

slandered in the 1980s, when people both inside and outside the Congress blatantly and shamelessly distorted his record to claim he would do terrible things if confirmed to the Supreme Court.

It is actually in the dictionary now, literally. Judge Bork's last name is in the Merriam-Webster Dictionary as a verb. This is what "Bork" means: "to attack or defeat (a nominee or candidate for public office) unfairly through an organized campaign of harsh public criticism or vilification." To be Borked is now in the dictionary. It is completely unfair vilification.

Looking back, most people agree now that this episode was grossly unfair, insulted the intelligence of the American people, and stained the history of the U.S. Senate.

Jeffrey Rosen was a Democrat who worked in Senator Biden's office on the Democrats' side during that episode. Here is what he wrote a few years ago:

I remember feeling that the nominee was being treated unfairly. Senator Edward Kennedy set the tone with a demagogic attack. . . . Bork's record was distorted beyond recognition. . . . It [was] bad for the country.

This was a man named Jeffrey Rosen—a Democrat—who worked in Senator Biden's office during this episode.

Here is what a lawyer who helped lead the anti-Bork effort wrote just last year:

I regret my part in what I now regard as a terrible political mistake.

He was seized with guilt after all these years of having participated in this Borking. Because of that episode, he goes on, "we have undermined public confidence in the judiciary."

There is widespread and bipartisan agreement that trying to Bork judicial nominees is harmful to our Democratic process and to our judiciary.

Judge Kavanaugh's impressive record, impeccable credentials, and his enormous, bipartisan fan club of judicial peers and legal scholars all attest to the outstanding service he would render on the Supreme Court. I am glad that outside fact checkers are already swatting down Democrats' desperate attacks on his nomination.

In a breaking-news bombshell report just last night, we learned that Judge Kavanaugh enjoys America's pastime. Investigative reporters scoured his financial disclosures and learned that he and his friends buy tickets to baseball games and that he pays his bills. As you can see, there is still plenty of silliness to go around.

I urge every one of my colleagues to treat Judge Kavanaugh's record truthfully and treat the confirmation process with the respect that it and this institution in which we serve deserve. We need to act like a responsible United States Senate going through a confirmation process to the United States Supreme Court.

WORK OF THE SENATE

Mr. McCONNELL. Madam President, on another matter, while Judge

Kavanaugh's nomination has filled the headlines this week, the Senate has continued to attend to important business. Yesterday, the Senate voted to proceed to conference with the House on the first three of this year's appropriations bills. I understand the conferees are planning to meet as soon as today. The day before, we voted to go to conference on this year's Defense authorization bill. Soon, we will do the same with respect to the farm bill.

I am proud that we are continuing to deliver on our commitment to bring regular order back to the appropriations process, along with attending to the needs of our Armed Forces and confirming more of the President's nominees. Let's keep this momentum going. I hope the collaborative, bipartisan approach that Chairman SHELBY, Senator LEAHY, and our subcommittee chairmen have brought to the appropriations process will continue to characterize our progress on the floor as well. With continued hard work and steady cooperation, we can achieve our shared goal of funding our government through the regular appropriations process.

JOB GROWTH

Mr. McCONNELL. Madam President, on one final matter, the evidence keeps mounting that with Republicans at the helm in the White House, the House, and the Senate, the American people are enjoying what amounts to the most pro-worker, pro-opportunity economic moment in recent history.

Already in 2018, the number of Americans who say it is a good time to find a quality job has risen to its highest level in at least 17 years of data on record. The jobs report released last week showed, in June, that the rate of hire throughout the United States hit an 11-year high.

Interestingly, American workers voluntarily left their jobs at the highest rate in 17 years. What that means—and I would like to drill down on that point for a moment—is that during the Obama administration, we heard a great deal of talk from our Democratic friends about a phenomenon they called job lock.

The idea was that many workers were trapped in jobs that did not pay enough or did not take full advantage of their skills because there weren't enough open opportunities to justify taking the leap and looking for a better position.

Republicans agreed with our Democratic colleagues that we could build a better economy for middle-class workers. We just didn't think tax increases and massive new regulations were the way to do it. Now, following a year and a half of Republican policies, including historic tax reform, the voluntary quit rate has hit a 17-year high. Workers now feel free to climb up the ladder and move on to bigger and better things.

I have just one more data point: This economy is thriving, and the Repub-

licans' bold agenda is helping to make it happen.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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. The Senator from Maryland.

ANNAPOLIS MASS SHOOTING

Mr. CARDIN. Madam President, I rise today to discuss a topic far too many of my colleagues have also had to face—yet another fatal mass shooting in their State. This time it was in Annapolis, MD, in our State capital.

Exactly 2 weeks ago, on June 28, at about 2:30 p.m., a 38-year-old man who had a longstanding spurious grudge against the Capital Gazette newspaper made good on his sworn threats. He entered the newspaper offices, headed to the newsroom, and by the time he was done, he had shot and killed five employees of this community newspaper.

The Capital Gazette is the local paper of record in Annapolis. It is one of the oldest, continuously published newspapers in the United States. It traces its roots back to the Maryland Gazette, which began publishing in 1727, and to the Capital, which was founded in 1884.

This loss of life is personal to so many in Annapolis and around our State. You need to understand that the Capital Gazette is as much a part of the fabric of Annapolis as the State government it covers. It is perhaps embodied in Thomas Jefferson's famous quote: "Were it left to me to decide whether we should have a government without newspapers or newspapers without government, I should not hesitate a moment to prefer the latter."

Just 2 weeks ago, a man with a shotgun—a man who had made known his threats against this paper—purposefully entered the building which houses the Capital Gazette and killed people.

Let me take a moment to mourn those lost and to thank the first responders who first appeared on the scene literally 60 seconds after the first 911 call. Location means everything in

so many areas. On this day, 2 weeks ago, the fact that there were Anne Arundel County police officers down the street from the Capital Gazette offices at the time the shooting started most definitely saved lives. According to the Annapolis police chief, Timothy Altomare, within 2 minutes, the Anne Arundel County Police Department, the Annapolis Police Department, and the Anne Arundel County Sheriff's Office had rushed into the offices and into the newsroom to apprehend the gunman.

State and Federal law enforcement—including the FBI, the ATF, and many others—arrived soon thereafter to support local officials in their efforts to clear the building and meticulously investigate the scene. I want to thank each and every one of those law enforcement officers, from the individuals who rushed into the newsroom not knowing what danger they might encounter to those helping get others to safety, to those gathering the evidence to ensure nothing was lost in the bustle and chaos of the moment, and to those diverting traffic so that people could be safely evacuated and the investigators could do their jobs safely. I thank each and every professional who did their job and contributed to this emergency response.

We often say about our first responders that when we run from trouble, they run to it in order to save our lives. We owe our first responders our thanks and our admiration for the manner in which they handled this assignment under extreme circumstances.

Unfortunately, when faced with an individual intent on killing, lives were lost despite the swift response by law enforcement. Among them was Gerald Fischman, 61, who was an editor with more than 25 years of service with the Capital Gazette and was known at the newspaper and throughout the community for his brilliant mind and writing. Most often, it was his voice and his insightfulness that came through on the editorial pages of the Capital Gazette.

Fischman was described by Rick Hutzell, the Capital Gazette's editor, as "someone whose life was committed to protecting our community by telling hard truths."

Rob Hiaasen, 59, was a columnist, editor, teacher, and storyteller who brought compassion and humor to his community-focused reporting. Rob was described as a coach and mentor to many. According to former Baltimore Sun columnist Susan Reimer, he was "so happy working with young journalists. . . . He wanted to create a newsroom where everyone was growing."

John McNamara, 56, was a skilled writer and avid sports fan, who combined these passions in his 24-year career as a sports reporter at the Capital Gazette.

Former Capital Gazette sports editor Gerry Jackson said of McNamara—our "Mac," as he went by:

He could write. He could edit. He could design pages. He was just a jack of all trades and a fantastic person.

Rebecca Smith, 34, was a newly hired sales assistant known for her kindness, compassion, and love for her family. "Becca," as she was known, was described by a friend of her fiancé as "the absolute most beautiful person" with "the biggest heart" and called her death "a great loss to this world."

Wendi Winters, 65, was a talented writer. She built her career as a public relations professional and journalist. She was well-known for her profound reporting on the lives and achievements of people within the community. She was a "proud Navy Mom" and Navy daughter.

As we learn more about the details of the shooting from the survivors, it is clear that Wendi herself saved lives during the attack. According to the Capital Gazette editorial that ran this past Tuesday, Wendi confronted and distracted the gunman with whatever she could find around her. The paper noted:

Wendi died protecting her friends, but also in defense of her newsroom from a murderous assault. Wendi died protecting freedom of the press.

My heartfelt condolences and prayers continue to go out to the families of those who were killed in this attack. They did not send their loved ones off to work that day knowing it would be the last day they would see them alive. It isn't right, and it never should have happened.

The surviving staff members also deserve our praise for their resilience and dedication to their mission as journalists and their respect for their fallen colleagues. During and after the attack, staff continued to report by tweets, sharing information to those outside, taking photos and documenting information as they would at other crime scenes. Despite their grief, shock, anger, and mourning, surviving staff—with the help from their sister publication, the Baltimore Sun, Capital Gazette alumni, and other reporters who wanted to lend a hand to fellow journalists—put out a paper the following day, Friday, and they have done so every day since. This is known as grace under pressure.

Fittingly, the editorial page the day after the shooting was purposely left blank with just a few words. The few words were:

Today, we are speechless. This page is intentionally left blank to commemorate victims of Thursday's shootings at our office.

The staff promised that on Saturday the page would "return to its steady purpose of offering our readers informed opinion about the world around them, that they might be better citizens."

It has been incredible to witness the unity, compassion, and resilience of the Capital Gazette staff, the city of Annapolis, and Anne Arundel County.

I want to repeat one quote from the Capital Gazette editorial page that bears repeating:

Wendi Winters died protecting her friends, but also in defense of her newsroom from a murderous assault. Wendi died protecting freedom of the press.

Wendi Winters and her colleagues died protecting freedom of the press.

As Americans, we have certain rights and responsibilities granted to us through the Constitution, which establishes the rule of law in this country. Freedom of the press is central to the very first amendment of the Constitution, and it has often been under attack, figuratively speaking, since our Nation's founding.

Today, those attacks have become more frequent and more literal, spurred on by dangerous rhetoric that has nearly created an "open season" on denigrating the media and harassing reporters and editors from doing their job: answering questions that need to be asked, investigating the stories that need to be uncovered, and bringing needed transparency to the halls of power, whether they are in Annapolis, Washington, DC, or elsewhere around the world. This rhetoric has gone beyond the pale and it must stop.

Journalists, like all Americans, should be free from the fear of being violently attacked while doing their job.

On this day, 2 weeks ago, just as the public was learning about the shooting at the Capital Gazette, I stopped in for a meeting one of my staffers was having with a group of students to talk about gun violence and school safety. Since what happened in Parkland—and we recently had an episode in our own State—I have been meeting with students on a frequent basis just to hear their concerns. In all circumstances, the students have expressed to me their fear and frustration with regard to how safe they feel in their schools. Some are angry, and all of them want to know when the adults will finally start acting like adults and do something to keep them and their country safe. Without fail, students have told me that "thoughts and prayers" simply are not enough. Thoughts and prayers will not protect them from bullets, and they want Congress to act.

Some of my colleagues have bought into the false rhetoric that there is nothing we can do about these acts of violence. But students in Maryland and around the country know that is not true, and so do the American people. A recent CNN poll found that 70 percent of Americans now back tougher gun safety laws. These responses get higher with each deadly incident.

Congress must act now to address the epidemic of gun violence in this country. Let's reinstate the assault weapon ban now. We can ban bump stocks now. Let us assure that all gun purchases have completed background checks.

I understand that the weapon used in the Annapolis shootings was a shotgun. It would not have been covered under these new laws. But the fact remains that if we pass sensible gun safety laws, we will save lives.

I do want to say clearly that “doing something” does not mean arming educators or bringing more guns into our schools. Teachers are hired to teach, not to be security guards. Instead of putting guns in the hands of educators, we need to get them out of the hands of attackers in the first place.

Let me conclude with these words of one of the survivors of the Capital Gazette shooting. Reporter Selene San Felice shared her thoughts in a July 1 opinion piece for the paper. She recounted the moments of the shooting and shared pretty succinctly what she thinks needs to happen next in this country. Selene wrote:

I watched John McNamara die. I had to step over Wendi Winters to escape . . .

If your help ends at thoughts and prayers, I don't want them. What I want is action.

I'm not just talking to the president, or our governor, or our elected officials. I'm talking to every single person in this nation.

We must do better. We must vote better. We must push for legislation so that this doesn't feel normal.

Rob Hiaasen, Gerald Fischman, Wendi Winters, John McNamara, Rebecca Smith and thousands of people are dead because of shootings like the one I lived through.

The man who killed the people I love bought this gun legally. His record of stalking and harassment had been expunged. But even if it hadn't been, he still could have bought the gun he used to shoot Rebecca, Wendi, Rob, Gerald and John.

This is not political. I'm not asking for change as a liberal media puppet. I'm asking for something to be done for the sake of our humanity.

I think, quite frankly, Selene is speaking for many, many people in our community. We need to act. Now. For Rebecca, Wendi, Rob, Gerald, John, and the thousands of other innocent people who have been lost to needless gun violence, Congress must act. We must show that we can protect the American people, which is perhaps the most important task we have as lawmakers.

We cannot stand by and pretend we are helpless and powerless to prevent another tragedy. We can do something powerful today.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SULLIVAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. VAN HOLLEN. Mr. President, I rise to honor the victims and the survivors of the terrible shooting at the Capital Gazette newspaper which occurred on June 28. I thank my friend and colleague Senator CARDIN for his remarks earlier today on this floor and thank the Senate for taking up a resolution in memory of the victims.

Our State of Maryland and the country were horrified by the tragic attacks on one of our great Maryland institutions—the Capital Gazette newspaper, the local newspaper of our State cap-

ital in Annapolis, which has been operating since 1727. It was, and is, your quintessential smalltown newspaper, which serves Annapolis and Anne Arundel County but is also a newspaper read throughout the State of Maryland.

In that awful shooting, we lost five members of the Capital Gazette: Gerald Fischman, Rob Hiaasen, John McNamara, Rebecca Smith, and Wendi Winters.

Gerald Fischman was an editorial page editor whose thoughtful columns and sly wit shed light on critical community issues. He was well known for his insatiable curiosity and his love of family, and his talent for writing extended to poems he composed for his wife Erica.

Rob Hiaasen was a big man with a big presence who applied his considerable skills as a journalist to mentor others, both fellow reporters and students at the University of Maryland College of Journalism. He gave of his time, and he gave of his talent.

John McNamara was a sports writer and sports fan—a big fan of the University of Maryland Terps. He covered everything from the Orioles to the local Little League. He was always generous with his time and known to many who follow sports around the country.

Sales Assistant Rebecca Smith was strong and smart and a fixture at her fiancé Dwayne's softball tournaments. She was also known to be unfailingly kind and always took the time to make people feel at home at the Gazette.

Wendi Winters had a great sense of humor and an incredible ability to pull stories out of just about anyone. Her colleagues say she charged at the shooter, displaying the bravery and determination she had so many times before in her life and saving the lives of others at the newspaper in the process.

Community newspapers like the Capital Gazette are more than just sources of news; they represent the lifeblood of our communities around the country and our Nation. They report on everything, big issues and small issues, because no issue is too small if it affects people in a particular community. I think all of us know these are the reporters who stay out late at local council meetings, they are the folks at the PTA meetings, they are the folks busy collecting news important to people in a local community. This newspaper has been at this for hundreds of years.

Even after that awful shooting, the next day the Capital Gazette put out a newspaper, as they have every day since then, with the help of fellow journalists at the Baltimore Sun and elsewhere. They put out a newspaper that talked about the terrible shooting they experienced at the Capital Gazette and remembered the victims and thanked the first responders.

I also salute the first responders, an incredible and brave response from local, State, and Federal agencies. At the local level, they were on the scene within 60 to 90 seconds. Had that not

happened, we would have had even more than the terrible loss we saw that awful day.

It also should cause all of us to think again about measures we can take in our communities, in our States, and at the Federal level to stop the violence. One of the victims, Gerald Fischman, who had been an editorial writer there, had written earlier in the aftermath of the terrible shooting at the Pulse nightclub in Orlando, and here is what Gerald Fischman wrote at that time:

Of all the words this week, hopelessness may be the most dangerous. We must believe there is a solution, a way to prevent another mass shooting. We must believe that we can find it if only we try a little harder.

I ask every Member of the Senate, every Member of this Congress, every elected official, and every citizen, let's work harder to find a way to end the violence. There are things we can do to reduce the chances and the awful losses we are seeing around our country, both in mass shootings and daily violence.

As we remember these victims, I ask that we dedicate ourselves to the mission of ending the violence.

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, yesterday, I had the chance to meet with the President's nominee to fill the vacancy left by the retirement of Justice Anthony Kennedy on the Supreme Court, and I am pleased with the nominee the President has chosen. After talking to him yesterday morning, I look forward to supporting his nomination and doing whatever I can to ensure his bipartisan confirmation.

My conversation with Judge Kavanaugh refreshed my memory that we actually had met back in 2000 when I was attorney general of Texas and I was preparing to deliver an oral argument before the U.S. Supreme Court—something I had never done before. Thanks to Judge Kavanaugh, who wasn't a judge at the time, Paul Clement and Ted Olson—both of whom had been Solicitor General of the United States—helped me get prepared and do the best job I was capable of doing before the Court, providing me a moot court opportunity. So it was good to catch up with Judge Kavanaugh.

I have followed Judge Kavanaugh's career closely. In the interim, obviously he has served as a circuit court judge on the DC Circuit Court. Some might call it the second most important court in the Nation, and that is primarily because it is located here in the District of Columbia, and most of the major cases involving administrative authority, Federal power, end up finding their way one way or the other

through the DC Circuit Court of Appeals. So he has had a great judicial career over the last 12 years and has written on a variety of topics. I would say he is a pretty well-known quantity.

While you are going to hear a lot of demands for additional information—and I am all for as much transparency as can be provided, and Senators certainly have a right to get their hands on as much information as possible about the nominee and his qualifications, his background, and how he might perform as a Supreme Court Justice—I hope this doesn't turn into a delay-of-game tactic.

He has had a long career in the government. He worked at the White House as Staff Secretary, which, for those who aren't familiar with that, means he was the last person who saw a piece of paper before it was presented to the President for signature. That doesn't mean he was the publisher or the author of that paper, and many times it was really to make sure that it was correct, that it was accurate, that it had been verified and authenticated, but he was the one who decided to turn it over to the President for the President to sign, and it could have been major matters or minor matters. But I hope we don't get to a point where people say that every document or email that he happens to have been copied on or have seen somehow becomes essential for a Senator before they can decide whether to support his confirmation.

I would add that some Senators have come out and announced their opposition to the nominee before he was even announced. I think our friend from Pennsylvania did that—in other words, announced his opposition to anybody this President might nominate to fill the vacancy left by Anthony Kennedy. So I hope we don't hear from people like that, that now they need more information so they can make a decision. They have already made their decision, and it really is just a waste of everybody's time and really an insult to the rest of the Senators who are doing their due diligence and trying to perform their constitutional responsibilities when it comes to providing advice and consent on a nominee to the highest Court in the country.

Many people are familiar with the arc of Judge Kavanaugh's career, but let me mention a few things, lest they be lost in all of the noise here in Washington.

Of course, he graduated with honors from Yale College and attended Yale Law School—two of the elite universities and law schools in the country. He clerked for two Federal appellate judges before Justice Anthony Kennedy on the Supreme Court. As the Presiding Officer knows, those are the types of jobs that are highly competitive, and only the best of the best get asked to serve as law clerks to Federal appellate judges and certainly to the Supreme Court. Then he went on to work in private practice, in the White

House Counsel's office thereafter, and finally as Staff Secretary, which I mentioned a few minutes ago, before being confirmed to the Federal bench in Washington.

I want to step back for a moment because in the weeks ahead, we are going to have plenty of time to talk about his credentials, his experience, and his decisions, and we will have plenty of time to parse all of the dissents, the concurrences, the majority opinions he has written on the DC Circuit Court of Appeals, but I think it is also important to know the man, to know the person, because unfortunately, Washington, DC, has a way of chewing up people, and their personality and their humanity become separated from the political basis or ideological basis upon which people may oppose them. So I think it is important to know the qualities of this man because it informs us about his character, which I hope we would all agree is an important element in the qualifications of a Federal judge.

Judge Kavanaugh is one who is active in his community, as we heard on the night the announcement his nomination was made. He is known as Coach K on his daughter's basketball team and acts as a lector at his church. He serves meals to needy families on a regular basis and tutors children at local elementary schools. Frankly, I don't know where he finds the time to do all those things while serving as a member of the DC Circuit Court of Appeals. One friend called him a regular old "carpool dad." I think we all know what that is; it is a dad who drives the kids to school. That comment was reported in the Washington Post. This friend wrote that those who know Judge Kavanaugh's character would render a "unanimous verdict in his favor."

Judge Kavanaugh is the former captain of his high school basketball team. He has run the Boston Marathon—something I aspire to do. I just made it through a half-marathon years ago but never a full marathon, much less the Boston Marathon. He has won his court's annual 5K race five times. As a matter of fact, I have seen him year after year over in Anacostia when we have a race for charity that many of our Senate offices participate in, along with the press and the Federal agencies, including the courts. I believe I have seen him run in those 5K races with his team.

Professionally, Judge Kavanaugh is known as a distinguished legal professional, but it is important to know that even amidst the hustle and bustle of a high-powered legal career, he found time to do a lot of very important things. While in private practice, for example, he was head of a practice group devoted to protecting religious liberties. You don't earn a big fee as a lawyer by advocating in cases involving religious liberties. Typically, these are cases where you volunteer your time because you believe in the right of

the citizen to have their case heard by the courts. Particularly when it comes to religious liberties, Judge Kavanaugh's record is crystal clear. He has advocated on behalf of those—regardless of their ability to pay—whose religious liberties were at risk. He also wrote two briefs for the Supreme Court of the United States supporting the cause of religious liberty, including the case I mentioned earlier that I argued in the Supreme Court involving the Santa Fe Independent School District, which was sued by the American Civil Liberties Union to prevent them from allowing a student to volunteer their time to offer an inspirational saying or a prayer before a football game in Texas. He authored an amicus brief in support of that case.

When he is not volunteering for causes he believes in, he is the father of two daughters—something near to my heart, and I know the Presiding Officer has two daughters as well. He has been a mentor to many law students whom he has taught over the years.

His colleague, Jack Goldsmith, a distinguished lawyer in his own right at Harvard, described him as having "many, many considerable strengths as a judge and potential Justice, and [also] as a person."

His former professor, Akhil Amar, who supported Hillary Clinton in the last election, wrote in the New York Times a couple of days ago that Judge Kavanaugh is a "superb nominee" who has "already shown flashes of greatness." I believe the headline of that op-ed piece by Professor Amar talked about the liberal case for Brett Kavanaugh, and I appreciate his willingness to talk about the man and his professional credentials and not get bogged down in the polarized politics of judicial confirmations here in Washington. He called the nomination of Judge Kavanaugh President Trump's "finest hour, his classiest move." That is pretty impressive.

These are just a few of the reasons why here in the Senate we need to now move forward confidently and deliberately with the confirmation process. We will proceed thoroughly but with expedition. It is, after all, our constitutional role—now the President has discharged his constitutional role—to offer advice and consent on the President's nominee. I believe the President has chosen wisely, just as he did when he chose Neil Gorsuch for the vacancy created by the unfortunate death of Justice Scalia. The President has chosen well again, and I believe this nominee is deserving of this high honor to serve on our Nation's highest Court.

There are some who said that we need to wait or that there is not enough time before the midterm election to confirm Judge Kavanaugh. Well, that is a pretty transparent stalling tactic. Justice Kennedy said he is vacating the Bench at the end of this month, so when the Supreme Court reconvenes on October 1—I believe it is the first Monday in October—it would

be good to have that vacancy left by the retirement of Judge Kennedy filled with this nominee. So the idea that we can somehow put this off until after the midterm elections I think makes no sense, or if it makes sense, it makes sense only from the standpoint of stalling the confirmation process.

I agree with the senior Senator from Connecticut, who said recently that the Senate should do nothing to artificially delay consideration of the next Justice. I agree with him. Since Justice Gorsuch and Justice Sotomayor were confirmed just 66 days from the time they were nominated, a similar amount of time should not be unreasonable for Judge Kavanaugh. I am not suggesting it be exactly 66 days; it might be a few days earlier or a few days later. But just to sort of orient everybody as to the timeframe we are talking about, if it were 66 days, like Justice Gorsuch and Justice Sotomayor, that would mean we would vote to confirm Justice Kavanaugh on September 13, if my math is correct.

Well, we know that these judicial nominations—particularly for the Supreme Court of the United States—are hotly contested, and that is because on the left, they see the Court as an end run around the democratic process. In other words, what you can't win in an election and what you can't win in a debate and vote of Congress, well, if you can get the Court to do it—unelected, lifetime-appointed judges—then you have basically won in advancing your policy position at the Federal level. I would say that the opposite philosophy is one that was embraced by Alexander Hamilton and James Madison, who viewed the courts as what they called the least dangerous branch because they viewed the courts as not being political and judges as being impartial arbiters of the law and letting the chips fall where they may. But on the left, if they can't achieve their desired policy outcomes through the normal legislative process, well, doing it by lawsuit and by court decision becomes the means to their end. That is why they are so upset, I think, about this President's nominee. He is what I would call a traditional judge in the James Madison, Alexander Hamilton mold—someone who believes that judges have a very important job in our government, but it is a limited job and role.

In other words, the main responsibility for making public policy should fall on the shoulders of Members of Congress and the President because we stand for election. If people don't like what we are doing, they can knock on our door and say: Senator, we don't like what you are doing. We want you to change your vote or your point of view.

That is entirely appropriate. If we don't, they reserve the time-honored right to throw the rascals out. You can't do that for a Federal judge. That is why their role under the Constitution is circumscribed as interpreting

the law and applying the facts to settled law.

I understand why our friends across the aisle are disappointed. They were hoping that President Hillary Clinton would be filling this vacancy, and they were hoping that Majority Leader CHUCK SCHUMER would be the one guiding that nomination through the Senate. Instead, they were disappointed—I understand it; it is a normal human reaction—that President Trump won, so he is the one making the nomination, and a Republican Senate, led by Majority Leader MCCONNELL, is the one guiding this nomination through.

I can understand their disappointment. It is no reason to drag your feet or obstruct an orderly and thoughtful deliberative process when it comes to filling this vacancy. We are going to have a chance to talk about this topic a lot in the coming weeks.

KEEP FAMILIES TOGETHER AND ENFORCE THE
LAW ACT

Mr. President, on a separate note, I want to address the situation unfolding on the U.S.-Mexico border. As of 7 o'clock this morning, we heard that the Trump administration has now complied with a court order and completed the reunification of those children under the age of 5 who immigrated here with their parents unlawfully. Those children have been reunited with their parents, which I think we all should be grateful for.

Secretary Azar of Health and Human Services; Kirstjen Nielsen, Secretary of Homeland Security; Attorney General Sessions; and all those officials at the Departments of Health and Human Services, Homeland Security, and Justice have been working tirelessly to complete these initial reunifications. Their goal has always been the well-being of these children and returning them to a safe environment.

As we can see from this morning's report, the administration clearly needs time to vet all the people. In fact, in some instances, they actually have to take DNA tests to confirm the claim that the adult who brought the child across is, in fact, their biological parent. We know that the cartels, the human traffickers, are very sophisticated, and if they can simply pair up an unaccompanied child with an adult and send them across the border while claiming to be a family unit, they can basically navigate the gaps in our legal enforcement system against illegal immigration.

Over the next few weeks, we know Federal officials will be working to reunite all other separated families, as they should. This is one thing we all—Republicans and Democrats alike—agree on; these families should be kept together. This is consistent with President Trump's Executive order, as well as a bill that I have introduced, along with other colleagues, called the Keep Families Together and Enforce the Law Act.

As that bill suggests, there are two parts to it. One is treating families

with compassion by allowing them to remain together and, also, enforcing the immigration laws on our books. They don't have to be mutually exclusive, and our bill will ensure that they aren't. It will allow parents to stay with their children in a safe facility while awaiting their court proceedings.

In other words, a number of these children and these adults are claiming asylum in the United States. That can be finally decided only by an immigration judge. What we would like to do is move them to the head of the line and get them a hearing in front of an immigration judge on a timely basis. Our bill would also set mandatory standards of care for family residential centers and keep children safe by requiring that they be removed from the care of an individual who endangers their safety.

In conclusion, I will say that this is not a new problem. We know that several of the countries in Central America are basically in a meltdown mode. In other words, gangs and violent organizations threaten the safety and welfare of families in these Central American countries.

What we saw in 2014 is what President Obama called a humanitarian crisis—when tens of thousands of these children, unaccompanied by a parent, were turned over to these criminal organizations and transported from Central America all the way through Mexico into the United States, where they were then processed and placed with a sponsor in the United States, consistent with the law currently in effect. This is not a new scenario.

The cartels, the criminal organizations, have found a new way to circumvent American law unless we change it, unless we fix it. What they are hoping for, ultimately, is a restoration of the catch-and-release policies of the past.

What happens when people are not detained and when they are not presented before an immigration judge on a timely basis is that they are given a notice to appear in the future and told to come back for their hearing in months and maybe years later. It should surprise no one that the vast majority of those people don't show up for their hearing.

What has happened is, the criminal organizations who profit from this business model and the people who illegally immigrate to the United States have basically gamed the system. Unless we are willing to stand up and fix it, then shame on us.

This is really about two issues. One is compassionate treatment of the children, treating the adults with dignity and providing them a safe place. But it is also about making sure that our laws are enforced.

Some of our colleagues across the aisle have said: Well, let's just abolish law enforcement at the border. Let's abolish Immigration and Customs Enforcement, abolish ICE, as it is called. That would be a disaster of the first

order. How would we be maintaining fidelity with our oath to support the Constitution and laws of the United States if we would not see to it that our law enforcement agencies, like ICE, which perform important and necessary duties along the border and throughout the country, were not there with our support to do the job we have asked them to do?

I know there has been a lot of discussion about this legislation, but at some point, patience ceases to be a virtue, and I expect that at some point there may well be an opportunity for one or more Senators to come to the floor and offer this legislation by unanimous consent. We will see who wants to be a constructive player in this process and who wants to object and obstruct our ability to fix this crisis at the border.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Iowa.

FBI

Mr. GRASSLEY. Madam President, as we all know, the Federal Bureau of Investigation is a component of the Department of Justice. It is frequently described as the premier law enforcement agency in the country. The FBI's investigative authority has only grown—and grown tremendously—since its creation almost 100 years ago.

The Bureau now covers everything from kidnapping to counterintelligence, public corruption to bank robbery, and maybe a lot of things in between. Its power is very substantial, and its jurisdiction is far-reaching. It is a very important agency. Because of that, the FBI is subject to a lot of scrutiny.

Lately, we have had a lot of folks around here who seem to be mistaking the word “scrutiny” of the Bureau with the word “attacks” on the Bureau. Oversight of the FBI is not new, and it is a constitutional responsibility of the Congress at least to do oversight of every agency, and the FBI can't be an exception.

Far from being out of bounds, it is essential for the people's elected representatives in the Congress to put the FBI under a microscope. That is doubly true when the FBI gets involved in election controversies. The more power and the more secrecy the FBI claims in order to carry out its responsibilities, the more closely it ought to be watched.

Under our government, where the public's business ought to be public, that statement I just made ought to be common sense to everybody.

In its criminal work, the FBI is held accountable primarily by the court system. When the FBI secretly gathers information for intelligence purposes, the risk of impropriety skyrockets. If the information is never going to be presented in the courts, as in a criminal matter, who is going to be watching to make sure that the power to gather and use it is not being abused?

That is why we need vigorous congressional oversight and strong inspector general scrutiny. Lots of people say

that the FBI should be independent. I disagree. The FBI needs to be objective and nonpartisan. It should be insulated from undue political pressure.

If you want to call that independence, then I will use that word. It cannot be independent of accountability to the people's elected leaders. Civilian control of the military has always been a key safeguard to liberty for the same reason.

Freedom is at risk if the FBI can become a domestic intelligence service with free rein to weaponize information in secret. We have seen the risks of that in the text messages of Peter Strzok and Lisa Page. Their contempt for both the people of this country and, particularly, their elected leaders should disturb everyone.

Abuses of power at the FBI are why we have a term limit for the Director of the FBI. That term limit is not there to protect the FBI's independence; it is there to protect the people from the abuses that J. Edgar Hoover committed because he became too independent. He was accountable to no one. J. Edgar Hoover was feared by Presidents, Senators, and Congressmen. While the Director originally was selected by the Attorney General, in 1968, Congress made the position subject to Presidential appointment and Senate confirmation. In 1976, the Congress established a nonrenewable 10-year term limit for the Director. The Senate Judiciary Committee published a committee report on that bill that limited the 10-year term in 1974. It took a couple of years for the bill to pass the House.

In quoting from that report:

The purpose of the bill is to achieve two complementary objectives. The first is to insulate the Director of the Federal Bureau of Investigation from undue pressure being exerted upon him from superiors in the Executive Branch. The second is to protect against an FBI Director becoming too independent and unresponsive.

At the time, Congress was grappling with the fallout of Watergate and the decades of corruption and civil liberties abuses by that first Director of the FBI, J. Edgar Hoover—hence, the legislation. Congress knew the FBI had to be able to operate free of partisan interference but still be accountable to the duly elected leadership of the country, including all Members of Congress in their constitutional roles of oversight.

Certainly, the FBI Director can't be a politician's stooge, but history tells us that the bigger risk is in the other direction. Hoover abused his power to intimidate politicians and other political leaders. In a democracy, all of our leaders are ultimately accountable to the people. Access to information about what agencies like the FBI are doing is essential to holding them accountable. Transparency brings accountability. Abuses multiply in secret. That is why congressional oversight—Congress's responsibility under the Constitution—is key. The recent

report by the Department of Justice's inspector general is a very good example. It describes behavior having taken place in secret at the FBI that simply cannot be defended when having been brought to light.

First, the inspector general's report identified unacceptable messages that were sent on FBI mobile devices and computer systems by 5 of the 15 FBI employees on the Clinton email investigation. Those messages reeked with political bias. The report found that through such messages, these employees “brought discredit to themselves, sowed doubt about the FBI's handling of the Midyear investigation, and impacted the reputation of the FBI.” One message explicitly suggested a willingness to take official investigative steps for partisan reasons where there should be no partisanship. That message vowed to stop the election of Donald Trump.

Can you imagine an FBI employee in an official capacity, on official devices, taking that approach and then claiming not to be biased?

Because of that message, the IG was unable to conclude that the FBI's inaction on the Clinton email matter, for nearly a month prior to the election, was free from partisan bias.

The IG referred to the Bureau all five employees who had expressed partisan bias in order for the FBI to consider potential disciplinary action. Those messages showed a bureau plagued by arrogance, disrespect for policy and norms, and disgust of democratic accountability.

The report found that Director Comey's actions usurped the Department's authority. It called his decision of publicly announcing that Secretary Clinton would not be prosecuted as “extraordinary” and “insubordinate.” Director Comey acted as if he were accountable to no one except himself.

His subordinates also appeared content to ignore Bureau and Department policy and guidance—some, apparently, for their own personal interests.

The inspector general also recently concluded that the FBI's former Deputy, Andrew McCabe, authorized the disclosure of information to a reporter. That information confirmed the existence of an ongoing investigation. The IG report faulted McCabe for violating longstanding Department and Bureau policy. There is a public interest exception to that policy, but the inspector general found that McCabe authorized the disclosure of the information to make himself, McCabe, look good. Now McCabe claims Comey knew about it, but the FBI will not release information that supposedly supports that claim.

The FBI did little to nothing to address what now appears to be a culture of unauthorized contact with the media. Yet, somehow, every day, you read in the newspapers of the FBI's stiff-arming congressional oversight at every turn. Going to the newspapers is OK. When Congress wants the same information, no.

On the one hand, for example, the FBI stonewalls legitimate requests from the people's elected representatives, whom they "hate," in the words of Agent Strzok. On the other hand, FBI employees are accepting meals, sports tickets, and golf outings from reporters.

Now the Department and the FBI are refusing to comply with congressional subpoenas while lecturing Congress about the need to control access to sensitive information. While FBI agents are breaking the rules by talking to reporters left and right, the Bureau goes after legitimate whistleblowers who expose waste, fraud, and abuse, according to law.

The level of hypocrisy is staggering. The Bureau was investigating Secretary Clinton for her use of private communications to transact public business, but the employees in the Bureau who were handling that very investigation, including the Director, did exactly the same thing. Of course, these employees were not exclusively using a private server that was highly vulnerable to outside attacks. There truly is a difference in the order of magnitude, but the FBI's employees' behavior could help explain their apparent lack of enthusiasm for investigating Clinton's clear alienation of the Federal records. After all, how could they accuse her of violating the Federal Records Act when it appears they may also have been violating the very same law?

These are only some of the examples in the inspector general's latest report that we had a hearing on before my Judiciary Committee a couple of weeks ago.

Former Director Comey said his people "didn't give a rip about politics." We can see clearly now that that is just not true, at least not for five top individuals involved in this very high-profile, very important investigation. They now need to be held accountable for their actions. There is no place in the FBI for the kind of arrogance displayed in those text messages.

There is no place in the FBI for the kind of political timing and calculations made by the former Director. His subordinates openly discussed the enormous pressure they were under to close the Clinton email investigation before the political conventions. That was completely improper. Decisions at the FBI need to be made on merit, not on a political calendar.

The FBI needs to stay out of politics. It needs to submit to oversight. It needs to focus on doing its job to regain its reputation for objectivity. No one in this country is above the law. No one should be independent of accountability, especially not the FBI.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. MARKEY. Madam President, the retirement of Supreme Court Justice Anthony Kennedy has created one of the most consequential vacancies on the High Court that this country has ever seen. There is a reason pundits have often referred to the Supreme Court as the "Kennedy Court." His influence on so many politically salient cases cannot be overstated. During his 30 years on the Supreme Court, Justice Kennedy was often the swing vote in decisions decided 5 to 4 on a divided bench of the Supreme Court. These include some of the most historic cases in our Nation's history: on a woman's right to choose, environmental protections, and same-sex marriage.

In 1992 Justice Kennedy wrote the controlling opinion in *Planned Parenthood v. Casey*, which reaffirmed *Roe v. Wade*'s core holding that the Constitution protects a woman's right to make a fundamental decision about her own healthcare, including a woman's right to choose.

In 2007 Justice Kennedy joined a 5-to-4 opinion in *Massachusetts v. EPA*, which held that greenhouse gas emissions are pollutants under the Clean Air Act and that the EPA must regulate those emissions under that statute, unless it can provide a scientific basis for its refusal to do so.

In 2013 Justice Kennedy wrote the majority opinion in *United States v. Windsor*, striking down as unconstitutional the Defense of Marriage Act because it violated basic due process and equal protection principles by extending certain Federal benefits to opposite-sex married couples but denying those same benefits to same-sex married couples.

In 2015 Justice Kennedy wrote the landmark opinion on same-sex marriage in *Obergefell v. Hodges*, which held that the Constitution guarantees same-sex couples the right to marriage.

In 2016 Justice Kennedy wrote the majority opinion in *Whole Woman's Health v. Hellerstedt*, which struck down a restrictive anti-choice law in Texas because it put an undue burden on women's access to reproductive healthcare services.

All of these decisions were decided by the single vote of a single Supreme Court Justice. That Justice was Anthony Kennedy. The Justice who succeeds Anthony Kennedy on the Supreme Court will have the opportunity to leave a deep and lasting mark on issues of the highest constitutional magnitude—issues that impact the health and freedom of women, the environment, LGBTQ rights, consumer protection, labor protections, affirmative action, criminal justice, gun safety, and more.

There are, without a doubt, important issues that will be decided. These will be the most important decisions of our generation, and this Supreme Court will be in a position to make that history.

Justice Kennedy's retirement handed President Trump the opportunity to fulfill his campaign promise to shift the balance of power on the Supreme Court to the far right on these issues. So the President dusted off a preapproved list of candidates for the High Court—a wish list prepared and presented to him by the ultraconservative Federalist Society. This is the same list of candidates that the Federalist Society assured President Trump would satisfy his litmus test of overturning *Roe v. Wade* and striking down critical healthcare protections. This is the same set of candidates from which the President selected Neil Gorsuch to fill the late Justice Antonin Scalia's seat—the seat that Senate Republicans stole when they violated all norms of Senate procedure by refusing even to hold a hearing on President Obama's nominee, Merrick Garland. In the short time that Justice Gorsuch has been on the Supreme Court, he has proven himself to be every bit of the far-right conservative Justice that the Federalist Society promised he would be.

DC Circuit Court Judge Brett Kavanaugh's name was on that Federalist Society's wish list as well. With the President's nomination of him to the Nation's highest Court, the President has found another Federalist Society-approved jurist whom he believes will pass his litmus test, and that should concern every single American.

Brett Kavanaugh is a judicial conservative's dream come true—a young jurist who will push the Supreme Court to the right for decades to come. His record on issues such as access to healthcare, consumer and environmental protections, and a free and open internet portend a rubberstamp for a conservative, right-wing agenda that would move us backward as a nation.

At the same time, it is very concerning that Judge Kavanaugh, who once served as Ken Starr's top deputy in the White Water and Monica Lewinsky investigations of President Clinton, has said that a sitting President should not be investigated for allegations of wrongdoing, should not be indicted or tried while he is in office, and should not have to participate in civil legal proceedings until he leaves office. This is from a veteran of Ken Starr's staff, leading the investigation against President Clinton throughout the Monica Lewinsky investigation. It is no coincidence that a President who now fears all of these legal actions would nominate a judge who could shield him from those legal actions.

Perhaps the gravest concern that the Kavanaugh nomination raises is the fate of *Roe v. Wade*. For 45 years, *Roe* has not just protected access to safe and legal procedures for women in our country, but it has affirmed the constitutional right to privacy. *Roe* recognizes that all Americans must be able to make their own personal health decisions based on their own beliefs, needs, and circumstances.

Judge Kavanaugh's record on the DC Circuit inspires no confidence that he will protect this fundamental right. He has supported restricting access to contraception, and he recently would have forced an undocumented minor in Texas to delay receiving a safe and legal termination of her pregnancy despite her taking all of the necessary steps to access that procedure under Texas State law. If confirmed, Judge Kavanaugh will almost certainly have more opportunities to inject the government into women's decisions about their own bodies.

Over recent years, State legislators across the country and their allies have pushed the boundaries of restrictions on legal abortion. Challenges to these laws are winding their way through the judicial system now and could certainly land in the welcoming arms of a nominee whom the Federalist Society have assured the President would reverse *Roe v. Wade*.

Confirming Judge Kavanaugh to the Supreme Court is an invitation for anti-choice advocates to intensify their crusade against women having access to procedures which they choose to make, taking them closer to their dream of overturning *Roe v. Wade* and turning back the clock on women's health freedom and economic security.

Let's be clear. Overturning *Roe* wouldn't end these procedures across this country. It would just end safe abortions that women would have access to.

Those across the country who care about protecting individual liberty and autonomy in healthcare decisions, including access to safe and legal procedures, are galvanized and mobilized politically in a way we haven't seen in a generation. They are organized, and I believe they will bring that political power to bear in opposition to the Kavanaugh nomination. Our judicial system—and the Supreme Court, in particular—has a special role in our democracy as a neutral arbiter of the law. The American people must have faith that this institution and its Justices will uphold this sacred responsibility.

Stepping back and from a larger perspective, looking at the Affordable Care Act, we have to ensure that, ultimately, protections for those with pre-existing conditions in the healthcare system, which are guaranteed under *ObamaCare*, are continued. Every family in our country has somebody with a pre-existing condition, and we have to make sure this nomination does not lead to such fundamental changes in the Affordable Care Act, eviscerating those protections and rights.

The President had an opportunity to choose a nominee that would unify this country and assure the public of the independence of the judicial branch. Instead, he shamelessly, in a partisan way, picked someone who would only serve to propel our highest Court into a far-right orthodoxy for generations to come, becoming the "supreme right-wing court."

If Judge Kavanaugh is confirmed, women's freedom to make decisions about their bodies, reforms to our healthcare system, the quality of our air and water, and much more will be at risk. This is a critical moment for our country and much too important for any Senator to rubberstamp this nominee in the name of deference to the President.

I am going to fight this nominee every step of the way, and I ask every American to join me in this fight. We will need all Americans to organize, to march, to raise their voices, and to say: Judge Kavanaugh does not represent the values we need on the Supreme Court of the United States of America.

Thank you.

I yield back.

The PRESIDING OFFICER. The Senator from Colorado.

COLORADO FOREST FIRES

Mr. GARDNER. Madam President, I come to the floor today to talk about fires that Colorado faces right now—some of the most devastating fires in Colorado history. As of the writing of our comments this morning, there were 40 fires so far in 2018. This is one of them. I think this is the 416 fire, which I had the opportunity to visit just a couple of weeks ago.

This past week I was in Colorado, where we were able to see the Sugarloaf fire. I drove by the Weston Pass fire. This is some distance away from the Lake Christine fire, and obviously, the Spring Creek fire in Colorado. As a result of these fires, over 355,000 acres in Colorado have burned. That is simply devastating right now.

Congress has not been inattentive to the needs of our forests. Over the past several months, we passed legislation that would fix the fire borrowing crisis that had gripped the Forest Service. That was something that was forcing them to cannibalize dollars that could be used to reduce the next year's forest fires on this year's forest fires. We fixed that. We put fixes in place for that.

We also passed legislation to give our land managers more tools to help address dead trees and insect- and disease-ridden forests so we could have healthier forests. I hope the work we do on healthy forest policies, which we have already made progress on, will continue in this Congress. These fires are certainly devastating.

These communities remain open. No matter where you are in the country, if you have a summer vacation in Colorado, I hope you will still come. These communities need you now more than ever. They need your dollars. They need your resources. They want you to come and visit.

In the meantime, we have to make sure that we provide our firefighters—the great men and women on the frontlines of these fires—the tools they need to protect our communities and the tools our land managers need to make sure they can prevent these fires from happening.

In this Congress we have also considered policies addressing categorical exclusions. That is a fancy way of saying that it gives line managers tools to reduce the fire risks in certain areas. We have helped to provide tools in fire regimes I, II, and III. There are five fire regimes: fire regimes I, II, III, IV, and V. They are defined by how likely they are to burn and how frequently they are to burn in certain conditions. Much of the West, though, is what is called fire regimes IV and V. You can see the colors of fire regimes IV and V, the orange and reddish color, and the purple color. The green, the light green, the yellowish colors are I, II, III.

We have been able to provide new tools for fire regimes I, II, and III, but we haven't provided as many tools in fire regimes IV and V. That happens to be a significant portion of the West. That is where most of the beetle and other insect kill has occurred in Colorado. When a tree is killed by an insect, it creates a significant fire hazard.

We have also been able to provide the amendments that we filed in the farm bill. Unfortunately, they didn't succeed. I hope we can get them through to provide help in these high-risk areas of disease and insect-ridden forests.

Past management practices have created conditions where we may have monoculture forests, where you have a forest with the same age of trees. You have the same conditions that allow them to be susceptible to the same insects and the same diseases, and you end up with thousands of acres that are susceptible to catastrophic wildfire.

Where a lot of Colorado's beetle kill and insect kill can be found is also where the headwaters of some of our Nation's most significant water sources are. Colorado is the only State in the country where all water flows out of and no water flows into. I know the Presiding Officer is a beneficiary of Colorado water as well—probably not enough of it, she would say. But it is important to Nebraska that we protect Colorado forests because the headwaters of the Platte River are in Colorado—the North Platte and the South Platte.

There is work we have to be doing to make sure that we protect these watersheds, because what happens when a forest burns is that you end up with hydrophobic soil conditions and that runoff from a rainstorm goes directly into the water. It destroys the watershed. If you have a forest that has four or five times the undergrowth that it should, then that takes more water out of what would naturally go to the waterway and the watershed, meaning there is less water available for other uses downstream.

I want to talk more about forest management. We had another fire in Colorado called the Buffalo fire in Summit, CO. If you have ever driven up I-70 through the Eisenhower Tunnel, toward Breckenridge, you go by a town called Silverthorne. You can see in

Summit County that the Buffalo fire threatened 1,400 homes. So 1,400 homes were evacuated as a result of this fire. The fire was 91 acres. It is about 95 percent containment, but this risk it posed was significant because there was a very densely populated area of the mountains, a community of homeowners. There were 1,400 homeowners who had to evacuate.

They had a lot of high-risk fuels, but what this community had done was something we should brag about all over the West. They actually had collaborative efforts with State and local governments in this area. They developed fuel treatments to help moderate fire activity.

This was a challenging fire. We have extreme fire behavior in Colorado this year, but because of the collaborative work they had done, that helped to reduce the risk, to thin forests, to reduce the fuel, and to create the fire breaks. They were able to keep this fire from reaching those homes. The fire treatment worked. This is an example of a process we ought to be spreading and looking at to help reduce hazardous fuels around the West to make sure we don't lose our communities when we have these devastating fires. This was just west of Silverthorne. These fuel reduction projects helped to create fire breaks, and they prescribed burns which contain a fire with extreme behavior that could have been devastating. This wasn't too far away from the Dillon Reservoir, a key source of water for Colorado.

I also want to talk about some of the language we have in the farm bill. We have language in the farm bill that addresses vegetation management. This picture shows what happened after a forest fire. This is a power line, obviously. You can see the power lines going through it.

We have risks to our forests, our communities, our homes, and risks to our watersheds. We also have risks to our power supply systems. You can see that this pole has been simply disintegrated as a result of the fire. This has cost at least one utility over \$10 million in the Basalt area, as a result of the fire.

We are working on language dealing with vegetation management. Senator BENNET and I sponsored language that would allow utilities to do work on their own dime outside of the rights of way to prevent this fire from impacting our electricity and energy system. The Lake Christine fire, which is near Basalt, put a lot of different types of electric infrastructure out of commission. This utility, as I mentioned, is estimating that it will be millions of dollars for them to repair. It makes sense for us to give tools to these utilities on their own dime to prevent this kind of damage, because they would be creating fire breaks. They would be creating more resilient systems that would allow our communities a little bit more security, I guess, in knowing that their electricity systems would be protected and safe.

These kinds of bills that we have been able to produce have had and will have great impact on how we can prevent and how we respond to catastrophic wildfires. Certainly, a \$10 million cost from one fire, as well as other costs, will increase rates. It has the potential to increase rates dramatically if we can't get a handle on the right kinds of policies.

Finally, I want to turn to another disturbing aspect of what we have seen in Colorado with these forest fires. We have seen an uptick of drones flying over active forest fires and firefighting areas. If you fly a drone and do that without interfering with the firefighter—following all the rules—then I don't think anybody has a problem with it. If you are flying a drone and violating the rules and you are flying it over an active fire, stop it. I talked to far too many incident commanders who had to call off air tankers because there was a drone in the area. There is a video on YouTube where you can see footage from the drone taking a picture of the forest, while you see the shadow of a tanker on the ground because the tanker went right over it.

The pilots of that tanker were asked: Did you see the drone?

They said: No.

What would have happened if that drone had hit that plane, perhaps causing an accident, perhaps costing lives, perhaps starting a new fire because the plane could have crashed as a result?

If you call off an air tanker already in the air, that tanker can't land with the slurry that it has onboard already. So the air tanker gets called off. It then has to dump the slurry somewhere else. That could be \$10,000 worth of slurry at a time wasted because they got called off because somebody decided they would rather fly their drone and get videos that they can post on YouTube, instead of allowing firefighters to do their job.

This is what the Forest Service put out: "If you fly, we can't."

You have a 110,000-acre fire in the Spring Creek fire right now. Over 200 homes are lost. An hour a day without supertankers—without air tankers—is a big problem for those communities and the men and women putting their lives at risk trying to defend and protect our forests and our communities. I hope people will use a little bit of common sense and not fly their drones over an active firefighting.

I introduced legislation with Senator BENNET and Congressman TIPTON to make it a felony to interfere with a firefighter operation over a forest fire if you are flying a drone illegally.

We met with individuals from Oregon and from all over the West when I visited the fire at the incident command center in Southern Colorado when we visited the Spring Creek fire. We talked to fire men and women who spent their Fourth of July not watching fireworks or picnicking with their family but defending and protecting our communities in Colorado. We

thank them for their work. We thank them for their tireless efforts and sacrifice.

It is dangerous. In fact, just last week, as we were at the fire on Friday, we commemorated and recognized the anniversary of the Storm King Mountain fire and the 14 persons who were killed near Glenwood Springs about 24 years before. This is a very serious fire season. Thankfully, we have serious policies in place that are addressing it. There is more work we can do.

I thank my colleagues.

RESTORE OUR PARKS ACT

Madam President, I come to the floor today also to talk about a bill called the Restore Our Parks Act and a committee hearing that we had yesterday before the Energy and Natural Resources Committee. That legislation would provide billions of dollars to address the most pressing maintenance needs at our Nation's national park units. National parks and monuments are an important part of Colorado's history and heritage and of our Nation's shared love of our public lands system.

We know that in 2016, the year the National Park Service was celebrating its centennial, Colorado's 12 units managed by the National Park Service saw over 7.5 million visitors who spent around \$485 million visiting our national parks in Colorado. However, after years of increasing visitation popularity, national park units across the country are showing signs of stress and overuse for which programmatic funding has not kept up.

National park units in Colorado account for over \$238 million of the \$11.6 billion in maintenance needs our national parks now face.

Rocky Mountain National Park, which is one of the Nation's most visited parks in the country and boasts the highest altitude paved road in the continental United States, has \$84 million alone in deferred maintenance needs.

Mesa Verde, Colorado's oldest national park and the first established to protect the works of man, needs \$70 million to address its deferred maintenance backlog.

The list goes on for Dinosaur National Monument, the Great Sand Dunes, and even Bent's Old Fort.

I have been happy to join with a bipartisan group of colleagues—Senators ALEXANDER, PORTMAN, KING, and WARNER, among others—to craft and advance legislation that fulfills our promise to the public that the upkeep of our public lands is a priority.

I am also pleased that it is based on a funding model that has worked so successfully for the Land and Water Conservation Fund—one of the crown jewels of our Nation's conservation programs.

I would point out that just 20 days ago another group of bipartisan Senators was holding a press conference to highlight the need to reauthorize LWCF in the next 100 days before that

authorization lapses. I was a part of that group. We talked about the need to have this program reauthorized again before it expires. Now the deadline is just about 78 days away.

I must also mention that we have yet to fulfill our promise on funding for LWCF. We need to fully fund that program. It is something I hope we can do in the near future.

While I believe the structure of the Restore Our Parks bill is sufficient and that the same will not happen here, we need to ensure our full commitment to this new effort, so it doesn't suffer the same fate, by making sure we have the funding promised by Congress.

I urge my colleagues to find a bipartisan path forward to permanently authorize and to fully fund the Land and Water Conservation Fund because access to the land we are trying to maintain is as important as the parks themselves.

I again thank my colleagues for coming together on the Restore Our Parks Act in recognition of the necessary, overdue fix to address our park unit's deferred maintenance backlog that has persisted for far too many years.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to yield back the remainder of the time.

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

All time is expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Kentucky (Mr. PAUL), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

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

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 154 Ex.]

YEAS—70

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

NAYS—23

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

NOT VOTING—7

Hyde-Smith	Paul	Tillis
McCain	Schumer	
Moran	Shaheen	

The nomination was confirmed.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 595.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Randal Quarles, of Colorado, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2018.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 892.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew S. Oldham, of Texas, to be United States Circuit Judge for the Fifth Circuit.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 903.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Ryan Wesley Bounds, of Oregon, to be