who will use his role to advance their agenda is deeply disturbing. It betrays Democrats' failure to understand or their decision to ignore the fundamental purpose of the judiciary. Our judicial system was designed to secure the rights of citizens under the law, not to serve as the arm of a particular political party. Nobody's rights can be secure when judges start ruling based on political ideology instead of on the law.

Fortunately for the rule of law, President Trump doesn't believe in nominating judges based on their agreement with his personal opinions. Instead, he believes in nominating judges who understand that their job is to rule based on the law and the Constitution. That is exactly what he has done with Judge Kavanaugh.

I look forward to the process the Senate will undertake, starting with examining this judge's record, having hearings in the Judiciary Committee, and ultimately having a debate on the floor of the U.S. Senate and eventually a vote on this judge, this nominee's nomination to the Supreme Court.

It is an important matter, one that the Constitution charges the Senate with and one that we need to take very seriously. I intend—as I hope most of my colleagues do—to give fair consideration to this very qualified nominee, to examine his record, have him answer the hard questions, and then to have an opportunity to vote up or down.

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

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

TRIBUTE TO THOMAS STEPHENSON

Mr. PETERS. Mr. President, today I would like to recognize a very special Michigander. It is my pleasure to welcome Tom Stephenson of Greenville, MI, and his family to Washington, DC, and to have them in the Senate Gallery right now. Tom is joined by his parents Hollie and Mark, as well as his younger sister Sarah.

Today Tom is fulfilling his wish to be a U.S. Senator for a day with the assistance of the Make-A-Wish Foundation. It is truly an honor to partner with Make-A-Wish to grant Tom's wish.

This wonderful organization creates life-changing wishes for children with critical illnesses, giving them and their families meaningful experiences while bringing communities together.

Tom discovered his passion for government and politics at 8 years old when he joined his grandmother on a trip to Washington, DC. During that trip, Tom met with legislators to advocate for heart defect research. Today he is getting a firsthand look at a day in the life of a U.S. Senator.

From my weekly constituent coffee to meetings with my fellow Senators, briefings, interviews, and even a conference call with the Michigan media, U.S. Senator-for-a-Day Stephenson is getting the full experience.

I am always inspired when I meet young people interested in public service, and I am impressed that Tom chose serving as a U.S. Senator for a day as his wish.

One issue that Tom is particularly concerned about is college affordability and how his generation will prepare for the future. This is a concern I share with Tom and that I know many of my fellow Michiganders share with us. Here in the Senate, I am working to ensure everyone has access to the skills and education that are vital to joining the modern workforce and competing in today's global economy.

I introduced legislation that will reduce the pricetag for higher education by allowing students to complete college-level courses while they are still in high school. I will continue to work with my colleagues on both sides of the aisle to find commonsense solutions that will help make higher education more affordable.

I would like to thank my colleague from West Virginia, Senator CAPITO, for taking time out of her day to meet with me and Tom this morning. We wanted to show him that there is real bipartisanship in the Senate. We discussed how we worked together to enact legislation that will help recent graduates who have defaulted on their loans repair their credit and get back on track.

All of us in the Senate should draw inspiration from Tom. At a time when our country is increasingly polarized and politics can feel toxic, we need smart, hard-working young people to recommit to public service and to making our country a better place.

At 18, Tom is still 12 years away from being eligible to serve as a U.S. Senator, but his passion for our government gives me faith in the future and that our future is bright.

I would like to thank Tom for taking the trip to Washington and spending a long day with me, my colleagues, and my staff. I hope Tom leaves the Senate today with an even deeper interest in our government and a better idea about how we can work together to improve the lives of Michiganders and all Americans.

Although Tom's term as "Senator for a Day" winds down tonight, I am committed to serving as his advocate and voice here. As he prepares to start his freshman year at Michigan State University, I am proud to welcome Tom both as a fellow Senator and as a fellow Spartan. I look forward to everything he will accomplish in the coming years and decades.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NOMINATION OF BRETT KAVANAUGH

Mr. SASSE. Mr. President, one of the most consequential duties of the Senate is the consideration of a Supreme Court nominee. This is the Congress's opportunity to shape the direction of the Federal courts and to defend a judiciary that is focused on laws, not policy. For those of us who have been called to this role for a limited time, this work is important. It will outlast us by decades. None of us should take this duty lightly.

With the appointment of Justice Gorsuch last year and now a record 22 judges to the courts of appeals, the past 18 months have been among the most consequential for the judiciary in the history of the Nation—and that was before Justice Kennedy's retirement.

As significant as these confirmations have been for the last year and a half in the judiciary, the current Supreme Court vacancy is arguably the most important task before the Senate this year. This vacancy is a remarkable opportunity to affirm the role of a judge under our constitutional system of republican self-government.

Fundamentally, this shouldn't be an exercise in policymaking, as vital and important as policymaking can be. Making law is not the job of the courts in any way, shape, or form.

Don't get me wrong. Setting goals and making policy can be very important, but it is done in the open, and it starts at home. Americans answer our biggest questions outside of government with our friends and neighbors, with our communities of worship, in our rotary clubs, and in our small businesses with entrepreneurship and all sorts of volunteerism in America.

With regard to government, policymaking choices are made by the American people through their representatives whom they elect and can hire and fire. To put it bluntly, Members of the Senate and Members of the House of Representatives at the other end of this building can be fired. In fact, 435 of the 535 people we work with in the Congress are always within 23 months and 29 days of being sent back home by the "we the people" who are actually in charge of policymaking in America.

But the Court is different. Nobody back home can fire a Supreme Court Justice. They have lifetime tenure. We should reflect more often on why our Founders decided to give members of the judiciary lifetime tenure. That is why we don't want those judges with their lifetime tenure to be writing laws or making policy. If a judge wants to make policy, he or she should take off the black robe of impartiality and run for office. It is a legitimate thing to do. All of us in this body have done it. We think it is a way to love our neighbor and serve our country, but in our system of "we the people," the voters decide who gets to make policy. Judges have black robes, and they have lifetime tenure. They are not policymakers.

Regrettably, as our ever-fraying sense of common identity in America is falling apart in the eyes of many of our citizens, we are warping the role of the Court and of judges, reducing the role of the Court from the plain and ever-compelling words of *Marbury v. Madison* "to say what the law is," not what some judge wishes it were; we are, instead, seeing the judiciary warped into a profane occupation of pronouncing policy preferences but without any mechanism of meaningful accountability by which the people could still be in charge. We should not let that stand. We should not want to see that perpetual warping of the judiciary into a place of being policymakers—yet policymakers without accountability.

We need a recovery of basic civics in the country about what the role of a judge is and what the purposes of the courts are. We should not let this confirmation process turn into a battle for our own policy preferences that just breaks down our constitutional architecture—the constitutional architecture on which an American free society depends.

Sadly, that is apparently what many people in the Resistance aim to do. They aim to bork Judge Kavanaugh's nomination by any means necessary. We are less than 24 hours into this, and folks are already declaring that if you can't see that Brett Kavanaugh is a cross between Lex Luthor and Darth Vader, then you apparently aren't paying enough attention.

The American people are smarter than that. That kind of charge is silly, and the American people don't want judges who think of themselves as superlegislators.

Unfortunately, far-left super PACs are shouting that we have reached the apocalypse. I was outside last night, right at the edge of the Supreme Court steps. In addition to the signs that were being held up, saying that Brett Kavanaugh was hastening the end of days, there were other signs on the ground, which had been printed with the names of other potential nominees to the Court, about how they were the ones who would bring about the end of days. This isn't true. We need less WWE "Thunderdome" and a lot more "Schoolhouse Rock."

The confirmation process of the Supreme Court nominee should be an occasion to do basic civics with our kids, and it shouldn't be dividing Republicans and Democrats about policy preferences. It should be an occasion for Americans to come together and talk again about why judges wear black robes and why they have lifetime tenure. This should be a test of the character, competence, and constitutional commitments of someone who has been nominated to the judiciary because in the American system, judges have a peculiar role—no more and no less than what article III of the Constitution gives them.

In Judge Kavanaugh, we have a compelling guy. He is a standout dad, and

even his most ardent critic will acknowledge that he is one of the most thoughtful and influential judges on the courts of appeals across the Nation today. He has a ton of impressive opinions to his name, especially on the subjects of separation of powers and administrative law, which are now dominating the docket not only of the DC Circuit Court of Appeals, where he currently sits, but also at the Supreme Court to which he has been nominated.

Judge Kavanaugh was put on the circuit court at age 41—12 years ago—a remarkably young man to be put on such a prestigious court. In his 12 years on the court, he has authored more than 300 opinions. I think the current count is that more than 100 of his opinions have been cited by more than 200 of his peers on other courts across the country. He is truly a judge's judge.

Last night, I heard from people on both the right and left ends of the policy spectrum, but legal experts said to me quotes that were remarkably eerie in their echo: Brett Kavanaugh is always the smartest person in every room he is in, yet when you are in the room, you would never know that he knows it because of his humble manner and his winsome ways.

If my colleagues want to pursue these confirmation hearings as mere naked partisanship, they should actually resign their seats and try to get cable news jobs. But if we want to take our jobs seriously, if we want to have an honest debate, then we should be taking seriously our charge to uphold the three branches of government, their separate responsibilities, and the ways they check and balance one another.

With those more than 300 opinions, we have a lot of homework to do. I am looking forward to beginning to dive further into Judge Kavanaugh's opinions over the course of the last 12 years. I am pretty confident that what we are going to find is a guy who has lots of deference and respect for the limited job that a judge is called to fulfill. I hope my colleagues in this Chamber will join me in diving into those opinions, sort of foreswearing the "Thunderdome" silliness that many people outside are urging us to turn the confirmation process into.

Thank you.

The PRESIDING OFFICER. The Senator from New Jersey.

NATO

Mr. MENENDEZ. Mr. President, I want to start by thanking my colleagues who will be joining me shortly on the floor to voice their support for the NATO alliance. Once again, we find ourselves facing a crisis of President Trump's own creation.

For nearly 70 years, NATO has served as a pillar of stability and security for the United States and our democratic allies across Europe. It was there as Europe rebuilt after World War II. It was there to win the Cold War. It was there to defend the United States after September 11. Yet today, for the first

time since World War II, an American President has given our closest allies in Europe reason to question the trustworthiness of the United States and our reliability as a NATO partner.

President Trump's slapdash approach to foreign policy, borne out of heated campaign rallies instead of thoughtful Cabinet meetings, has real implications for our national security. Such reckless behavior by President Trump has weakened the United States on the global stage and has created a more dangerous world for our citizens and our troops serving abroad.

Today the President is on his way to Europe, and his intentions are clear. President Trump will use every opportunity that comes his way to admonish our allies, alienate our closest friends, and degrade the post-World War II international order in the hopes of winning favor with the dictator from Moscow.

In fact, this morning the President said his easiest meeting during this trip would probably be with Vladimir Putin. Is it easy because they share common values? Is it easy because he wants to be Putin's friend? Is it easy because Trump would rather deal with an autocrat than negotiate with democratically elected leaders?

Let's be clear. Meeting with a thug intent on undermining American democratic values should not be easy, and it should not be chummy. Yet as National Security Advisor H.R. McMaster reportedly said in the past:

The president thinks he can be friends with Putin. I don't know why, or why he would want to be.

I agree with those comments of the former National Security Advisor, General McMaster. It makes no sense. Attacking American democracy is not exactly an act of friendship.

We know the circumstances are dire. The leaders of our intelligence community and the entire Senate Intelligence Committee, on a bipartisan basis, have concluded that Russia not only attacked the United States in 2016 through its cyber efforts but continues to sow discord and destabilize institutions that are at the very heart of American democracy.

Yet to this day, President Trump continues to take Putin at his word. With his warm embrace of the Russian dictator, many of us find ourselves questioning the President's true loyalties, and it is no surprise that our allies in Europe are questioning the loyalty and commitment of the United States to the post-World War II international order.

In the absence of U.S. Presidential leadership, I want to make clear to our allies abroad, as well as our adversaries in the Kremlin, where Members of the U.S. Senate stand. We stand for the rule of law and an international order based on liberal democratic values; we stand for security alliances among democracies based on mutual defense against our enemies; we stand against dictators who invade our neighbors

with soldiers and cyber attacks; and we stand with our friends through thick and thin.

Tomorrow, on the Foreign Relations Committee, we expect to make such a declaration explicit with a bipartisan resolution affirming that the U.S. national security is inextricably linked to the security of Europe. We are not schmucks, Mr. President, for leading an alliance that has brought peace and security for decades in the wake of two devastating World Wars.

The Foreign Relations Committee will reaffirm a commitment to article 5 of the NATO charter, which says that an attack on one is an attack on all.

We recognize that since article 5 took effect, it has only been triggered once—only once—by and in support of the United States following the September 11 attack. To this day, nearly 17 years later, NATO troops still serve in Afghanistan in support of the American effort.

These countries have all sent their sons and daughters to fight and die alongside ours. They stand with us—and we with them—against extremism, terrorism, authoritarianism, and proudly in support of democracy, human rights, and the rule of law.

Members of the NATO alliance had been steadily increasing their defense spending for the past 4 years in reaction to Putin's invasion of Crimea and the implications for regional security, not Trump's bluster.

Our allies understand the threat posed by a dictator who tears away territory from its neighbors. The question is, Does President Trump? Is there more work to be done to meet the 2-percent commitment in countries across the alliance? Of course, but we need to acknowledge the progress that has been made and the trend lines that are headed in the right direction. Let's not jeopardize those trends by insulting the very leaders we need by our side.

This week in Brussels, the President should do something he has proven completely incapable of thus far—he should thank our allies for their steadfastness, for their resilience, and for their commitment to working with us to counter the threat posed by Russia.

President Trump should work with our allies to collectively increase sanctions on Moscow. He should work with NATO to build our collective cyber defenses against the onslaught of Russian cyber attacks and disinformation. These are all things he should do—things a normal American President would do—but based on the tweets and his past actions, I have little hope he will choose such a path.

The President should also work with our allies to continue the fight against ISIS. NATO countries form the core of the Global Coalition to Defeat ISIS. NATO governments host working groups, contribute resources, participate in airstrikes, provide stabilization assistance, and face serious challenges in addressing the plight of foreign fighters.

In Iraq, NATO is working to share more responsibility in training the Iraqi security forces. This is exactly how strategic partnerships are supposed to work. We identify challenges, cooperate on solutions, share the burden of funding, troop deployments, and assistance in support of a shared objective—in this case, a stable, unified Iraq that can stand up to Iran.

In Syria, NATO should be a natural ally in countering Russian and Iranian aggression. Despite regular, irrefutable evidence of war crimes and crimes against humanity committed by Bashar al-Assad, Putin continues to bolster the Butcher of Damascus.

In fact, Russian forces are directly complicit in targeting civilians and civilian structures in Syria. These are facts that cannot be ignored. Russian forces are actively working with Assad's regime to bomb opposition in southern Syria into submission. These military operations are taking place today inside the very deescalation zone President Trump touted last year with Putin in Vietnam.

These developments have led to the largest displacement of civilians in southern Syria since the beginning of this war. The President must make clear, once and for all, that Russia is not a constructive partner on Syria; that it is a willing accomplice and a perpetrator of war crimes.

Our friends in Ukraine are fighting for their country on a daily basis, battling Russian troops. As the globe focuses on the World Cup in Russia, at least 17 Ukrainian troops have been killed or injured in their own country by Russian forces—killed or injured in their own country. We are helping our Ukrainian friends with training and equipment. Under no circumstances, can this aid be diminished in any way. President Trump needs to understand that any attempt to do so will be met with strong and unified opposition in the Senate. President Trump can never lose sight of the importance of eastern Ukraine, nor can he forget the plight of so many Crimeans who suffer under Russian repression to this day.

Today I submitted a resolution with Senator PORTMAN calling for the United States to declare a policy of nonrecognition of Russia's illegal annexation of Crimea. This idea is modeled under the Welles Declaration, which said the United States would never recognize the Soviet annexation of the Baltic States. The Welles Declaration meant something to the beleaguered people of Latvia, Lithuania, and Estonia, all who yearned to be free of Moscow's repression, and today they are free.

It represented the U.S. commitment to the territorial integrity of independent countries. Today we have the same opportunity to send the same message to those courageous Ukrainian citizens living in Crimea.

President Trump was reported to have said the people of Crimea want to be part of Russia because they speak

Russian. Instead of misinformed judgments from the President, we and the world need clear leadership that says definitively to President Putin that we will not stand for his illegal occupation of Crimea; we will not stand by in the face of ongoing attacks in eastern Ukraine by Russian forces; we will not stand by while President Putin participates in the commission of war crimes in Syria; and we will not stand by while Russia attacks democratic institutions in the United States and those of our closest allies.

I hope our President will meet with Putin in Helsinki and express these simple but powerful statements. Yet nothing in his track record gives me much hope that he will do so.

We have a President who is so enamored of Putin that to this day, he still refuses to criticize the Russian leader, a President who sought early in his term to lift sanctions on Russia, a President who has questioned Ukraine's sovereignty over Crimea, and a President who routinely trashes partners in the strongest military alliance the world has ever seen. This behavior is bizarre, it is erratic, and it is no reflection of who we are as a country or a people.

In closing, I would remind the President that the Russia sanctions law, CAATSA, restricts his ability to unilaterally lift sanctions on Russia. Such a move would be subject to approval. So as he embarks on his "easiest meeting" with Vladimir Putin, he is constrained by a law that was supported by 98 Senators.

We know Putin seeks sanction relief. We must make clear that such relief will only come when he withdraws from Ukraine, returns Crimea, ends his support for Bashar al-Assad, and stops interfering in our elections.

As someone who is personally sanctioned by Vladimir Putin, I will not stop working to ensure that the CAATSA law is fully implemented by this administration.

The hallmark struggle of our time is between those who champion democracy and autocrats who use oppression, military evasions, and disinformation to achieve their nefarious ends, and this week this battle comes into sharp contrast.

Will our President side with our democratic allies in Brussels or will he side with an autocrat in the Kremlin? Either way, the world needs to know the U.S. Senate has made its view clear. We stand with NATO. We stand with our allies. We stand for democracy and the rule of law. We stand for the international liberal order that has kept the peace for decades. We stand on these values today, and we will never shy away from their defense.

With that, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. First, Mr. President, let me thank my colleague, my neighbor from New Jersey, for the excellent job he does in just about anything he

does but particularly today as ranking member of the Foreign Relations Committee. His leadership is invaluable to this country so I thank him for it.

Mr. President, President Trump is on his way to attend the annual summit of NATO leaders in Brussels. The President should use the occasion to reinforce and build up the transatlantic alliance rather than tear it down.

Since its founding nearly 70 years ago, NATO has become the most powerful and successful security partnership ever created. The first half of the 20th century was marked by unprecedented human suffering—depression, war, and genocide. After World War II, in the face of Soviet aggression and expansion, NATO showed the world a different way.

Working together with other international institutions, NATO established the political and economic rules of the road that have promoted our national security and our mutual prosperity.

This institution now finds itself under incredible and completely unnecessary strain from Russia's interference in democracies across Europe and including the United States, from China's rapacious economic aggression and geopolitical provocations, from the evolving threat of terrorism, and, shockingly, from within.

Our President, President Trump, has routinely berated the leaders of our NATO allies in far harsher terms than the President has ever criticized President Putin of Russia, a dictator who has invaded a sovereign country, murdered journalists and political dissenters, directed a nerve agent attack in the United Kingdom, and continues to prop up the brutal Assad regime in Syria. He has shown an eagerness to impose tariffs against Europe but a reluctance to sanction President Putin and his cronies. He has accepted the word of President Putin over the consensus of 17 agencies of the American intelligence community.

For reasons that continue to baffle so many, President Trump will follow up his summit with a one-on-one meeting with President Putin in Helsinki, a mere 100 miles from the Russian border.

Before leaving for Europe this morning, the President summed up his agenda. He said: "I have NATO, I have the UK . . . and I have Putin. Frankly, Putin may be the easiest of all. Who would think?"

Who would think? President Trump, considering all you have said and done in the past 2 years, considering your kid glove approach to President Putin that has everyone here scratching their head, any one of us could have predicted that Putin would be your easiest meeting, but every one of us is in fear of what Putin might get out of it.

Every time the President has negotiated one-on-one with President Xi, with Kim Jong Un, our rival has gotten the better of him and of our country. And many of us fear what President

Trump will do alone with Putin, what he will concede and what Putin will get out of him.

The President of the United States should be a clarion voice for our values, bolstering our allies and isolating our adversaries. President Trump has, unfortunately and alarmingly, been the opposite.

The values at the foundation of our NATO alliance are worth fighting for—free markets, free and fair elections, representative government, rule of law. These are the values that protect our citizens from the encroachment of tyranny. President Trump should recognize that power resides in the values shared by our NATO allies as well as the strategic sense of using NATO as a powerful bulwark against the abuses of a resurgent Russia.

Later this afternoon, the Senate will vote on a motion to instruct conferees on the Defense bill to reaffirm Congress's enduring and unequivocal support for NATO. I hope it receives the overwhelming bipartisan, if not unanimous, approval it so deserves.

Mr. President, I yield the floor.

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

Mr. MURPHY. Mr. President, 2 weeks ago, Secretary Pompeo appeared before the Senate Appropriations Committee, and I got the chance to ask him a simple question. I asked him whether it was still the position of the United States that Russia should not be allowed to join the G7 without adhering to the outlines of the Minsk agreement. That is the agreement that seeks to try to resolve the crisis that has been created in Europe and in Ukraine by the Russian invasion of eastern Ukraine. I give Secretary Pompeo credit because his answer was brutally honest. He said that he certainly could foresee a series of trade-offs with the Russians by which they would be allowed to join the G7—rejoin the G7—without withdrawing their forces from eastern Ukraine or Crimea.

That is a stunning reversal of prior U.S. policy—the idea that we would trade away Ukraine for some set of concessions from Russia on another area of national security, maybe in the Middle East—but it is not surprising. It is not surprising because, as Donald Trump has made clear over and over again, his primary objective is to become friends with Vladimir Putin. His primary objective is to try to square himself and the Kremlin without regard to the consequences for U.S. national security.

So I am very pleased to join Senator MENENDEZ and Senator SCHUMER and Senator REED on the floor today to express our hope and desire that President Trump finds some way to stop undermining the NATO alliance as he heads for this important summit and understands that Russia presents a real and present danger to the world order, to American security, and to the future of global security if we continue to communicate to them that they pay no

consequences for their erasure of borders in and around their periphery and for their continued attempts to manipulate elections outside of their borders.

I hope there are others in the room with President Trump and Vladimir Putin when they meet because it is hard for us to understand what leverage Putin has over Trump such that he would continue to give away so much to Russia without getting very much in return; why he would continue to do Russia's bidding in trying to tear apart NATO, in trying to tear apart the EU, without getting anything in return. I don't know what leverage Putin has over Trump, but I would feel much more comfortable if there were some other people in that room who could be witness to those discussions to make sure the discussion with Putin doesn't go the same way the discussion with President Kim did in North Korea.

I also am here on the floor to remind my colleagues about the importance of this underlying relationship with Europe. I am sure my colleagues have already said it, but let's just remember that article 5 has only been exercised one time, and that was in the defense of the United States. That was when the United States was attacked, and we asked our NATO allies to join with us to try to rid Afghanistan of a government that had given shelter to those who had attacked us. Don't forget that NATO exists for our benefit as well as for Europe's benefit.

Also don't forget that for 4 consecutive years, European governments have been increasing their defense spending. For 4 consecutive years, countries have been scaling up their contributions to their defense budgets. But I also don't want my colleagues to think that the measure of transatlantic security is simply the amount of money we are putting into a defense budget. I am not saying that isn't important, but this administration from the beginning has had backwards the way in which you protect America from the threats that we face all around the world. Peace does come through military strength, but increasingly, the threats we face—increasingly, the threats Russia presents to the United States and to our allies—are nonkinetic threats, are not military threats, and they require other means of counteraction.

So as we are trying to measure whether Europe is a full and meaningful participant in a security arrangement with the United States, I don't mind measuring defense contributions, which are increasing year by year, but let's also remember that it is Europe that is handling the flood of refugees leaving the security vacuum in the Middle East. The United States is doing nothing—nothing of consequence, of importance—to handle that refugee flow. It is Europe that is dealing with that refugee flow.

It is Europe that often deals with the most mature terrorist organizations setting up cells inside of Europe. It has, in fact, been Europe that has

borne the brunt of terrorist attacks since 9/11 due to those mature organizations being able to exist inside Europe. It is the counterterrorism capacity and the law enforcement capacity that Europe offers to confront those threats that also matters to our security.

It is Europe that has had to stand up capacities to counter Russian propaganda that floods in particular Eastern Europe and the Balkans but also Central and Western Europe as well. We don't measure those counterpropaganda resources in the defense budget, but they are serious and they are increasing.

It is Europe that has spent billions of dollars trying to diversify their energy supplies so as to cut off Russia's most important revenue source—the export of oil and gas. The United States provides advice to Europe on how to do that, but it is Europe that is spending hard dollars—reverse flowing, diversifying domestic energy, bringing in gas from other countries besides Russia, which has made the biggest difference.

I want my friends here to understand the holistic nature of the security partnership that we enjoy with Europe and with our NATO allies. Yes, defense spending matters, but it is representative of this administration's unwillingness to understand the panoply of ways in which we need to defend our country, besides just a robust defense budget, which causes them to misunderstand the nature of this relationship. It is Europe's focus on refugee resettlement. It is Europe's focus on counterpropaganda capacities. It is Europe's focus on fighting Russian propaganda and their focus on diversifying their energy supplies that add, frankly, just as much to our joint security as their defense spending does.

Now, I don't expect that Donald Trump, given how little study he affords to the national security of the United States, is going to get up to school on all of these different capacities that Europe lends to the alliance, but it is important for us on a bipartisan basis to recognize that this is a strong alliance and that as much as we both push and pull each other, it remains strong. And don't think that the grievances only lie on our side of the aisle. Our European partners for years told us that we were making our collective security weaker by continuing an invasion and occupation of Iraq that was creating more terrorists than it was killing. So we have grievances with our partners in Europe, but they have had historic grievances with us, and it is important for us to recognize that historical fact as well.

I am here to express my desire that this President acknowledge the importance of this alliance. I am here expressing the hope that the summit won't be the unmitigated disaster that most people think it will be given the spirit in which the President leaves for it—castigating our NATO allies on his way out the door. And I don't want us

to come to the conclusion that without NATO, without the European Union, without the post-World War II structures that we created in the midst of the rubble of that global conflict, that global security can be preserved.

We have taken for granted that countries don't march on each other, by and large, any longer. While we still have instability, we don't have nations invading other nations in the way that we did 100 years ago. That is because of NATO. That is because of the set of global security structures that the United States and Europe have helped stand up together. And if they fall apart—as it seems that this President roots for on a regular basis—then our assumption of how conflict will play out or not play out over the course of the next 10 to 20 years falls apart as well.

I am glad to join my colleagues today in support of the NATO alliance and in hope that the President understands the importance of it as he heads off to this critical summit.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. REED. Mr. President, today I have submitted a motion to instruct conferees on the National Defense Authorization Act regarding the critical importance of the North Atlantic Treaty Organization for the security of the United States, for our protection. I join my colleagues this afternoon in support of the motion, which sends an important message to our allies, our partners, and our adversaries that the United States is unwavering in its support of Europe—a Europe free from the threat of external aggression—and in support of the rules-based international order that has promoted international security for decades.

The motion to instruct provides important guidance at this critical juncture before the NATO summit in Brussels and the U.S.-Russia summit in Helsinki. The motion instructs the Senate conferees on the National Defense Authorization Act for Fiscal Year 2019 to ensure that the final conference report on the NDAA reaffirms the ironclad U.S. commitment under article 5 to the collective defense of the alliance. It reaffirms the U.S. commitment to NATO as a community of shared values, including liberty, human rights, democracy, and the rule of law.

The motion also calls for the United States to pursue an integrated approach to strengthen European defense as part of a long-term strategy that uses all elements of U.S. national power to deter and, if necessary, to defeat Russian aggression.

It also calls on the Trump administration to urgently complete a comprehensive, whole-of-government strategy to counter Russian malign influence activities, as required by last year's National Defense Authorization Act, and to submit that strategy to Congress without delay. We are still

awaiting—for over a year now—this strategy.

Finally, the motion reiterates U.S. support for the rules-based international order and for expanding and enhancing our alliances and partnerships, which are some of our greatest security advantages.

No one should ever doubt the U.S. resolve in meeting its commitments to the mutual defense of the NATO alliance. Unfortunately, this motion has become necessary because some of our closest allies have come to question the U.S. commitment to collective self-defense. President Trump has at times called the alliance “obsolete” and has denigrated NATO as being “as bad as NAFTA,” which he strongly opposes. Our allies are starting to wonder whether they can rely on the United States to come to their defense in a crisis. Recently, German Foreign Minister Maas said the “world order that we once knew . . . no longer exists.” He added that “old pillars of reliability are crumbling” and that “alliances dating back decades are being challenged in the time it takes to write a tweet.”

To make matters worse, the administration's eagerly scheduled summit meeting with Russian President Vladimir Putin, on the heels of the NATO summit in Brussels, only adds to fears that President Trump does not share the security concerns of our European allies and partners. Instead of concentrating on rebuilding alliance cohesion and unity after his divisive diplomacy at the G7 meeting in Canada, President Trump appears intent on orchestrating another photo op with an authoritarian ruler who oppresses his people and threatens the security of the United States, its allies, and partners—this time in the person of President Putin.

Meeting with Putin now is, in my view, ill-advised, and President Trump appears to be ill-informed about the threat Russia poses to the security of the United States and that of our allies and partners. The National Defense Strategy, which this administration authored and promoted, refocused our attention from international terrorist groups to our two major challenges, Russia and China. Yet the President, in his actions and words, appears to be undercutting his own National Defense Strategy.

In addition, I am deeply concerned that President Trump is meeting one-on-one with a former KGB spymaster like Putin. President Trump's “attitude” will not be enough to challenge Putin over Russia's aggression against the United States and our allies.

Let's be clear. President Putin is not “fine.” As recently reaffirmed by the Senate Select Committee on Intelligence, on which I sit, President Putin directed an attack on our 2016 elections with the intent of undermining public confidence in our democratic process. To this day, Russia continues, according to administration intelligence officials, to target elections in democratic

countries, including the upcoming midterm elections in the United States. Russia's use of hybrid operations—including disinformation, propaganda, corruption and financial influence, hidden campaign donations, and even chemical attacks on civilians in foreign countries—fundamentally threatens our security and the security of our allies. And Russia's ongoing aggression against the sovereignty and territorial integrity of neighboring countries, including Ukraine, is unacceptable and violates international norms.

In light of this Russian threat, President Trump should take the opportunity at this important NATO summit to lead the alliance toward greater solidarity and cohesion. Unfortunately, President Trump's statements ahead of the summit point in the opposite direction.

I understand and share the concern of many across the political spectrum that our NATO allies are not spending enough on their own defense, and many are not on track to meet the pledge to be spending 2 percent of GDP on national defense by 2024. This issue has been raised by previous administrations, including the Bush and Obama administrations. But, ultimately, the United States participates in NATO because we believe the transatlantic partnership is in the U.S. national security interest and not because other countries are paying us for protection.

We must look at the whole picture of allied contributions to NATO operations and to the strategic competition with Russia and China that I mentioned was the singular point of the National Defense Strategy approved by President Trump after being prepared by Secretary of Defense Mattis. The whole picture includes the following:

Our allies stood with us following the September 11, 2001, terrorist attack, invoking for the first and only time, as my colleagues have said, the obligation under article 5 of the NATO treaty for collective self-defense.

As of the end of this year, 7 of the 28 non-U.S. NATO members will meet the 2 percent of GDP pledge on defense spending. In addition, 18 members have put forth a credible plan to get to 2 percent of GDP by 2024.

Since 2014, all NATO members have halted the decline in their national defense spending, and total defense expenditures have increased by more than \$87 billion.

U.S. foreign military sales to NATO members are up significantly in the past few years, from less than \$5 billion in 2015 to an estimate of nearly \$40 billion in 2018.

Our NATO partners provide significant host nation support to the tens of thousands of U.S. troops stationed in Europe, including Germany's \$51 billion in military infrastructure and \$1 billion annually in host nation support to the 33,000 U.S. troops stationed in Germany.

NATO members have deployed thousands of troops on NATO operations in

Afghanistan, Kosovo, the NATO training mission in Iraq, and elsewhere, with many making the ultimate sacrifice. NATO soldiers have died serving side by side with U.S. soldiers, sailors, marines, and airmen in defense of the fundamental values we share, and we cannot ignore that.

The motion to instruct recognizes that in strategic competition with near-peers Russia and China—again, the singular feature of the new National Defense Strategy of this administration—one of the United States' greatest competitive advantages is our alliances and partnerships and the benefits they bring to the fight.

I urge my Senate colleagues to support the motion to instruct. This is not a partisan issue. It is not a Republican issue or a Democratic issue. It is a national security issue. In fact, the motion supports a number of provisions in the Senate version of the fiscal year 2019 NDAA proposed by my Republican colleagues on the Armed Services Committee that reaffirm the U.S. national security interest in the NATO alliance.

At this critical juncture before the summits in Brussels and Helsinki, Congress, as a coequal branch of government, has an opportunity to lead, just as Congress demonstrated leadership in overwhelmingly passing the Russia sanctions bill as part of the Countering America's Adversaries Through Sanctions Act, or CAATSA, by a vote of 98 to 2. That bill sent a clear message to Russia that there are costs to its malign activities and that Russia's behavior must change.

Similarly, strong Senate support for the motion to instruct will send an important message to our allies, our partners, and our adversaries. It will demonstrate solidarity with our NATO allies and partners and support for the vision of a Europe whole, free, and secure. It will send a message of support for the rules-based international order and the need for Russia to stop its disruptive behavior. It sends a message to President Putin that his behavior is not fine, that there is a continuing cost to be paid for Russia's malign activities, and that he will not succeed in dividing the NATO alliance.

In conclusion, I urge my colleagues to send a strong message of U.S. support for NATO by voting later today for the motion to instruct.

I yield the floor.

THE PRESIDING OFFICER. The minority whip is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from Rhode Island, as well as those who were on the floor earlier. The remarks we are delivering today address the future of our relationship with the NATO alliance, particularly in light of the visit that President Trump is now making to meet with Vladimir Putin of Russia.

I am glad many of my colleagues came here today to speak on the threats posed by President Trump to America's core national security alliance—something that would have once

been unimaginable. In fact, there was a time when a Republican President named Ronald Reagan really inspired the United States and the world by noting how important the NATO alliance is to the world and to the United States. In a speech that he gave to the Parliament of Great Britain in 1982, Ronald Reagan said:

We're approaching the end of a bloody century plagued by a terrible political invention: totalitarianism. Optimism comes less easily today, not because democracy is less vigorous, but because democracy's enemies have refined their instruments of repression. Yet optimism is in order, because day by day democracy is proving itself to be a not-at-all fragile flower.

Reagan went on to say:

Our military strength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used, for the ultimate determinant in the struggle that's now going on in the world will not be bombs and rockets, but a test of wills and ideas, a trial of spiritual resolve, the values we hold, the beliefs we cherish, the ideals to which we are dedicated.

President Reagan then went on to say to the British Parliament:

I've often wondered about the shyness of some of us in the West about standing for these ideals that have done so much to ease the plight of man and the hardships of our imperfect world.

Contrast what President Reagan said about the partnership of the Atlantic alliance nations in NATO with what has happened with this current White House and President regarding some of these same key Western allies at the G7 summit last month.

First, President Trump stunned the Western world by saying even before arriving at the summit that Russia should be welcomed back into the group of G7 nations, even though Russia was expelled after invading and seizing sovereign Ukrainian territory, which it still holds. President Trump made this plea to try to win over this effort of support for Putin to a Western world that is skeptical of Putin and his tactics.

Putin launched an aggressive cyber act of war right here in the United States in an attempt to void and change a national election and to favor his candidate over another. That, in many respects, is a cyber act of war, which President Trump refuses to acknowledge.

At the summit itself, President Trump arrived late and left early after letting it be known that he didn't even want to attend the G7 summit with our traditional allies. The President, sad to say, was utterly disrespectful to our Nation's oldest and most reliable allies.

In fact, a White House trade adviser, Peter Navarro, said that Canadian Prime Minister Justin Trudeau "stabbed us in the back," and then Mr. Navarro went on to say, "There's a special place in hell for any foreign leader that engages in bad-faith diplomacy with President Donald J. Trump and then tries to stab him in the back on

the way out the door." Navarro's comments echoed a series of tweets from the President withdrawing from a joint G7 statement after initially agreeing to it.

Then the President went on in this tweet, personally attacking Prime Minister Trudeau in the coarsest terms and criticizing and disparaging America's oldest Western allies simply for imploring him not to end decades of shared Western-led international order and cooperation.

One senses that President Trump's sense of history extends to the day before yesterday. Has he forgotten that since the attack on the United States of 9/11, the Canadians have stood by us, as so many other countries have as well? One hundred fifty-nine Canadians have given their lives standing by our troops in Afghanistan in a NATO effort since operations began there in 2002. Could we ask anything more of a trusted ally than to sacrifice the lives of its young soldiers? Canada has, and continues to, despite this language from President Trump.

Then, to add insult to injury, President Trump showered one of the world's most brutal nuclear-armed dictators with glowing warmth, pats on the back, flattery, and even a White House-made propaganda video showing North Korean leader Kim Jong Un as a great statesman.

Can anyone here imagine what would have happened if President Obama had constructed a propaganda video before beginning his negotiations with Iran or if the President had saluted an Iranian general? FOX TV, the Republicans, and many other leaders would have had a field day with that image.

I am all for talking to one's adversaries in the pursuit of diplomacy. I have met with my share of autocrats around the world, trying, in my small way, to advance America's interests and values, but I don't check America's values or reality at the door at those meetings. I do not know of any modern President who let normal disagreements between key allies turn into a personal spat that alienates our friends and undermines our security.

In fact, I am increasingly convinced that President Trump is so enamored by validation-seeking autocrats and offended by our traditional allies expressing disagreements that he is incapable of distinguishing friends from enemies. This is truly problematic and dangerous. Now, our allies have just cause to worry that President Trump will give away concessions to Vladimir Putin, just as he did with the North Korean dictator.

Against all reason and international norms, Trump is considering recognizing Russia's illegal occupation of Crimea because, sadly, President Trump has no sense of history and little knowledge of Vladimir Putin's true agenda.

He is making threats and belittling NATO, the strongest alliance on the face of the Earth, while at the same

time craving time with Vladimir Putin, whom he describes as a fine man. That is something which I am sure the people in our NATO alliance find incredible.

Quite simply, the first and long overdue statement from Trump to Putin ought to be: Do not interfere in America's elections ever again. I don't want your help, which was an attack on our democracy, and I do not believe your denials.

That ought to be the opening remark with Vladimir Putin. My guess is that it will not even be close.

I can think of few times in history that the party of Ronald Reagan has sat so quietly on its hands while an American President's actions threatened our Western security alliance and our place in the world. I don't understand why the Senate Foreign Relations Committee has not held a full committee hearing on Russia in more than 1 year, not to mention ever conducted an investigation into Russia's attack on our last election—something clearly within the jurisdiction of this committee and which it did in the past amid allegations of foreign election interference.

What of the Republicans' stunning silence about President Trump's undermining of NATO? There are some national needs and congressional responsibilities that ought to call on all of us in both political parties to rise to the occasion. Think about what Russia's President Putin would most like to see happen in the West and compare it to what is happening under President Trump. President Trump has called NATO obsolete and questioned the centrality of the collective security guarantee of article 5. He has questioned whether NATO should come to the aid of NATO's Baltic States—NATO members. In fact, President Trump reportedly asked NATO at the recent G7: Why do we need it?

Is that now the official position, not just of President Trump but of his Republican Party? I would implore those Members of the Senate of both parties who have visited the Baltic nations and understand the vulnerability of those states and their bloody history over the last century and a half to speak up on behalf of the need for NATO to stand in concert and in alliance with those Baltic States.

This week the Canadians sent their forces and representatives to Latvia, where they are providing special help on the ground. Similar NATO forces are in Lithuania and Estonia. They are doing their best to convince Putin not to engage in acts of aggression against these small nations, while at the same time the President of the United States questions the purpose of this effort.

President Trump has withdrawn the United States from key international agreements on trade, climate, and even the expansion of nuclear weapons in Iran. In doing so, the President has estranged the United States from its allies. While I hope we do reach a diplomatic agreement with North Korea, I

want to note that what little was agreed to in Singapore doesn't even come close to the terms and inspections that were in the Iran nuclear agreement from which President Trump simply walked away.

President Trump has insulted and strained relations with America's closest European and Western allies, so much so that European Council President Donald Tusk recently dismissed the United States by saying: "With friends like that, who needs enemies."

It has reached the point that just ahead of the NATO summit, we lost another senior career diplomat when James Melville, our Ambassador to Estonia, resigned over frustration with the controversial comments being made by President Trump. Ambassador Melville served under 6 different Presidents and 11 Secretaries of State, and he never thought the day would come when he couldn't support a President's policies—until now.

President Trump has tried to discredit key democratic institutions and processes in the United States, sowing mistrust in our political system and government. He has insulted poor nations, made immigrants a manufactured enemy, separated children from parents forcibly, and declared that America must come first in this world, isolating the United States day by day and more and more from the nations and countries that have been our traditional allies.

Why in the world is this President pursuing the agenda of one of our adversaries, who attacked our election process, militarily seized sovereign territory of our allies, murdered and attempted to murder dissidents on our allies' soil, provided weapons to Ukrainian separatists that shot down a Malaysian commercial airliner, killing hundreds of innocent people, repeatedly buzzes and tests NATO defenses, and jails and represses its own people when they advocate for basic democratic rights?

Before departing this morning for Brussels, instead of setting a positive tone for the NATO meeting to follow, President Trump, incredibly, decided to take to Twitter to criticize our allies again.

My friend and American patriot, Senator JOHN MCCAIN, was one of the few Republicans—one of the few—to recently speak up on behalf of our alliance. Here is what he said:

To our allies: bipartisan majorities of Americans remain pro-free trade, pro-globalization & supportive of alliances based on 70 years of shared values. Americans stand with you, even if our president doesn't.

I couldn't agree more. I wish JOHN MCCAIN were on the floor of the Senate today to deliver those remarks in person, but his spirit is here among those on both sides of the aisle who value our NATO alliance and cannot understand the relationship between President Trump and Vladimir Putin.

The cause of democracy and freedom in this world requires a strong alliance

that stands together for values the Americans believe in, share, fight for, and die for in war after war. We need that spirit to return again to the United States.

I yield the floor.

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

NOMINATION OF BRETT KAVANAUGH

Mr. GRASSLEY. Mr. President, last evening I joined many of my Senate colleagues at the White House as the President introduced Judge Brett Kavanaugh to serve as an Associate Justice of the U.S. Supreme Court. Judge Kavanaugh is one of the most widely respected judges in the country. I heard the President last night refer to him as a judge's judge. He is an outstanding choice to serve as a Justice of the Supreme Court.

Judge Kavanaugh is a former law clerk of the Justice he has been nominated to replace, and that is Justice Kennedy. I talked about Justice Kennedy's service on the Supreme Court and to the people of this country in my speech yesterday. Judge Kavanaugh earned both his undergraduate and law degrees from Yale University. He then clerked for judges on the Third and Ninth Circuit before joining the chambers of Justice Kennedy as a law clerk. He served in the Office of the Solicitor General and also the Office of the Independent Counsel.

After several years in private practice, Judge Kavanaugh returned to public service, working in the White House Counsel's office and as staff secretary for President George W. Bush. In 2006, he was confirmed to the DC Circuit, where he has served since. He is also a well-regarded law professor at Harvard, Yale, and Georgetown.

Judge Kavanaugh is a leader not only in the law but throughout his community. As examples, he volunteers at Catholic Charities on a regular basis and coaches both daughters' youth basketball teams.

The committee has received a letter from former law clerks of Judge Kavanaugh, people who represent views across the political and ideological spectrum. Many judges describe their former law clerks as adopted family members. In other words, law clerks know their judges best.

So I turn to what some of those said through letters they sent to our committee. Judge Kavanaugh's former law clerks write that he is a person with immense "strength of character, generosity of spirit, intellectual capacity, and unwavering care for his family, friends, colleagues, and us, his law clerks."

I want to read a longer quote from that letter.

He is unfailingly warm and gracious with his colleagues no matter how strongly they disagree about a case, and he is well-liked and respected by judges and lawyers across the ideological spectrum as a result. . . . He always makes time for us, his law clerks. He makes it to every wedding, answers every career question, and gives unflinchingly honest

advice. That advice often boils down to the same habits we saw him practice in chambers every day: Shoot straight, be careful and brave, work as hard as you possibly can, and then work a little harder.

His judicial record is extraordinary. The Supreme Court has adopted his view of the law in a dozen cases. Judge Kavanaugh's opinions demonstrate profound respect for the Constitution's separation of powers. He understands that it is Congress' job to pass laws, and where he sits, in judicial chambers, it is the role of those people—and he figures it is his role—to faithfully apply those laws as Congress intended. That is why his opinions emphasize that judges must focus on the text and apply laws as written by those of us elected to the Congress, not by unelected and, in turn, largely unaccountable, Federal judges. It is meant that they aren't to be accountable except to the Constitution and the laws of this country. Courts may not rewrite laws to suit their policy preferences.

Judge Kavanaugh has a record of judicial independence. He has shown a willingness to rein in executive branch agencies when they abuse or exceed their authority. You don't have to be in Congress very long to understand that it is a daily habit of people in the executive branch of government to go way beyond—or to feel their way, way beyond—what the law allows that person or that program to do. As Judge Kavanaugh has explained in numerous opinions, executive branch agencies may not assume more power than Congress has specifically granted them, and he has emphasized that judges may not surrender their duty to interpret laws to executive branch agencies. Now, that is pretty common sense for anybody who has had eighth grade civics, high school government, or political science classes in college, but it isn't something that all judges agree with.

The Senate Judiciary Committee will hold a hearing for Judge Kavanaugh's nomination in the coming weeks.

As I noted in my remarks to this body yesterday, liberal outside groups and Democratic leaders decided weeks ago to block whomever the President nominates. They are already pushing feeble arguments to cause needless delays. For example, some Democratic leaders and Democratic Members of the Senate who aren't leaders say that we shouldn't confirm a nominee nominated during a midterm election year. Where did they get that idea? The Senate has never operated the way they would suggest. Sitting Justices Breyer and Kagan—prominent examples that I can freely give to you but also numerous of their predecessors—were nominated and confirmed in midterm election years. Where do my colleagues get that idea, that just because this is a midterm election year, you can't take up these nominations? It happens that Kagan was approved in August 2010, as an example.

The American people see this argument for what it is—obstruction, pure

and simple. After all, Democratic leaders announced that they will oppose anyone nominated by President Trump—anyone. In fact, some Democratic Senators announced their opposition to Judge Kavanaugh mere minutes after the President nominated him. It is clear that a number of my Democratic colleagues have chosen the path of obstruction and resistance, not, as the Constitution offers, every Senator giving advice and consent.

We have a highly qualified nominee who has authored numerous influential judicial opinions. I stated how they have been respected even when those same cases got to the Supreme Court. Leading liberal law professor Akhil Reed Amar endorsed Judge Kavanaugh in the pages of the *New York Times*. But some of my colleagues can't even bring themselves to at least consider Judge Kavanaugh's nomination.

As I mentioned yesterday, liberal outside groups and their allies are trying to convince Senators to ask Judge Kavanaugh his views on specific cases and Supreme Court precedent. I want to emphasize that these questions are inappropriate. In greater detail, I said that yesterday.

Justice Ginsburg announced—a famous statement of hers—during her own confirmation hearing that a nominee should offer “no hints, no forecasts, no previews” of cases that can potentially come before the Court.

Maybe some of my colleagues think, well, if some are going to come in a couple of months after you are on the Court, why can't you give us your views on that? But they might be asking questions about something 10 years down the road, so how legitimate are the views? Are you going to overturn this President, or are you going to rule this particular way in a particular case?

We also have Justice Kagan declining to state her views on *Roe v. Wade*, saying: “The application of *Roe* in future cases, and even its continued validity, are issues likely to come before the Court in the future.”

So you expect a Justice to look at the facts of a case, look at the law, or look at the Constitution, and leave their own personal views out of it, but you expect them to do it independent of anything they said in their hearing before the Judiciary Committee because nothing should be said there that is going to influence something 10 years down the road.

I expect that Judge Kavanaugh will likewise decline to comment on his views of particular cases decided by the Supreme Court.

I congratulate Judge Kavanaugh on this nomination. I had the opportunity to meet with Judge Kavanaugh earlier today. I know he looks forward to answering questions from my colleagues in the coming weeks. I look forward to hearing from him again when he appears before our Senate Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. INHOFE. First of all, Mr. President, we are about to go to conference. The first three votes here are very, very significant. They are considered to be maybe the most consequential votes of the year.

We have been working closely with the President on our John S. McCain National Defense Authorization Act. It is going to be a reality. We have done this through regular order in a very effective way. The Senate Armed Services Committee has been in concert with our combatant commanders, with Secretary Mattis, with the service chiefs, with the President. We have had a markup, our committee markup. We actually had over 300 amendments.

I am disturbed that we can't change this policy we have had for a long period of time that says that if one person on the floor objects when we are considering a bill—the NDAA, which we have considered successfully for 57 years—we are not going to be able to consider amendments. That is something we may want to address. To overcome that, we adopted 47 bipartisan amendments, both through the managers' package and the votes on the floor.

Tomorrow, we are going to hold our first big meeting of the conferees. I have been through a number of these in the past. This is where Members of the House and the Senate meet each other, talk about their issues, and talk about their successes and what they want to accomplish in this conference report. I have already visited with Ranking Member Senator REED, Chairman THORNBERRY, and Ranking Member SMITH, and we have a commitment to finish this conference report by the end of July. It is very ambitious. It is something we will be able to do.

The second vote we are going to have is to instruct the conferees in terms of the CFIUS issue. Personally, having recently been to China and the South China Sea, seeing what they are doing right now in northern Africa, in Djibouti—we have a different China than we had before. We are going to have to thoroughly review foreign transactions for national security concerns. I think Senator CORNYN is on the right track. I fully support his amendment.

The last one we will have is from Senator REED, and I think this is significant too. Our President has said several times—I have to say this. Not one President in my memory, Democratic or Republican, has been successful in getting our allies and NATO to carry their share of the burden. This President is getting very tough on that. I think the Reed motion to instruct conferees on NATO is one that will give him a lot of the force that he needs to impact these other countries.

If you take 29 countries—67 percent of our actual budget for our country is the entire amount for 29 countries.

That isn't right. This is something we can change, and we will hopefully succeed in doing that during this conference we will have.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the order for 5 p.m. be moved to now.

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

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

VOTE ON COMPOUND MOTION

The question occurs on agreeing to the pending motion with respect to the House message to accompany H.R. 5515.

Mr. INHOFE. 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 (Mr. RUBIO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—91

Alexander	Fischer	Murray
Baldwin	Flake	Nelson
Barraso	Gardner	Perdue
Bennet	Graham	Peters
Blumenthal	Grassley	Portman
Blunt	Hassan	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Heller	Rubio
Cantwell	Hirono	Sasse
Capito	Hoeben	Schatz
Cardin	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Casey	Isakson	Shaheen
Cassidy	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Tester
Cortez Masto	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	Leahy	Toomey
Cruz	Lee	Udall
Daines	Manchin	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Feinstein	Murphy	

NAYS—8

Gillibrand	Merkley	Warren
Harris	Paul	Wyden
Markey	Sanders	

NOT VOTING—1

McCain

The motion was agreed to.

MOTION TO INSTRUCT

Mr. CORNYN. Mr. President, I have at the desk a motion to instruct conferees, which I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5515 be instructed to insist that the final conference report include language to maintain the position of the Senate regarding modernization of the Committee on Foreign Investment in the United States, as reflected in title XVII of the Senate amendment.

Mr. CORNYN. Mr. President, this motion to instruct conferees for the Defense authorization bill is related to our reforms of the operation of the Committee on Foreign Investment in the United States.

It is no secret that China is weaponizing its investments in the United States to exploit national security vulnerabilities, including backdoor transfers of dual-use U.S. technology and related know-how.

I am delighted to be working with Mrs. FEINSTEIN, the Senator from California, on this issue. I thank our friend Senator INHOFE, who has taken a leadership role on the Armed Services Committee, and Senator CRAPO for the unanimous vote on the Banking Committee.

I yield to Senator INHOFE.

Mr. INHOFE. Just for one comment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I commend the Senator from Texas, Mr. CORNYN, for the effort he has put forth on a very difficult issue. I wholeheartedly agree with him.

I must say that this morning I received a phone call from Secretary Mattis, who strongly supports this and says we really need to have this.

Mr. CORNYN. Mr. President, I ask unanimous consent that the remaining votes in the series be 10 minutes in length, and I yield back the remaining time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I commend Senator CORNYN and Senator FEINSTEIN for their extraordinary work on this vital legislation and urge complete support.

I yield the floor, and I yield back all time.

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

Mr. CORNYN. 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 97, nays 2, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—97

Alexander	Gardner	Nelson
Baldwin	Gillibrand	Perdue
Barrasso	Graham	Peters
Bennet	Grassley	Portman
Blumenthal	Harris	Reed
Blunt	Hassan	Risch
Booker	Hatch	Roberts
Boozman	Heinrich	Rounds
Brown	Heitkamp	Rubio
Burr	Heller	Sanders
Cantwell	Hirono	Sasse
Capito	Hoeven	Schatz
Cardin	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Casey	Isakson	Shaheen
Cassidy	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Tester
Cortez Masto	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	Leahy	Toomey
Cruz	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young
Fischer	Murphy	
Flake	Murray	

NAYS—2

Lee

Paul

NOT VOTING—1

McCain

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

MOTION TO INSTRUCT

Mr. REED. Mr. President, I have a motion at the desk, and I ask that it be read.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5515 be instructed to—

(1) reaffirm the commitment of the United States to the North Atlantic Treaty Organization (NATO) alliance as a community of freedom, peace, security, and shared values, including liberty, human rights, democracy, and the rule of law;

(2) reaffirm the ironclad commitment of the United States to its obligations under Article 5 of the North Atlantic Treaty to the collective self-defense of the North Atlantic Treaty Organization alliance;

(3) establish as the policy of the United States pursuit of an integrated approach to strengthening the defense of allies and partners in Europe as part of a broader, long-term strategy using all elements of United States national power to deter and, if necessary, defeat Russian aggression;

(4) call on the Administration to urgently prioritize the completion of a comprehensive, whole-of-government strategy to

counter malign activities of Russia that seek to undermine faith in democratic institutions in the United States and around the world, and to submit that strategy to Congress without delay; and

(5) reflect the support of the United States for the rules-based international order that has ensured, and will continue to promote, an international system that benefits all nations, and for deepening and expanding alliances and partnerships to jointly work with one another on shared challenges in Europe and the Indo-Pacific Region and throughout the world.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, this would instruct the conferees of the National Defense Authorization Act conference to support our traditional relationship with NATO, reaffirm our commitment to work with them, recognize their work with us as they deploy personnel in Afghanistan, as they deploy personnel to training missions in Iraq, and, as members of NATO armed forces, have given their lives to help us in Afghanistan. It recognizes our traditional, long-term support for NATO, and it looks forward to continued support.

I urge adoption.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree with the Senator from Rhode Island.

I would like to say that there are 29 members of NATO. Of the 29 countries, if you take all of their defense budgets and add them together, the United States' defense dollars equal about 67 percent of that.

I believe this is sending the right message to let them know that we appreciate them—that is, our partners in NATO—but also that our President has made a very strong pitch that each one of them come up with 2 percent for their commitment, and they have not done it. I think the President needs to have our support. I think this does add legitimacy to that request.

I believe that burden-sharing has always been a problem. We have never been able to do it under Republican or Democrat Presidents, and this, maybe, is the time that we can get it done.

I support this motion.

Mr. REED. 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 question is on agreeing to the motion to instruct.

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. DAINES). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—97

Alexander	Gardner	Nelson
Baldwin	Gillibrand	Perdue
Barrasso	Graham	Peters
Bennet	Grassley	Portman
Blumenthal	Harris	Reed
Blunt	Hassan	Risch
Booker	Hatch	Roberts
Boozman	Heinrich	Rounds
Brown	Heitkamp	Rubio
Burr	Heller	Sanders
Cantwell	Hirono	Sasse
Capito	Hoeven	Schatz
Cardin	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Casey	Isakson	Shaheen
Cassidy	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Tester
Cortez Masto	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	Leahy	Toomey
Cruz	Manchin	Udall
Daines	Markley	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young
Fischer	Murphy	
Flake	Murray	

NAYS—2

Lee Paul

NOT VOTING—1

McCain

The motion was agreed to.

The Presiding Officer appointed Mr. MCCAIN, Mr. INHOFE, Mr. WICKER, Mrs. FISCHER, Mr. COTTON, Mr. ROUNDS, Mrs. ERNST, Mr. TILLIS, Mr. SULLIVAN, Mr. PERDUE, Mr. CRUZ, Mr. GRAHAM, Mr. SASSE, Mr. SCOTT, Mr. CRAPO, Mr. REED, Mr. NELSON, Mrs. MCCASKILL, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. DONNELLY, Ms. HIRONO, Mr. KAINE, Mr. KING, Mr. HEINRICH, Ms. WARREN, Mr. PETERS, and Mr. BROWN conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now resume executive session.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

Mr. WHITEHOUSE. Mr. President, this past year and half of the Trump administration has been a constant, daily barrage of scandal, corruption, and chaotic incompetence. In this environment, the Senate now considers the President's controversial nomination of Brian Benczkowski to lead the Criminal Division of the U.S. Department of Justice. It has been over a year since Benczkowski was first nominated, and there have been repeated calls for his nomination to be withdrawn.

Why this man, for this job, at this time? There is a very good chance that

something fishy is happening here. The warning signals of something fishy should be evident to Democratic and Republican Senators alike.

The obvious question is whether President Trump and his political or legal team are using this appointment to sneak a fast one by the American people and put themselves in a position to interfere, from the inside, with the Department of Justice investigation into the dealings between Russia and the Trump campaign—the so-called Mueller investigation, though it has expanded beyond Bob Mueller into several other parts of the Department of Justice.

How would this fast one work exactly? We will be voting tomorrow to install a Trump ally and nominee—a longtime political operative with ties to a Russian bank and to the recused Attorney General Jeff Sessions—into one of the most powerful posts at the Department of Justice, a position that just so happens to have significant supervisory control over Special Counsel Mueller's investigation and the criminal investigation of the Southern District of New York into Trump's personal lawyer, Michael Cohen. What could possibly go wrong?

Remember, we are dealing with a President who remains the subject of an ongoing criminal investigation by the Department of Justice. We are dealing with a President who repeatedly violates longstanding rules and norms in his continuing effort to interfere with that investigation. We are dealing with a President who has told the press he believes he has “absolute control” over the Department of Justice and who repeatedly criticizes Attorney General Sessions' recusal from the Russian interference investigation as insufficiently “loyal.”

We are dealing with a President who appears to have actively interfered in the Department's investigations into Michael Flynn, who insisted on “loyalty” from his FBI Director, and who admitted that firing that FBI Director was to ease pressure over what he called “the Russia thing.”

We know all of this in the Senate, often from this President's own mouth and his own tweets. With that backdrop from the Oval Office for this nomination, extra caution is warranted to be sure we are not being led into trouble.

Worse still, it is not just the President who is up to no good with respect to the ongoing criminal investigation. Republicans in the House—I suspect hand in hand with the White House and legal team—are pressing their smear campaign against Deputy Attorney General Rosenstein, seeming to want to kneecap the independence of the Mueller investigation and get access to its confidential investigative files.

As a former U.S. attorney, I recoil from the notion that a legislative body wants to peek over the shoulders of prosecutors in an ongoing investigation, particularly when those legisla-

tors are so closely allied with the subject of that investigation.

Against that added backdrop of House interference, the Senate is being asked to install a Trump loyalist into a key position of authority and control over the Russia-Trump collusion investigation. Even more caution is warranted for this nomination, given the behavior of the House.

Why this man, for this job, at this time? Why Benczkowski? Let's review. He is nominated to be the Chief of the Criminal Division, a critically important office within the Department of Justice. He will oversee nearly 700 career prosecutors who are some of the most talented and experienced lawyers in the country. Criminal Division lawyers prosecute nationally significant cases, from high-profile public corruption to child exploitation, to complicated money laundering and international organized crime cases.

One thing that is obvious—that is obvious—is that Mr. Benczkowski brings astoundingly weak qualifications to that task. Given the stakes and the complexity of the Criminal Division's work, you would expect someone leading the Division who had years of experience as a prosecutor, who had tried cases to a verdict—someone who knew the ins and outs of the Division's work and knew his way around Federal courtrooms.

To say that Benczkowski lacks this experience is putting it mildly. He may be the weakest candidate ever put forward in the history of the Department to oversee the Criminal Division. He is probably not hireable into the career positions he will oversee. The man has less courtroom time than the average citizen who has sat on a jury. He has never tried a case of any sort, criminal or civil, State or Federal. He has never argued a motion—something most litigators have done in their first years out of law school. He has never worked as a prosecutor. His stints at the Department of Justice were never as a practicing lawyer but always on the political side. In his whole career, he told the Senate, he could only come up with one or two times he ever entered a courtroom on what he called “routine scheduling or other matters.”

So it is not Benczkowski's experience or qualifications that are the reasons for his appointment. If qualifications and experience are not the reasons for his appointment, why put this prosecutorial neophyte into one of the most powerful, important prosecutorial positions at the Department of Justice? What, one might ask, is the motive? What do we know?

Although serious questions remain unanswered by the Department of Justice and by Mr. Benczkowski, we know from our correspondence with the Department that the Russia-Trump collusion investigation is being run under Department of Justice procedures that require approvals by the Criminal Division for a wide array of investigative and prosecutorial steps. As the U.S. attorney for Rhode Island, I used to have

to work with the Department of Justice and go through those approvals and those steps. The Mueller investigation and the Cohen investigation in the Southern District of New York are both subject to those same rules. That gives Mr. Benczkowski, if he is confirmed, not just a window into the Russia-Trump collusion investigation but the ability to actually interfere.

What else we know about Mr. Benczkowski is that he was a longtime political operative here in the Senate, on the Senate Judiciary Committee, where he worked as staff director for none other than Senator Jeff Sessions. Well, Attorney General Jeff Sessions has recused himself from the Russia-Trump collusion investigation. It is therefore an obvious question, if this person brings no experience as a prosecutor but plenty of experience as a close political operative for Jeff Sessions, whether that close political relationship is the reason.

That, in turn, presents the obvious question: Since Benczkowski is not there for his experience or for his qualifications, is he being installed as some kind of back channel, either as a trusted intermediary to get information to Attorney General Sessions around his recusal from this investigation perhaps or perhaps, in a worst-case scenario, to be a pipeline to Trump and his lawyers of confidential investigative information—the kind of information that House Republicans are trying to get their hands on? Maybe it is simply to jam the bureaucratic gears whenever Robert Mueller seeks approvals from the Criminal Division.

These are not easy questions, but there is an easy answer to these questions, and that easy answer is, don't worry, Mr. Benczkowski will be fully recused from that investigation. But the Department and Mr. Benczkowski won't say that. There have been no meaningful answers to these questions. Why won't they just say he will be recused? That should be easy.

It gets weirder. Benczkowski has his own Russia-Trump angle. After the election, with his old boss Sessions tapped to become Attorney General, Benczkowski volunteered for the Trump transition team, leading the so-called landing team at DOJ. It was on his way out the door from that role, heading back to his law firm, that Benczkowski told Sessions he was interested in securing a political appointment in the Department of Justice.

Scroll forward 2 months to March of 2017, when Benczkowski got a call from one of his law partners. The firm was representing the Russian Alfa Bank against allegations that Alfa Bank was serving as a back channel to the Trump organization. Alfa Bank is one of Russia's largest banks, and its owners reportedly have longstanding ties to Vladimir Putin. The partner wanted to know whether Benczkowski—fresh off the Trump Department of Justice tran-

sition team—could help the Russian bank. Benczkowski joined the firm's Alfa Bank legal team.

The next month, in April of 2017, Benczkowski was contacted by the Attorney General's office to ask whether he would like this job to head up the Department's Criminal Division. Press reports as early as May 4 indicated that Benczkowski was likely to be tapped for this Criminal Division job. Surely a person of sound judgment at this point would have stopped representing a Russian bank that might be under DOJ investigation for secret ties to the President. Surely. But no. Rather than withdraw from his representation, Benczkowski expanded his portfolio with Alfa Bank to review the now famous and widely verified Steele dossier.

The Steele dossier has been a feature not only in the Russia-Trump collusion investigation, it has also been a feature of Republican political efforts to discredit and besmirch the collusion investigation.

Benczkowski's new portfolio was to advise whether Alfa Bank, the Russian bank, should file a defamation suit against publisher BuzzFeed for disclosing the Steele dossier, which Alfa Bank subsequently did in New York State court.

There is more. Benczkowski's nomination to this position triggered confirmation obligations to disclose information to the Senate Judiciary Committee about his background, publications, and clients. This client was a Putin-tied Russian bank, and Benczkowski's work related to the red-hot Steele dossier. So obviously he disclosed this client relationship—actually, not. Benczkowski's Senate Judiciary questionnaire included no mention whatsoever of the Russian bank. Only when Democratic Senators reviewed Benczkowski's confidential FBI background report did questions arise about his relationship with Alfa Bank and his review of the Steele dossier for this Russian client. Benczkowski explained the troubling omission, telling us that he had been forbidden by his firm's confidentiality agreement from disclosing his work for Alfa Bank.

Some people would have thought his obligations of disclosure to the Senate mattered more than obligations of non-disclosure to such a client. These disclosure issues are customarily waived by clients in these circumstances or the nominee can withdraw. You don't just fail to list such a client, but that is what he did.

Mr. Benczkowski was voted out of the Judiciary Committee on a party-line vote a year ago. Now, with the Russia-Trump investigation heating up, with significant new potential cooperating witnesses, and with millions of pages of new documents available to the Department of Justice from Michael Cohen, now Republicans bring this nomination forward. Particularly this week, when the country has turned its focus to the Supreme Court an-

nouncement—an announcement obviously likely to dominate the news cycle—this bizarre nomination gets called up for a vote. It is almost as if they don't want people watching while this happens.

This is a nomination that should fail on qualifications alone. In the long history of the Department of Justice, there has never been so unqualified a nominee, in my view. In the name of the 700 career prosecutors in the Criminal Division who deserve an experienced and capable leader at their helm, in the name of the crime victims our criminal laws and their enforcement are intended to protect, I urge my colleagues to vote no just on qualifications. But this goes beyond an unqualified nominee; this is a nominee exhibiting a flashing array of warnings that there may be mischief afoot here. No Senator should take this vote unaware of these obvious warnings. Why somebody so unqualified? Why somebody so politically connected to the Attorney General? Why right now, right in the middle of constant interference by President Trump and his legal team and constant interference by House Republicans with this investigation? Now we put someone in who won't say he will recuse himself, who will have a window into this investigation, who will have the power to interfere with this investigation? That seems like a lot to let pass.

In the name of the integrity and independence of the Department of Justice, Senators should vote no because of the contamination risk Mr. Benczkowski poses even if he were qualified for the post. This combination of lack of qualification—a flagrant, flat-out unqualified nominee—and the risk of contamination in an environment in which there are abundant political efforts to interfere with this investigation—that is a combination no Senator ought to accept—not for this man, not for this job, not at this time.

If mischief is afoot and if these dark prospects should come to pass, Senators, we will have been warned. We will have been warned.

I yield the floor and 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. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, all postcloture time on Executive Calendar No. 639 be considered expired at 2 p.m. tomorrow and the Senate immediately vote on the nomination; 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; and that following disposition of the nomination, the Senate vote on the motion to invoke cloture on the Ney nomination.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-03, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$650 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 18-03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: The Government of the United Kingdom.
- (ii) Total Estimated Value:
Major Defense Equipment* \$600 million.
Other \$50 million.
Total \$650 million.

- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Up to two hundred (200) AIM-120D Advanced Medium-Range Air-to-Air Missiles (AMRAAMs).

Non-MDE:

Also included in this sale are missile containers; weapon system support equipment; support and test equipment; site survey; transportation; repair and return support; warranties; spare and repair parts; publications and technical documentation; maintenance and personnel training; training equipment; U.S. Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support.

- (iv) Military Department: Air Force (UK-D-YAM).

- (v) Prior Related Cases, if any: UK-D-YAL, 6 Sep 17.

- (vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

- (vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

- (viii) Date Report Delivered to Congress: July 10, 2018.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Kingdom—AIM-120D Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of the United Kingdom has requested to buy up to two hundred (200) AIM-120D Advanced Medium Range Air-to-Air Missiles (AMRAAMs). Also included in this sale are missile containers; weapon system support equipment; support and test equipment; site survey; transportation; repair and return support; warranties; spare and repair parts; publications and technical documentation; maintenance and personnel training; training equipment; U.S. Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support. The estimated cost of the overall possible sale is \$650 million.

The proposed sale will support the foreign policy and national security policies of the United States by helping to improve the security of a NATO ally which has been, and continues to be, an important partner on critical foreign policy and defense issues.

The proposed sale will improve the Royal Air Force's aircraft capabilities for mutual defense, regional security, force modernization, and U.S. and NATO interoperability. This sale will enhance the Royal Air Force's ability to defend the United Kingdom against future threats and contribute to future NATO operations. The United Kingdom will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems Company, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 18-03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

- (vii) Sensitivity of Technology:

1. The AIM-120D Advanced Medium Range Air-to-Air Missiles (AMRAAM) is a guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. The AMRAAM is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technical data and other documentation are classified up to SECRET.

2. The AIM-120D AMRAAM hardware, including the missile guidance section, is classified CONFIDENTIAL. State-of-the-art technology is used in the missile to provide it with unique beyond-visual-range capability. The increase in capability from the AIM-120C-7 to AIM-120D consists of a two-way data link, a more accurate navigation unit, improved High-Angle Off-Boresight (HOBS) capability, and enhanced aircraft-to-missile position handoff.

3. AIM-120D features a target detection device with embedded electronic countermeasures, and an electronics unit within the guidance section that performs all radar signal processing, midcourse and terminal guidance, flight control, target detection, and warhead burst point determination.

4. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that the Government of the United Kingdom can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

6. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the United Kingdom.

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-24, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Kingdom of Denmark for defense articles and services estimated to cost \$90 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 18-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: Kingdom of Denmark.
- (ii) Total Estimated Value:
Major Defense Equipment* \$75 million.
Other \$15 million.
Total \$90 million.
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):
Twenty-eight (28) AIM-120 C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM).

One (1) AMRAAM Spare Guidance Section. Non-MDE:

Also included are missile containers, control section spares, weapon systems support, test equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, and technical support services, and other related elements of logistics and program support.

(iv) Military Department: Air Force (DE-D-YAO).

(v) Prior Related Cases, if any: DE-D-YAS (AIM-120B).

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: July 10, 2018.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Denmark—AIM-120 C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of Denmark has requested to buy twenty-eight (28) AIM-120 C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and one (1) AMRAAM spare guidance section. Also included are missile containers, control section spares, weapon systems support, test equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, and technical support services, and other related elements of logistics and program support. The total estimated program cost is \$90 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally that is an important force for political stability and economic progress in the European region.

This proposed sale would support Denmark's F-16 and future F-35 fighter programs and enhance Denmark's ability to provide for its own territorial defense and support coalition operations. The proposed sale also enables interoperability and standardization between the armed forces of Denmark and the United States. Denmark already maintains the AIM-120B in its inventory and will have no difficulty absorbing this additional equipment and support into its armed forces.

The proposed sale of these systems and equipment will not alter the basic military balance in the region.

The principal contractor will be Raytheon Cooperation in Tucson, Arizona. The purchaser has requested offsets. At this time, agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Denmark.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 18-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. AIM-120C Advance Medium Range Air-to-Air (AMRAAM) is a radar-guided missile

featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying and low flying and maneuvering targets. The AMRAAM All Up Round is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Denmark can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Denmark.

ADDITIONAL STATEMENTS

TRIBUTE TO JULIETTE C. HAMILL

• Ms. HASSAN. Mr. President, today I wish to recognize and extend my sincerest congratulations and happy birthday wishes to Juliette C. Hamill, who celebrates her 100th birthday on July 10.

Juliette was born and raised in Manchester, NH, the same city where she resides today. She worked as a legal secretary, as well as a Federal housing authority, before retiring.

Juliette and her husband, Warren, were married for 45 years before he passed away in 2001. During the course of their marriage, they visited all the continental U.S. State capitals on road trips. While the couple spent most of their years in New Hampshire, they also briefly lived in New York, California, Ohio, and Nebraska.

Together, Juliette and Warren raised four children: Theresa McKenney, Warren G. Hamill, Catherine Mary Burge, and Gary C. Hamill. Juliette also has 9 grandchildren and 10 great-grandchildren, whom she loves deeply.

Today Juliette is an active member of her churches: St. Marie's Catholic Church and St. Catherine's Catholic Church.

Mr. President, I hope you join me, Juliette's friends and family, and many people in the city of Manchester and across the Granite State in wishing Juliette C. Hamill a very happy 100th birthday.●

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.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The President pro tempore (Mr. HATCH) announced that on July 9, 2018, he had signed the following enrolled bills and joint resolution, which were previously signed by the Speaker pro tempore (Mr. MCHENRY) of the House:

H.R. 770. An act to require the Secretary of the Treasury to mint coins in recognition of American innovation and significant innovation and pioneering efforts of individuals or groups from each of the 50 States, the District of Columbia, and the United States territories, to promote the importance of innovation in the United States, the District of Columbia, and the United States territories, and for other purposes.

H.R. 2061. An act to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

S.J. Res 60. Joint resolution providing for the reappointment of Barbara M. Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

ENROLLED BILLS SIGNED

At 12:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker pro tempore (Mr. MCHENRY) has signed the following enrolled bills:

H.R. 1496. An act to designate the facility of the United States Postal Service located at 3585 South Vermont Avenue in Los Angeles, California, as the "Marvin Gaye Post Office".

H.R. 2673. An act to designate the facility of the United States Postal Service located at 514 Broadway Street in Pekin, Illinois, as the "Lance Corporal Jordan S. Bastean Post Office".

H.R. 3183. An act to designate the facility of the United States Postal Service located at 13683 James Madison Highway in Palmyra, Virginia, as the "U.S. Navy Seaman Dakota Kyle Riggsby Post Office".

H.R. 4301. An act to designate the facility of the United States Postal Service located at 201 Tom Hall Street in Fort Mill, South Carolina, as the "J. Elliott Williams Post Office Building".

H.R. 4406. An act to designate the facility of the United States Postal Service located at 99 Macombs Place in New York, New York, as the "Tuskegee Airmen Post Office Building".

H.R. 4463. An act to designate the facility of the United States Postal Service located at 6 Doyers Street in New York, New York, as the "Mabel Lee Memorial Post Office".

H.R. 4574. An act to designate the facility of the United States Postal Service located at 108 West Schick Road in Bloomingdale, Illinois, as the "Bloomingdale Veterans Memorial Post Office Building".

H.R. 4646. An act to designate the facility of the United States Postal Service located at 1900 Corporate Drive in Birmingham, Alabama, as the "Lance Corporal Thomas E. Rivers, Jr. Post Office Building".

H.R. 4685. An act to designate the facility of the United States Postal Service located at 515 Hope Street in Bristol, Rhode Island, as the "First Sergeant P. Andrew McKenna Jr. Post Office".

H.R. 4722. An act to designate the facility of the United States Postal Service located at 111 Market Street in Saugerties, New York, as the "Maurice D. Hinchey Post Office Building".

H.R. 4840. An act to designate the facility of the United States Postal Service located at 567 East Franklin Street in Oviedo, Florida, as the "Sergeant First Class Alwyn Crendall Cashe Post Office Building".

ENROLLED BILLS SIGNED

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. MITCHELL) has signed the following enrolled bills:

H.R. 219. An act to correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

H.R. 220. An act to authorize the expansion of an existing hydroelectric project, and for other purposes.

H.R. 446. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 447. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 951. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 2122. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam.

H.R. 2292. An act to extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam.

H.R. 5956. An act to incentivize the hiring of United States workers in the Commonwealth of the Northern Mariana Islands, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 10, 2018, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 60. Joint resolution providing for the reappointment of Barbara M. Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

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-5803. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of five (5) officers authorized to wear the insignia of the grade of rear admiral or rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5804. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Herman A. Shelanski, United States Navy,

and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-5805. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Edward C. Cardon, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5806. A communication from the Executive Assistant to the Director of Army Financial Services, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Military Pay Certificates" ((RIN0702-AA91) (32 CFR Part 538)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Armed Services.

EC-5807. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "National Security Education Program (NSEP) Grants to Institutions of Higher Education" (RIN0790-AJ93) received in the Office of the President of the Senate on June 28, 2018; to the Committee on Armed Services.

EC-5808. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Removal of the Sudanese Sanctions Regulations and Amendment of the Terrorism List Government Sanctions Regulations" (31 CFR Parts 538 and 596) received in the Office of the President of the Senate on June 28, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-5809. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Global Magnitsky Sanctions Regulations" (31 CFR Part 583) received in the Office of the President of the Senate on June 26, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-5810. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Involuntary Liquidation of Federal Credit Unions and Claims Procedures" (RIN3133-AE82) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-5811. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Inline XBRL Filing of Tagged Data" (RIN3235-AL59) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-5812. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Smaller Reporting Company Definition" (RIN3235-AL90) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-5813. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Investment Company Liquidity Disclosure" (RIN3235-AM30) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-5814. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; California; Eastern Kern Air Pollution Control District; Reclassification" (FRL No. 9980-48-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Environment and Public Works.

EC-5815. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Regional Haze State Implementation Plan" (FRL No. 9980-13-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Environment and Public Works.

EC-5816. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality State Implementation Plans; California; Chico Redesignation Request and Maintenance Plan for the 2006 24-hour PM2.5 Standard" (FRL No. 9980-49-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Environment and Public Works.

EC-5817. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oklahoma; Interstate Transport Requirements for the 2012 PM2.5 NAAQS" (FRL No. 9979-96-Region 6) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Environment and Public Works.

EC-5818. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interstate Transport Prongs 1 and 2 for the 2012 Fine Particulate Matter (PM2.5) Standard for Colorado, Montana, North Dakota, South Dakota and Wyoming" (FRL No. 9980-12-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Environment and Public Works.

EC-5819. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Remaining Requirements for Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements" (FRL No. 9980-41-OAR) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Environment and Public Works.

EC-5820. A communication from the Director of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Exempt Distribution Licenses" (NUREG-1556, Volume 8, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2018; to the Committee on Environment and Public Works.

EC-5821. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule

entitled "Rules of Conduct and Standards of Responsibility for Appointed Representatives" (RIN0960-AH63) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Finance.

EC-5822. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2018-0113-2018-0124); to the Committee on Foreign Relations.

EC-5823. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Feed Materials Production Center in Fernald, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5824. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Grand Junction Facilities in Grand Junction, Colorado, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5825. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Education, received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-5826. A communication from the Deputy Assistant General Counsel for the Division of Regulatory Services, Office of the Chief Privacy Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Technical Assistance on Student Privacy for State and Local Educational Agencies When Administering College Admissions Examinations" received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-5827. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Program Integrity and Improvement" (RIN1840-AD39) received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-5828. A communication from the Director of the Directorate of Standards and Guidance, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Revising the Beryllium Standard for General Industry" (RIN1218-AB76) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-5829. A communication from the Assistant General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-5830. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursu-

ant to law, the report of a rule entitled "Elimination of Nonimmigrant Visa Exemption for Certain Caribbean Residents Coming to the United States as H-2A Agricultural Workers" (RIN1651-AB09) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on the Judiciary.

EC-5831. A communication from the Regulation Policy Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical Care in Foreign Countries and Filing for Reimbursement for Community Care Not Previously Authorized by VA" (RIN2900-AP55) received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2018; to the Committee on Veterans' Affairs

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2202. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes (Rept. No. 115-293).

By Mr. BARRASSO, from the Committee on Environment and Public Works:

Report to accompany S. 2800, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 115-294).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Randy W. Berry, of Colorado, 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 Federal Democratic Republic of Nepal.

Nominee: Randy W. Berry.

Post: Ambassador to Nepal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$500, 9/30/16, Hillary for America; \$250, 9/30/16, Hillary Victory Fund.

2. Spouse: Pravesh Singh: \$558, 9/30/16, Hillary for America; \$308, 9/30/16, Hillary Victory Fund.

3. Child: Arya Berry-Singh: None; Child: Alexander Berry-Singh: None.

4. Father: Russell Berry: None; Mother: Eunice Berry: None.

5. Grandfather: Charles Berry—Deceased; Grandmother: Hattie Berry—Deceased; Grandfather: Harry Atwood—Deceased; Grandmother: Margaret Atwood—Deceased.

6. Sister: Rhonda Patterson: None; Spouse: Gary Patterson: None; Sister: Rita Wilson: None; Spouse: Scott Wilson: None.

*Donald Lu, of California, 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 Kyrgyz Republic.

Nominee: Donald Lu.

Post: U.S. Embassy Bishkek, Kyrgyzstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Ariel C. Ahart: none.

3. Children and Spouses: Kipling I. Lu: none; Aliya A. Lu: none.

4. Parents: Allena F. Kaplan, none; David S. Lu—deceased.

5. Grandparents: Abbie Fong—deceased; Allen Fong—deceased; Paternal Grandfather—deceased; Paternal Grandmother—deceased.

6. Brothers and Spouses: Gene Lu, none; Terry Lu, none; William Hart, none; Julie Hart, none.

7. Sisters and Spouses: Bonnie Morgan, none; Doug Morgan, none.

*Alaina B. Teplitz, of Colorado, 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 Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: Alaina B. Teplitz.

Post: The Democratic Socialist Republic of Sri Lanka and the Republic of Maldives.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Maximilien H. Mellott: \$75.00, 2017, Mari Manoogian; Miles F. Mellott: None.

4. Parents: Marsha J. Neece; Jack B. Teplitz, see attached; Marcella B. Teplitz, see attached—jointly with Jack B. Teplitz.

5. Grandparents: Janet Teplitz—deceased; Henry Teplitz—deceased; Janis Freeman—deceased; Thomas Freeman—deceased.

6. Brothers and Spouses: Nathan B. Teplitz, None.

7. Sisters and Spouses: n/a.

Attachment: Campaign Contributions for Jack and Marcella Teplitz 2013-2017

2013: 01/31/13, Chuck Grayeb for Council (Peoria City Council), \$200.00.

Total 2013: \$200.00.

2014: 08/07/14, ActBlue*Cheri Bustos (US Rep from IL), \$50.00.

Total 2014: \$50.00.

2015: 04/12/15, HILLARY FOR AMERICA 6468541432 NY, \$25.00.

Total 2015: \$25.00.

2016: 10/19/16, Chuck Grayeb for Council, \$100.00; 11/03/16, HILLARY FOR AMERICA—NEW YORK CITY, NY, \$100.00.

Total 2016: \$200.00.

2017: 02/12/17, Friends of Sid Ruckriegel, \$100.00.

Total 2017: \$100.00.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the

RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Polly Catherine Dunford-Zahar and ending with William M. Patterson, which nominations were received by the Senate and appeared in the Congressional Record on April 9, 2018. (minus 1 nominee: Tanya S. Urqueta)

*Foreign Service nominations beginning with Sandillo Banerjee and ending with Robert Peaslee, which nominations were received by the Senate and appeared in the Congressional Record on April 9, 2018. (minus 1 nominee: Dao Le)

*Foreign Service nomination of Peter A. Malnak.

By Mr. ISAKSON for the Committee on Veterans' Affairs.

*Robert L. Wilkie, of North Carolina, to be Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 Mr. SCHUMER:

S. 3187. A bill to authorize veterans service organizations to solicit donations at post offices before and after Federal holidays; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARKEY (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Ms. HARRIS, Mr. WYDEN, and Mr. KAINE):

S. 3188. A bill to amend title 18, United States Code, to prohibit gay and trans panic defenses; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 3189. A bill to exclude the discharge of certain Federal student loans from the calculation of gross income; to the Committee on Finance.

By Mr. LEE (for himself, Mr. CRUZ, and Mr. RUBIO):

S. 3190. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. JONES (for himself, Mrs. MCCASKILL, and Ms. HARRIS):

S. 3191. A bill to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERDUE (for himself, Mr. LANKFORD, Mr. COTTON, Mr. INHOPE, and Mr. LEE):

S. Res. 570. A resolution emphasizing the importance of meeting NATO spending commitments; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Mr. PORTMAN, Mr. DURBIN, Mr. TOOMEY, Mr. COONS, Mr. RUBIO, Mr. MARKEY, Mr. ISAKSON, Mr. CARDIN, and Mr. BROWN):

S. Res. 571. A resolution condemning the ongoing illegal occupation of Crimea by the Russian Federation; to the Committee on Foreign Relations.

By Mr. BLUNT (for himself, Mr. DURBIN, Mr. BOOZMAN, Mrs. CAPITO, Mr. COONS, Mr. COTTON, Mr. GARDNER, Mr. KENNEDY, Mr. MARKEY, Mr. MCCAIN, Mr. ALEXANDER, Mr. RISCH, Mr. RUBIO, Mr. PERDUE, and Mrs. HYDE-SMITH):

S. Con. Res. 41. A concurrent resolution recognizing 100 years of the United States-Australia relationship—100 years of Mateship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. HELLER, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 428

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 428, a bill to amend titles XIX and XXI of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through enhanced pediatric health homes, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 428, *supra*.

S. 486

At the request of Mr. CASEY, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 486, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 515

At the request of Mr. CASEY, the name of the Senator from Virginia (Mr. KAINE) 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. 681

At the request of Mr. TESTER, the name of the Senator from Massachu-

setts (Ms. WARREN) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 794

At the request of Mr. CARPER, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes.

S. 835

At the request of Mr. MURPHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 835, a bill to require the Supreme Court of the United States to promulgate a code of ethics.

S. 1109

At the request of Mr. MERKLEY, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 1109, a bill to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes.

S. 1121

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1121, a bill to establish a postsecondary student data system.

S. 1596

At the request of Mr. PETERS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1596, a bill to amend title 38, United States Code, to increase certain funeral benefits for veterans, and for other purposes.

S. 1690

At the request of Ms. DUCKWORTH, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 1690, a bill to amend the Higher Education Act of 1965 to provide greater support to students with dependents, and for other purposes.

S. 2076

At the request of Ms. CORTEZ MASTO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2076, a bill to amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

S. 2101

At the request of Mr. DONNELLY, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Mr. CARDIN), the

Senator from Missouri (Mr. BLUNT) and the Senator from Alaska (Mr. SULLIVAN) 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 Florida (Mr. NELSON) and the Senator from Missouri (Mr. BLUNT) 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. 2597

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2597, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, and for other purposes.

S. 2784

At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 2784, a bill to reauthorize the Family Violence Prevention and Services Act.

S. 2823

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 2823, a bill to modernize copyright law, and for other purposes.

S. 2881

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2881, a bill to direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes.

S. 2945

At the request of Mr. YOUNG, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2945, a bill to authorize the Secretary of Housing and Urban Development to carry out a housing choice voucher mobility demonstration to encourage families receiving the voucher assistance to move to lower-poverty areas and expand access to opportunity areas.

S. 2957

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2957, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 3014

At the request of Mr. GARDNER, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of S. 3014, a bill to amend title XVIII of the Social Security Act to support rural residency training funding that is equitable for all States, and for other purposes.

S. 3051

At the request of Mr. HOEVEN, the names of the Senator from Iowa (Mrs. ERNST) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors 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. 3066

At the request of Mr. WARNER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3066, a bill to amend the General Education Provisions Act to allow the release of education records to facilitate the award of a recognized postsecondary credential.

S. 3090

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3090, a bill to amend the National Voter Registration Act of 1993 to clarify that a State may not use an individual's failure to vote as the basis for initiating the procedures provided under such Act for the removal of the individual from the official list of registered voters in the State on the grounds that the individual has changed residence, and for other purposes.

S. 3148

At the request of Mr. RUBIO, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 3148, a bill to prohibit certain business concerns from receiving assistance from the Small Business Administration, and for other purposes.

S. 3172

At the request of Mr. PORTMAN, the names of the Senator from Montana (Mr. DAINES), the Senator from New Mexico (Mr. HEINRICH), the Senator from West Virginia (Mrs. CAPITO), the Senator from Colorado (Mr. GARDNER), the Senator from West Virginia (Mr. MANCHIN), the Senator from Missouri (Mr. BLUNT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors 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. 556

At the request of Mr. RUBIO, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 556, a resolution reaffirming the commitment of the United States to hold the Ortega regime accountable for acts of violence

and human rights abuses perpetrated against the Nicaraguan people.

S. RES. 557

At the request of Mr. WICKER, the names of the Senator from Indiana (Mr. YOUNG) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 3187. A bill to authorize veterans service organizations to solicit donations at post offices before and after Federal holidays; to the Committee on Homeland Security and Governmental Affairs.

Mr. SCHUMER. 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. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoring Access, Improving Service to Enable Veterans Engaging To Fundraise Act of 2018" or the "RAISE VET FUND Act".

SEC. 2. SOLICITATION BY VETERANS SERVICE ORGANIZATIONS AT POST OFFICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended by adding at the end the following:

"(f) SOLICITATION BY VETERANS SERVICE ORGANIZATIONS AT POST OFFICES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'business day' means a day on which a post office is open;

"(B) the term 'Federal holiday' means—

"(i) a legal public holiday under section 6103(a) of title 5; and

"(ii) Flag Day, as designated under section 110 of title 36;

"(C) the term 'holiday period' means the period beginning 2 business days before, and ending 2 business days after, a Federal holiday; and

"(D) the term 'veterans service organization' means an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.

"(2) AUTHORIZATION.—The Postal Service shall permit a veterans service organization to solicit donations by distributing items that are symbols for veterans at a post office on any business day during a holiday period."

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the United States Postal Service shall promulgate regulations governing the use of post offices by veterans service organizations, including with respect to scheduling, under subsection (f) of section 404 of title 39, United States Code, as added by subsection (a).

(c) EFFECTIVE DATE.—Subsection (f) of section 404 of title 39, United States Code, as added by subsection (a), shall take effect on

the date that is 120 days after the date of enactment of this Act.

By Mr. JONES (for himself, Mrs. McCASKILL, and Ms. HARRIS):

S. 3191. A bill to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. JONES. Mr. President, I rise to speak on a matter of both personal and national importance.

As many folks know by now, a defining moment in my career as a prosecutor was bringing to justice two former Ku Klux Klansmen for the bombing of Birmingham's 16th Street Baptist Church in 1963. That act of domestic terrorism, and that is exactly what it was, killed four innocent, beautiful little girls. As one of their mothers, Miss Alpha Robertson, described, "It sounded like the whole world was shaking."

There is no doubt it did. The whole world shook as people asked: How could this happen in America, the land of the free and the home of the brave? Despite the feeling that the whole world shook—and indeed the horrific crime did add momentum to the civil rights movement—the criminals responsible for the murder of those four little girls were not brought to justice for decades.

The first came in 1977, 14 years after the fact, by my friend and former Alabama attorney general, Bill Baxley. It would be 24 and 25 years later, in 2001 and 2002, that my team of Robert Posey, Jeff Wallace, Don Cochran, Bill Fleming, Ben Herren, and I completed that journey. The bombing of the 16th Street Baptist Church was but one of many civil rights-era crimes that have gone unsolved.

Solving and successfully prosecuting an almost 40-year-old case was no easy task, and the effort involved a team of both Federal and State law enforcement. Media coverage also contributed to some key breaks in that case. In fact, it was through the dedicated efforts of my friend Jerry Mitchell, an award-winning journalist at the Jackson, MS, Clarion Ledger, that these unsolved civil rights cases even got a second look. It was when the State of Mississippi opened closed files of a Jim Crow-era State commission that Jerry discovered it might be possible to reopen several unsolved cases, including the cases of Medgar Evers and Vernon Dahmer. When those cases resulted in convictions, law enforcement officers and communities around the South began to reexamine so many of the unsolved crimes, including the bombing of the 16th Street Baptist Church.

Today there are more than 100 unsolved civil rights criminal cases out there. Many of them are 50 years old or older. Some were investigated a little, some were investigated a lot, but because these were State not Federal crimes most were never really investigated at all.

While it is certainly never too late for justice, years of delays can create serious and sometimes insurmountable obstacles: Memories fade or are lost to death, evidence disappears. Potential defendants also die, taking the details of their crimes to their graves.

Justice can take many forms. It doesn't always have to be a criminal conviction. One measure of justice—not a full measure but a measure nonetheless—can be achieved through a public examination of the facts and determination of the truth about what happened and why, but because these were criminal cases, the records and files relating to these unsolved cases are often classified or shielded from public view, and sometimes they are literally scattered among various agencies and hard to find.

Yet the victims of these crimes and their families have no less right to justice than they did at the time the crimes were committed, and the American people have a right to know this part of our Nation's history. As has often been said, if we do not learn from the mistakes of the past, we are doomed to repeat them. In today's climate, I believe we need to be more than ever vigilant and knowledgeable about the mistakes of the crimes of the civil rights era.

Eleven years ago, nearly to the day, I testified as a lawyer before the House Judiciary Committee in support of the Emmett Till Unsolved Civil Rights Crimes Act. That act created the Department of Justice's Civil Rights Cold Case Division to focus exclusively on solving these unsolved civil rights cases. Since the bill's passage, the Civil Rights Division has reexamined a number of these cases. I certainly applaud their efforts in doing so, but often, as was my experience, these cases end up being solved with the help of journalists, historians, private investigators, and local law enforcement, but that requires having access to the files. It is not an easy task getting access to these kinds of files. However, by ensuring public access to the files and records relating to these cases, we can expand the universe of people who can help these victims receive the justice they have long since been denied. If we are going to find the truth, it has to start with transparency.

That is why today I am introducing the Civil Rights Cold Case Records Collection Act of 2018, which will require the assembly, collection, and public disclosure of government cold case records about unsolved civil rights cases.

This legislation would not have been possible without the dedicated efforts of students at Hightstown High School in Hightstown, NJ, and their teacher Stuart Wexler, who have joined me in the Gallery today.

It was a couple of years ago, long before becoming a U.S. Senator was really on my radar, that I received a call from Mr. Wexler explaining that he and his students had been stymied in ef-

forts to obtain documents through the Freedom of Information Act about some of these cases. They wanted my support and others for legislation they were drafting to open these files to the public. Since I had already made that suggestion to folks at the Justice Department and others, I enthusiastically endorsed their project. Who would have imagined that 2 or 3 years ago we would be here today?

I thank them for reminding me of our conversations and our shared commitment and for working with me and my staff to make the introduction of this legislation possible today. It means a lot that these young people from New Jersey, who were not even born when these crimes were committed, care so much about this issue.

I also thank a few other folks. I thank John Hamilton and Jay Bosanko at the National Archives for working with the staff, and Professor Hank Klibanoff, who is also with us in the Gallery today, a former journalist and Pulitzer Prize winner for the book "The Race Beat" that examined the role of the journalist during the civil rights movement.

I thank them for their help in drafting this legislation and others who dedicated their lives to working on these cold cases—people like Andrew Sheldon in Atlanta and Alvin Sykes, who worked so hard on the Emmett Till bill and the Emmett Till case; Margaret Burnham, a law professor from Northeast Eastern University Law School; and Paula Johnson from Syracuse University Law School have all done remarkable work in trying to reexamine these cases.

While prosecuting the church bombing cases, I learned how deeply important this work is to anyone who lost a loved one just because someone else hated the color of their skin. It is also important to the communities where these crimes occurred.

It is impossible to express the emotion and satisfaction our team felt at the conclusion of those trials and the guilty verdicts we obtained. It was a privilege to work on cases that meant so much to so many. We have come a long way since 1963, but justice delayed does not have to mean justice denied.

When I testified at the House Judiciary Committee 11 years ago, I noted that we could never prosecute all of these cases but that as a country of compassion, we should find other ways to heal these old wounds. Reconciliation can be the most potent medicine for healing. After all this time, we might not solve every one of these cold cases, but my hope is, our efforts today will, at the very least, help us find some long overdue healing and understanding of the truth.

Each civil rights crime, each victim of that era deserves as much attention and effort as Carol Robertson, Denise McNair, Addie Mae Collins, and Cynthia Morris Wesley, the young girls who lost their lives that Sunday morning in 1963.

Thank you.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 570—EMPHASIZING THE IMPORTANCE OF MEETING NATO SPENDING COMMITMENTS

Mr. PERDUE (for himself, Mr. LANKFORD, Mr. COTTON, Mr. INHOFE, and Mr. LEE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 570

Whereas, for over six decades, the North Atlantic Treaty Organization (NATO) has been a successful intergovernmental political and military alliance;

Whereas NATO's collective defense serves as a deterrent against aggression from adversaries and external security threats;

Whereas NATO strengthens the security of the United States by utilizing an integrated military coalition;

Whereas Article 3 of the North Atlantic Treaty states that "in order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack";

Whereas, since the formation of NATO, the United States has negotiated with NATO allies over fair and equitable burden sharing;

Whereas, in 1953, President Dwight Eisenhower invited European NATO allies to increase their contribution in defense spending, pointing out that the "American well had run dry";

Whereas, at a 1963 National Security Council meeting, President John F. Kennedy stated that "we cannot continue to pay for the military protection of Europe while the NATO states are not paying their fair share and living off the fat of the land";

Whereas President Richard Nixon's Second Annual Report to the Congress on United States Foreign Policy stated, "The emphasis is no longer on their sharing the cost of America's military commitment to Europe—although financial arrangements may play a part—but on their providing the national forces needed in conjunction with ours in support of an effective common strategy";

Whereas the first NATO defense-spending target was issued in the 1977 NATO Ministerial Guidance, where NATO allies agreed to increase defense spending by 3 percent annually to address the substantially larger defense resource allocations of the Soviet Union;

Whereas, during the 1980s, the United States drastically increased its defense spending to combat threats posed by the Soviet Union, causing its share of total NATO defense spending to rise dramatically, while at the same time, NATO allies failed to meet the 1977 spending target;

Whereas the National Defense Authorization Act, 1985 (Public Law 98-525) included a sense of Congress that the President should "call on the pertinent members of the North Atlantic Treaty Organization to meet or exceed their pledges for an annual increase in defense spending";

Whereas, in the 1988 NATO Summit Declaration, NATO allies reaffirmed their "willingness to share fairly the risks, burdens and responsibilities as well as the benefits of our common efforts";

Whereas, in 1990, as the Soviet Union was trending towards collapse, NATO defense

ministers agreed to drop the 3-percent annual increase policy, as allies looked to "reap the benefits of the greatly improved climate in East-West relations";

Whereas, while defense spending among all NATO allies decreased throughout the 1990s, conflicts in Bosnia, and later in Kosovo, clearly illustrated that European NATO allies severely lacked key military capabilities, causing British Prime Minister Tony Blair to state, "If Europe wants the United States to maintain its commitment to Europe, Europe must share more of the burden of defending the West's security interests";

Whereas, at the 2002 NATO Prague Summit, NATO allies entered into a nonbinding agreement to raise defense spending to 2 percent of their gross domestic product (GDP) in order to meet the goals set out in the Prague Capabilities Commitment;

Whereas, before the 2006 NATO Riga Summit, United States Ambassador to NATO Victoria Nuland called the 2-percent metric the "unofficial floor" on defense spending in NATO;

Whereas, at the 2006 NATO Riga Summit, NATO allies declared that "we encourage nations whose defense spending is declining to halt that decline and to aim to increase defense spending in real terms";

Whereas, at the 2008 NATO Bucharest Summit, NATO allies reaffirmed their defense-spending goal;

Whereas, in 2011, Secretary of Defense Robert Gates said, "The blunt reality is that there will be dwindling appetite and patience in the U.S. Congress—and in the American body politic writ large—to expend increasingly precious funds on behalf of nations that are apparently unwilling to devote the necessary resources or make the necessary changes to be serious and capable partners in their own defense";

Whereas, in 2014 at the NATO Wales Summit, NATO members officially declared to increase their defense spending to 2 percent of their gross domestic product by 2024;

Whereas the Wales Summit Declaration stated that "[a]llies currently meeting the NATO guideline to spend a minimum of 2% of their Gross Domestic Product (GDP) on defense will aim to continue to do so" and continued, "Allies whose current proportion of GDP spent on defense is below this level will: halt any decline in defense expenditure; aim to increase defense expenditure in real terms as GDP grows; aim to move towards the 2% guideline within a decade with a view to meeting their NATO Capability Targets and filling NATO's capability shortfalls";

Whereas, for the first time since 1990, there have been three consecutive years of increases in NATO defense spending;

Whereas, since the end of 2014, defense expenditures by NATO Europe and Canada have risen by \$28,000,000,000, representing a 10-percent increase;

Whereas, in 2014, only three NATO allies met the 2-percent spending target, while NATO expects eight allies to meet the target in 2018, and 15 allies to reach the target by 2024;

Whereas, while the 2-percent defense-spending target is an important measure of allies' commitment to NATO, it is imperative that defense expenditures are both interoperable with, and strengthen, NATO's critical military capabilities;

Whereas Russia fundamentally challenges the peaceful world order that NATO has sought to foster and aspires to extend as it continues its illegal occupation of territory in Ukraine, Moldova, and Georgia; and

Whereas strengthening NATO's capabilities is critical to the future of the alliance to deter an increasingly aggressive Russia to NATO's east, the threat posed by ISIS, and instability to NATO's south, as well as

emerging security challenges, including terrorism and cybersecurity: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the commitment of the United States to the North Atlantic Treaty Organization (NATO) as the foundation of transatlantic security and defense;

(2) encourages all member countries of the North Atlantic Treaty Organization to fulfill their commitments to levels and composition of defense expenditures as agreed upon at the NATO 2014 Wales Summit;

(3) calls on NATO allies to finance, equip, and train their armed forces to achieve interoperability and fulfill their national and regional security interests; and

(4) recognizes NATO allies who meet their defense spending commitments or are otherwise providing adequately for their national and regional security interests.

SENATE RESOLUTION 571—CONDEMNING THE ONGOING ILLEGAL OCCUPATION OF CRIMEA BY THE RUSSIAN FEDERATION

Mr. MENENDEZ (for himself, Mr. PORTMAN, Mr. DURBIN, Mr. TOOMEY, Mr. COONS, Mr. RUBIO, Mr. MARKEY, Mr. ISAKSON, Mr. CARDIN, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 571

Whereas, in February 2014, unidentified Russian armed forces entered Ukrainian territory and took control of key military and government infrastructure in the Crimean peninsula of Ukraine;

Whereas, in March 2014, the parliament of the Russian Federation gave rubber-stamp approval to President Vladimir Putin's request to use military force against Ukrainian territory ostensibly because of the "threat of violence from ultranationalists";

Whereas, on March 27, 2014, the United Nations General Assembly adopted Resolution 68/262 calling on states and international organizations not to recognize any change in Crimea's status and affirmed the commitment of the United Nations to recognize Crimea as part of Ukraine;

Whereas the Russian Federation's illegal invasion and annexation of Crimea has been widely seen as an effort to stifle the spread of pro-democracy developments across Ukraine in 2014 in the wake of the Euromaidan protests;

Whereas the Russian Federation is a signatory to the 1994 Budapest Memorandum and thus committed to respect the independence, sovereignty, and borders of Ukraine and to refrain from threats, coercive economic actions, or the use of force against Ukraine's territorial integrity and political independence;

Whereas the Russian Federation committed in the 1975 Final Act of the Conference for Security and Cooperation in Europe (Helsinki Final Act) to respect the sovereign equality and territorial integrity of other participating States;

Whereas the Russian Federation's obligations under the Charter of the United Nations prohibit the threat or use of force against the territorial integrity and political independence of other states;

Whereas the Russian Federation's ongoing illegal occupation of Crimea in Ukraine have been widely condemned by the international community as illegal acts;

Whereas the United States and European Union have imposed sanctions on individuals

and entities who have enabled the illegal invasion, annexation, and occupation of Crimea;

Whereas the Department of State has stated in its Country Reports on Human Rights Practices that security services and local authorities in Crimea installed by the Government of the Russian Federation have “worked to consolidate control over Crimea and continued to restrict human rights by imposing repressive Federal laws of the Russian Federation on the Ukrainian territory of Crimea” and that “the most significant human rights problems in Crimea [were] related directly to the Russian occupation”;

Whereas the Department of State has described “an extensive campaign of intimidation to suppress dissent and opposition to the occupation” that has been carried out by Russian security services inside Crimea, including the use of torture and physical abuse, kidnapping, disappearances, and deportations, and reporting from independent human rights groups inside and outside Crimea has documented such alleged human rights violations by Russian security services and paramilitary groups;

Whereas the campaign of intimidation in Crimea has resulted in the prosecution and imprisonment of individuals who oppose or criticize the occupation or support Ukrainian sovereignty as well as the transfer of some individuals from Crimea to Russian Federation territory from prosecution and imprisonment;

Whereas the Department of State has noted that illegal occupying authorities in Crimea have also restricted the fundamental human rights of particular groups, including ethnic Ukrainians and Crimean Tatars, “particularly regarding expressions of nationality and ethnicity, and subjected them to systematic discrimination;”

Whereas human rights groups have cited that such discrimination has been carried out in myriad ways, including through the outlawing in 2016 of the elected representative body (mejlis) of the Crimean Tatar people, the closing of Crimean Tatar and Ukrainian-language schools, and forced conscription;

Whereas the Department of State and other international human rights groups have noted further continuing human rights concerns in Crimea, including the suppression of independent media and civil society through harassment and harsh administrative measures, politicized and unfair judicial processes, and poor prison conditions;

Whereas the Government of the Russian Federation has worked to extend Russian citizenship to individuals inside Crimea and deprived access to public services of those who refuse such citizenship;

Whereas civil society groups have alleged that the Government of the Russian Federation has encouraged Russian citizens to relocate to the Crimean peninsula and has supported the physical destruction of historical sites in Crimea, ostensibly to influence the demographics and political character of the region in favor of the Kremlin; and

Whereas the Government of the Russian Federation has supported the development of infrastructure and institutional ties between Crimea and the Russian Federation, including the opening of a road and rail bridge over the Kerch Strait on May 15, 2018; Now, therefore, be it

Resolved, That the Senate—

(1) reiterates that Crimea is part of the sovereign territory of Ukraine;

(2) stresses that United States policy should remain that Crimea is part of Ukraine and should reject attempts to change the status, demographics, or political nature of Crimea;

(3) reaffirms respect for the values of democracy, human rights, and rule of law that all individuals in Crimea deserve, including non-Russian ethnic groups and religious minorities;

(4) condemns all human rights violations against individuals in Crimea, and underscores the culpability of the Russian Federation for such violations while this territory is under illegal Russian occupation;

(5) calls on the Government of the Russian Federation to immediately respect the political and human rights of individuals in Crimea, including those detained in Crimea or who have been transferred from Crimea to the territory of Russia, and to cease efforts to restrict dissent or change the demographic or political nature of the peninsula;

(6) urges the United States Government, in coordination with the European Union, NATO, and members of the international community, to prioritize efforts to prevent the further consolidation of illegal occupying powers in Crimea, reaffirm unified opposition to the actions of the Russian Federation in Crimea, and secure the human rights of individuals there;

(7) welcomes the sanctions that have been imposed and maintained to date by the United States and European Union against individuals engaged in furthering the illegal occupation of Crimea by the Russian Federation;

(8) calls on the United States Government to continue to use relevant sanctions authorities codified in the Countering America's Adversaries Through Sanctions Act of 2017 (Public Law 115-144), as well as under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note), to address and deter those engaged in furthering the illegal occupation of Crimea and human rights abuses and corruption committed in Crimea or against individuals from Crimea;

(9) welcomes further efforts by the United States Government to encourage the European Union to impose additional Crimea-related sanctions; and

(10) calls upon the United States Government to declare it the foreign policy of the United States to never recognize the illegal annexation of Crimea by the Russian Federation, similar to the 1940 Welles Declaration in which the United States refused to recognize the Soviet annexation of the Baltic States.

SENATE CONCURRENT RESOLUTION 41—RECOGNIZING 100 YEARS OF THE UNITED STATES-AUSTRALIA RELATIONSHIP—100 YEARS OF MATESHIP

Mr. BLUNT (for himself, Mr. DURBIN, Mr. BOOZMAN, Mrs. CAPITO, Mr. COONS, Mr. COTTON, Mr. GARDNER, Mr. KENNEDY, Mr. MARKEY, Mr. MCCAIN, Mr. ALEXANDER, Mr. RISCH, Mr. RUBIO, Mr. PERDUE, and Mrs. HYDE-SMITH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 41

Whereas United States and Australian troops first fought together in and won the Battle of Hamel on the Western Front in France on July 4, 1918, under the command of Australian General John Monash;

Whereas the hard fought victory achieved by the combined forces at Hamel helped turn the tide of World War I;

Whereas Australia has fought together with the United States in every major conflict since 1918;

Whereas more than 100,000 Australian service members have given the ultimate sacrifice alongside their brothers and sisters in arms from the United States;

Whereas the United States and Australia officially established bilateral diplomatic relations on January 8, 1940;

Whereas the United States and Australia formalized their security alliance with the signing of the Australia, New Zealand, United States Security Treaty, done at San Francisco September 1, 1951 (commonly known as the ANZUS Treaty);

Whereas the ANZUS Treaty was invoked the first and only time in response to the terrorist attacks on the United States on September 11, 2001;

Whereas the United States and Australia share information essential for security and defense through the Five Eyes intelligence alliance;

Whereas the Force Posture Agreement between the Government of Australia and the Government of the United States of America, done at Sydney August 12, 2014, enables closer security and defense cooperation between the 2 allies;

Whereas the United States and Australia conduct diverse joint military exercises and training to enhance capabilities throughout the world, and Australia hosts United States Marines at bases in its Northern Territory;

Whereas the United States and Australia work closely in a number of international fora, including the Group of Twenty (G-20);

Whereas the Australia-United States Free Trade Agreement, done at Washington May 18, 2004, came into effect on January 1, 2005;

Whereas the United States and Australia conduct \$65,000,000,000 in 2-way trade and have an investment relationship valued at \$1,100,000,000,000;

Whereas July 4, 2018, marks the 100-year anniversary of the Battle of Hamel and serves as the date on which the United States and Australia celebrate the first 100 years of Mateship;

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 100-year anniversary of the Battle of Hamel, forging the unique and enduring relationship between the United States and Australia;

(2) reaffirms the strong military alliance relationship between the United States and Australia; and

(3) supports continued diplomatic, security, and economic cooperation between the United States and Australia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3393. Ms. SMITH submitted an amendment intended to be proposed by her to the bill H.R. 8, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3393. Ms. SMITH submitted an amendment intended to be proposed by her to the bill H.R. 8, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PRAIRIE ISLAND INDIAN COMMUNITY.

(a) DEFINITIONS.—In this section:

(1) PRAIRIE ISLAND RESERVATION.—The term “Prairie Island Reservation” means the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRIBE.—The term “Tribe” means the Prairie Island Indian Community, a federally recognized Indian tribe.

(b) STUDY OF FEDERAL LANDS.—

(1) IN GENERAL.—The Secretary shall carry out an analysis to determine whether land within the Federal domain is suitable for addition to the Prairie Island Reservation.

(2) CONSIDERATIONS.—Land shall not be considered suitable for addition to the Prairie Island Reservation unless such land—

(A) consists of contiguous acres of land suitable for housing and economic development;

(B) is located within Minnesota and within 100 miles of the Prairie Island Reservation;

(C) is not subject to compatible use or wildlife-dependent recreational use restrictions pursuant to the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(D) is not administered by the National Park Service.

(3) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress and the Tribe a report detailing the results of the analysis conducted pursuant to paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

Mr. CRUZ. Mr. President, I have 2 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 FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, July 10, 2018, at 2:15 p.m., to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Tuesday, July 10, 2018, during votes, to conduct a hearing on the nomination of Robert L. Wilkie, of North Carolina, to be Secretary of Veterans Affairs.

PRIVILEGES OF THE FLOOR

Mr. PETERS. Mr. President, I ask unanimous consent that my intern, Thomas Stephenson, be granted floor privileges while the Senate is in session on Tuesday, July 10, 2018.

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

UNANIMOUS CONSENT AGREEMENT—HOUSE MESSAGE TO ACCOMPANY H.R. 5895

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwith-

standing rule XXII, at 12 noon on Wednesday, July 11, the Senate proceed to legislative session and the Chair lay before the Senate the message to accompany H.R. 5895; further, that the majority leader or his designee be recognized to make a compound motion to go to conference and that the Senate immediately vote on the motion; further, that if the motion is agreed to, Senators CASSIDY and CORKER each be recognized to offer a motion to instruct conferees; that the Senate vote on the motions in the order listed with no further action on the compound motion; that there be 2 minutes of debate between each vote, equally divided in the usual form; and that following disposition of the Corker motion and the appointment of conferees, the Senate resume executive session.

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

RECOGNIZING 100 YEARS OF THE UNITED STATES-AUSTRALIA RELATIONSHIP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 41, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 41) recognizing 100 years of the United States-Australia relationship—100 years of Mateship.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 41) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

ORDERS FOR WEDNESDAY, JULY 11, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, July 11; 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 resume consideration of the Benczkowski nomination and that all time during ad-

journment, leader remarks, and morning business count postcloture on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. 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.

There being no objection, the Senate, at 7:29 p.m., adjourned until Wednesday, July 11, 2018, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SUPREME COURT OF THE UNITED STATES

BRETT M. KAVANAUGH, OF MARYLAND, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE ANTHONY M. KENNEDY, RETIRING.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GREGORY K. ANDERSON
COL. CHRISTINE A. BEELER
COL. PETER N. BENCHOFF
COL. MARK S. BENNETT
COL. GREGORY J. BRADY
COL. MICHELE H. BREDEKAMP
COL. EDMOND M. BROWN
COL. ROBERT M. COLLINS
COL. KIMBERLY M. COLLOTON
COL. DAVID S. DOYLE
COL. THOMAS J. EDWARDS, JR.
COL. MARCUS S. EVANS
COL. BRETT T. FUNCK
COL. JAMES J. GALLIVAN
COL. BRIAN W. GIBSON
COL. AMY E. HANNAH
COL. JERED P. HELWIG
COL. DONN H. HILL
COL. SCOTT A. JACKSON
COL. JOHN D. KLINE
COL. GAVIN A. LAWRENCE
COL. KEVIN C. LEAHY
COL. MICHELLE M. LETCHER
COL. CHARLES J. MASARACCHIA
COL. MICHAEL C. MCCURRY II
COL. JOHN V. MEYER III
COL. DUANE R. MILLER
COL. SCOTT M. NAUMANN
COL. CHRISTOPHER R. NORRIE
COL. ALLAN M. PEPIN
COL. ANDREW D. PRESTON
COL. MARK C. QUANDER
COL. JOHN L. RAFFERTY, JR.
COL. JETH B. REY
COL. JOSEPH A. RYAN
COL. JAMES M. SMITH
COL. BRETT G. SYLVIA
COL. JOEL B. VOWELL
COL. TODD R. WASMUND

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT D. KATZ

CONFIRMATION

Executive nomination confirmed by the Senate July 10, 2018:

THE JUDICIARY

MARK JEREMY BENNETT, OF HAWAII, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.