

administration, he went on to private practice in a law firm where he represented Alfa-Bank, which is one of the largest Russian banks. It is a Russian bank which, through its owner, a Russian oligarch, has close ties to Vladimir Putin.

At times, it is hard for me to believe how many people immediately around the President, his Cabinet, his campaign team, or around him personally have had concerning, inexplicable, difficult-to-understand ties to Russian entities, but here we are again. To be frank, I am concerned that Mr. Benczkowski's position—if confirmed by this Senate in just 5 minutes in a vote we are about to take—could enable him to directly interfere with Special Counsel Mueller's ongoing investigation into Russian interference.

I have raised concerns about this, about ensuring that Attorney General Sessions fully complies with his recusal from matters related to the last election. Adding Mr. Benczkowski to the mix in his absolutely central role as the Assistant Attorney General who will oversee the Criminal Division raises these concerns even further. Adding another senior person to the Justice Department's leadership team who raises these concerns about real independence gives me real pause.

I joined all of the Senate Judiciary Committee Democrats in a letter that asked the administration to move Mr. Benczkowski to some other position and to send us a qualified, capable nominee who does not have concerning Russian connections. Unfortunately, the administration hasn't done that. My friends on the other side of the aisle seem poised to confirm this gentleman today.

#### NATO

Mr. President, this concerns me more than ever because of what has just been said by our President in Europe to our vital NATO allies. There is a number I have been holding in my heart this week—1,044. That is the number of NATO troops who have died in combat in Afghanistan while having served shoulder to shoulder with the United States.

President Trump is correct to raise the issue of contributions to our mutual defense. President Trump has had a real impact. He has gotten our NATO allies to up the ante by more than \$14 billion in the last year and a half. I wish he had gone to Brussels and simply said: Thank you, folks, for increasing your contributions. Now let's focus on interoperability and deployability and on linking arm-to-arm and facing our real adversary—Russia.

The NATO alliance exists for mutual defense. How can you successfully defend when you can't successfully identify your real adversary?

I have just returned from a bipartisan trip to visit Sweden, Denmark, Latvia, and Finland—two NATO allies and two very close security partners. All four of these countries have fought alongside us in Afghanistan and have

suffered combat deaths. For two of those countries, they have been the first combat deaths since the Second World War.

When our President makes misleading, mistaken comments that NATO doesn't pay its fair share or is using us as a piggybank or, as he said in a campaign-style rally in Montana, that NATO is killing us, it really weighs upon the hearts of our vital allies that have sent their young men and women to serve alongside ours and, in 1,044 cases, to die.

We need to respect our vital allies and recognize that for seven decades, our NATO allies and our security partners—whether the 4 I just visited with the Republican chairman of the Foreign Relations Committee or the others among the 29 in NATO—are stepping up their investments, but they have already paid a price that few other countries have paid of sending their sons and daughters, alongside ours, into combat.

Rather than question their commitment to our mutual security, I wish our President would celebrate that they have increased their investments, thank them for their strong partnerships and alliances, and begin facing our country toward its true adversary—Russia.

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. HOEVEN. Mr. 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.

Mr. HOEVEN. Mr. President, I ask unanimous consent that all time be yielded back.

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

All postcloture time is expired.

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

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 152 Ex.]

#### YEAS—51

Alexander	Boozman	Cassidy
Barrasso	Burr	Collins
Blunt	Capito	Corker

Cornyn	Hoeven	Portman
Cotton	Hyde-Smith	Risch
Crapo	Inhofe	Roberts
Cruz	Isakson	Rounds
Daines	Johnson	Rubio
Enzi	Kennedy	Sasse
Ernst	Lankford	Scott
Fischer	Lee	Shelby
Flake	Manchin	Sullivan
Gardner	McConnell	Thune
Graham	Moran	Tillis
Grassley	Murkowski	Toomey
Hatch	Paul	Wicker
Heller	Perdue	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 nomination was confirmed.

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. 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 Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense.

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

The ACTING PRESIDENT pro tempore. 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 Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense, 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 ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 153 Ex.]

## YEAS—74

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

## NAYS—25

Baldwin	Harris	Sanders
Blumenthal	Hirono	Schatz
Booker	Leahy	Schumer
Brown	Lee	Stabenow
Casey	Markey	Sullivan
Cortez Masto	Menendez	Sullivan
Duckworth	Merkley	Warren
Feinstein	Paul	Wyden
Gillibrand	Peters	

## NOT VOTING—1

McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 74, the nays are 25.

The motion is agreed to.

## EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense.

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

## NOMINATION OF BRETT KAVANAUGH

Mr. BLUMENTHAL. Mr. President, we are at a crossroads, a historic turning point for the U.S. Supreme Court and our country. This body is often called upon to consider court nominations for the district courts and the courts of appeals, but we are at an extraordinary decision point for the U.S. Supreme Court—the highest Court in the land, a branch of government that can shape the law and culture of this country for generations to come.

When we are called upon to consider a Supreme Court nominee, ordinarily we have to read tea leaves. Ordinarily we have no way to know with certainty the values and beliefs that someone will bring to the Court. Ordinarily Presidents make every effort to persuade us that their nominees were picked on the basis of merit, not ideology. So ordinarily we look forward to hearing what nominees tell us about their beliefs and values, since they are unknown when we first hear their names.

We live in times that are the opposite of ordinary. These are not ordinary times. We live at a time when there is, right before our eyes, an ongoing assault on the rule of law in this country, coming from the President of the United States on down. We live at a time when the courts are critically important to our democracy because they are a bulwark for fundamental rights and liberty, and when the history of this era is written, I believe that our judiciary and our free press will be the heroes because they stood between the President defying the law and preserving those key freedoms and rights that are foundational to our democracy.

What we know about the President's nominee for the highest Court in the land—the most important to that effort against this assault on the rule of law—is that he will “automatically” vote to overturn Roe v. Wade. We know that he will vote effectively to eliminate the Affordable Care Act and to undermine protections for millions of Americans who suffer from diabetes, obesity, alcohol abuse, addiction to opioids, stroke, Parkinson's, and many other preexisting conditions. Millions of Americans suffer from those kinds of sicknesses, including more than 500,000 Connecticut residents. We are a State of about 3.5 million people, so you can do the math. There are a lot of Americans who suffer from preexisting conditions.

We know these facts because we have heard them from none other than the President of the United States, who said that his nominee would automatically overturn Roe v. Wade and who berated Chief Justice Roberts for upholding the Affordable Care Act in his decisive swing vote. When a President tells you he is trying to eliminate basic legal rights and liberties for the people of the United States, you better take him at his word, and I do. But in this case, actually we need not take the President at his word because we can review the facts—in fact, the circumstantial evidence surrounding this nomination.

The President has allowed himself to become a puppet of rightwing fringe groups—the Federalist Society and the Heritage Foundation, which have been trying to strike down Roe v. Wade and overturn it for decades. As one recent news story put it, if you want a seat on the Supreme Court, the man to see is not Donald Trump; it is Leonard Leo, the executive vice president of the Federalist Society.

Leonard Leo and the Federalist Society have made clear their desire to overturn Roe v. Wade for years, and Mr. Leo's friend, Ed Whelan, brags about Leo's efforts, stating: “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.”

The President of the United States outsourced this decision to the Federalist Society and other groups long

intent on overturning Roe v. Wade. They produced for him a list. He selected from that list, and the rest is an unfortunate, deeply tragic chapter in American history.

The Heritage Foundation has been vehement in its desire to overturn and strike down the Affordable Care Act and deny many Americans access to health insurance. It has fought to end protections for people who suffer from these conditions, and they are not only the ones I have mentioned but also many others that are common throughout our society. Its efforts to shape the Supreme Court are a part of a conscious, concerted strategy in a war on the ACA.

Perhaps as troubling as any other fact about this nominee, to many of us who have seen the horrific, unspeakable effects of gun violence, Judge Kavanaugh is the dream candidate of the NRA. He has taken the view that almost all commonsense, sensible measures to stop gun violence violate the Constitution.

He is the dream pick of the NRA. He is a nightmare for the students of Parkland, the survivors of Orlando, Columbine, San Bernardino, and all of the mass shootings, including Sandy Hook, and all of the victims and survivors, their loved ones, families, and friends, who know the tragic effects of those 90 people gunned down every day in America. Those 90 victims every day in this country who die as a result of gun violence bear witness to why we should reject this nominee.

Just minutes after Judge Kavanaugh's nomination was announced, the NRA endorsed him, showering praise on his extreme record against gun safety. As an appellate judge, Judge Kavanaugh heard the sequel to Heller, a case regarding the constitutionality of the District of Columbia's gun registration requirement and semiautomatic assault rifle ban. On a panel of all Republican appointees, Judge Kavanaugh was the only judge to vote to strike down both gun safety measures as unconstitutional.

His basic premise is that gun laws have to be similar or identical to laws that he considers “traditional” or “longstanding.” He rejects bans on assault weapons and gun registration requirements. He has no clear definition of what is “longstanding” and enables a statute to be upheld. But consider his logic. He has, in effect, ruled out any statute that bears no resemblance or connection to laws on gun violence on the books in 1789. That is a breathtaking concept of the constitutional test that should be applied to measures against gun violence.

The Founders almost certainly never considered the possibility of universal background checks at a time when it might have been impossible to do it anyway and when the kinds of firearms available were very different than they are now. By Judge Kavanaugh's logic,