

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

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

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

I yield my time.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 158 Ex.]

YEAS—66

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

NAYS—33

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

NOT VOTING—1

McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid

upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

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

The assistant bill clerk read as follows:

CLOTURE MOTION

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

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

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Andrew S. Oldham, of Texas, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

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

[Rollcall Vote No. 159 Ex.]

YEAS—50

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

NAYS—49

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

Tester	Warner	Wyden
Udall	Warren	
Van Hollen	Whitehouse	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

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

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF BRETT KAVANAUGH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and strikes, not rewrite the rules of the game.

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

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

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### TRUMP-PUTIN SUMMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

take his side over the side of American security professionals.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The minority whip.

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

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

The President said:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

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

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

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

The President said:

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

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

I think that is an incredible offer.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

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

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

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Washington.

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

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

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

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

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

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

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

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

#### NOMINATION OF BRETT KAVANAUGH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back my time.

The PRESIDING OFFICER. The Senator from Delaware.

TRUMP-PUTIN SUMMIT

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

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

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

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

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

That was on Friday the 13th.

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

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

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

NOMINATION OF BRETT KAVANAUGH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So that is the track record for this.

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

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

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

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

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

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

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

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

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



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

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

I yield to my distinguished colleague from Hawaii.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOMINATION OF RYAN BOUNDS

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

NOMINATION OF BRETT KAVANAUGH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### CYBER SECURITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

China, North Korea, or other bad actors.

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

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

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

I yield the floor.

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#### LEGISLATIVE SESSION

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#### MORNING BUSINESS

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

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

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#### NIGER

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

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

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

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

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

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

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