



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, WEDNESDAY, JULY 18, 2018

No. 121

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Eternal God, who has been the hope and joy of many generations, thank You for giving us the power to seek You. We praise You for Your promise that those who keep on seeking will find what they seek. Inspire our lawmakers to seek Your wisdom in order to be guided by Your loving providence.

Lord, give them a clearer vision of Your truth, a great faith in Your might, and a deeper assurance of Your love. Teach them to labor and not to ask for any reward except that of knowing they are doing Your will.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COTTON). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to resume consideration of the following nomination, which the clerk will report.

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

The PRESIDING OFFICER. Under the previous order, the time until 2 p.m. will be equally divided in the usual form.

#### RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

Mr. MCCONNELL. Mr. President, this week the Senate continues to confirm impressive nominees whom President Trump has asked to serve our country. We have confirmed two Assistant Secretaries to the Department of Education, Scott Stump and James Blew. We have confirmed a member of the Board of Governors of the Federal Reserve, Randal Quarles. Now we will turn to the judiciary and consider nominees to the Fifth Circuit and Ninth Circuit Court of Appeals.

First is Andrew Oldham of Texas, the President's choice for the Fifth Circuit. Mr. Oldham has impressed the legal community in his years of public service, most recently as general counsel to the Governor of Texas.

Mr. Oldham has degrees from the University of Virginia, Cambridge, and Harvard Law. He clerked on both the DC Circuit Court and the Supreme Court. He carries the highest possible rating from the American Bar Association, "unanimously well-qualified."

He comes highly recommended by peers and colleagues from across the political spectrum. Judith Zaffirini is a Texas State senator. She is a Democrat. She wrote the Judiciary Committee to support Mr. Oldham's nomination "confidently, enthusiastically, and without reservation." She and the nominee have worked together on a number of important subjects. Through them all, she explains, "Mr. Oldham reflected the ideal qualities of a judge . . . open-minded, fair . . . thoughtful and analytical."

Lisa Blatt is a skilled litigator who argues frequently before the Supreme Court. She is also a Democrat. She wrote the committee too. Her letter describes Mr. Oldham as "a great listener" with "a brilliant legal mind, [and] a wonderful sense of humor and collegiality."

Her conclusion? He would "make a superb judge."

What about Mr. Oldham's own words? If confirmed, he explained to our colleagues during his hearing, he will "uphold the rights of all litigants—big or little—equally, and apply the law to all fairly."

He understands his responsibility, clearly. I look forward to confirming this nominee, and I urge each of our colleagues to join me.

#### ECONOMIC GROWTH

Mr. President, on another matter, it has been a year and a half since Republican majorities took their seats in Congress and a Republican President was sworn in. In 2016, the American people made it clear it was time to try something new. They were tired of a so-called recovery that focused overwhelmingly on big, wealthy metropolitan areas. They had seen enough of tax hikes and top-down regulations that held their communities back. They turned to Republicans to deliver a pro-growth, pro-opportunity agenda to create better conditions for working families, job creators, and entrepreneurs to rise together.

Eighteen months later, the results could not be clearer. Today, more people say it is a good time to find a job than at almost any point since the turn of the millennium. U.S. manufacturers are more confident than ever about the future of their businesses.

Here is a story from yesterday's Financial Times: "US retail sales rise for fifth straight month in June." This is a good sign for Americans all across the board. It shows our economy is healthy. It shows that families feel they have enough breathing room to

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



Printed on recycled paper.

S5027

make purchases, which of course then benefit the companies and workers who produce what they are buying. Of course, it is especially good for the 42 million Americans whose jobs are supported by the retail industry.

According to industry data, more than 6 in 10 Americans work in retail at some point in their career, so this continued prosperity is really significant. There is little question that tax reform is to thank for a significant portion of this progress.

For one thing, our middle-class tax cuts are directly boosting families' discretionary income. As the Wall Street Journal reported this week, "many households are experiencing less withholding from their paychecks thanks to the tax overhaul."

Analysts also point to the business side of tax reform, which is letting more U.S. employers expand and hire. That means more jobs for American workers, which means more income for American families, which means more money in the cash registers of American small businesses. The virtuous cycle goes on.

The American people and most fair observers are marveling at what our economy is delivering to workers and middle-class families, but I am starting to think our Democratic colleagues may have forgotten what a successful economic agenda looks like because even in the face of headline after headline and testimony after testimony from job creators we represent, they try to brush off this impressive growth as nothing serious, and they advocate for repealing or undoing the Republican policies that are helping to make it happen.

Fortunately, Republicans know full well how to cut taxes, trim back regulations, and get Washington out of the American people's way. It is just what we have done. It is just what we will continue to do.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### TRUMP-PUTIN SUMMIT

Mr. SCHUMER. Mr. President, yesterday, President Trump went through a walk back. President Trump's walk back performance was pathetic. It was weak, insincere, and thoroughly unconvincing. The President read a scripted clarification yesterday like he was in a hostage situation. All you had to do was look at his face. He couldn't even fully commit to it, adding off-the-cuff that other people could also be responsible for election interference in 2016. That is hardly a walk back, and it was concerning only one particular comment. The President did not address his lavish praise for Vladimir Putin in Helsinki. Is he going to walk that back? He blamed both countries—the United States and Russia—for the sour relations between us. Is he going to walk that back? He said U.S. stupidity and foolishness, not Russian aggression, was the reason our relationship with Russia was so bad. Is he going to

walk that back? He did not address his brazen attacks on the FBI while on foreign soil. Is he going to walk that back?

Now, late last night and this morning, the President is back to celebrating his meeting with Putin. He is walking back the walk back. That is what he did this morning. This is like Charlottesville redux. We all know what the President really thought. We know what he thought at Charlottesville. The walk back was unconvincing, and he went back to his old ways. We know what he thought at Helsinki. The walk back was unconvincing. And now, with his tweets this morning, he is back to his old ways.

The only reason there was a walk back is that the President was forced by pressure from many of my Republican friends here, from his allies in the media, and his own White House staff. They all pressured him to give that temporary walk back. But it is clear from today's tweets that he doesn't mean it, that he doesn't believe it, and, frankly, neither does anybody else. It is clear that he still believes President Putin over the consensus of the American intelligence community, and that puts Americans' security gravely at risk.

The President's reluctant, ham-handed, half-hearted "clarification" yesterday—almost entirely reversed this morning—is woefully inadequate. His behavior in Helsinki continues to demand a response from Congress, and there are many things we can do. But later this morning, if anything is true to form, the President will hold a Cabinet meeting, and his advisers will shower him with thanks and praise—this is what he craves—and will provide, perhaps, another version of what happened in Helsinki.

Given what happened in Helsinki and given that the President's walk back was so weak, there are several things we as a Congress can and should do. Talking the talk is not enough. Walking the walk is what is so important here. We need to act, not simply say "tsk, tsk; bad President" and then go back to business as usual, because the American polity, the American security, and the view of America in the eyes of the world have taken a severe setback. It is up to us in the Congress to try to undo that.

I mentioned a whole host of actions this body can take to counter Russia's malign activity, punish Putin for interfering in our elections, prevent him from doing it again, and ensure that the President is doing what is necessary to stand up for American interests. The Senate is not powerless to take action in the wake of President Trump's indefensible performance at his summit with Vladimir Putin. Let me reiterate and suggest some things we should do, and I believe we should do all of these.

First, our Republican colleagues need to join us in demanding immediate public testimony from the President's

national security team—those who were in Helsinki and those who would have knowledge of what happened in Helsinki.

We need to have immediate public testimony from Secretary Pompeo, from DNI Director Coats, and from Ambassador Huntsman.

Above all, we need the translator who was present at the one-on-one meeting with President Putin to testify openly before Congress. That is not usually done, but there are almost always other people in the room, so you don't need the translator. But for some reason—a reason that Americans and the world are wondering about—President Trump wanted no one else in the room. Having the translator come testify and tell us what happened there is an imperative. It is so important. It is rare for translators to come before Congress, but in this case, it is warranted—A, because no one else was in the room, by the President's direction, and B, because what happened there might have been so important, given what happened in public a few short hours afterward. The translator works for the Federal Government, works for the taxpayers, and may be the only person who can accurately report what President Trump said to President Putin behind closed doors, what concessions were made to Vladimir Putin. We want to know. Did the President make concessions that hurt our national security? What did he agree to?

Congress has a duty to conduct responsible oversight of the executive branch, particularly after what the President did in Helsinki. The President's summit calls for oversight. Having these people—particularly the translator—come testify is important. I understand Secretary Pompeo will appear before the Foreign Relations Committee next week, which is good, but we need to hear from others, including the translator. I urge Leader MCCONNELL and his leadership team to immediately request a hearing of the people I mentioned.

Second, the Republican leadership should soon place on the floor—ASAP—bipartisan legislation, led by Senators BOOKER, GRAHAM, COONS, and TILLIS, to protect the special counsel from political interference. This legislation passed out of the Judiciary Committee with bipartisan support. It has four sponsors—two Democrats, two Republicans. If Leader MCCONNELL is serious about the checks and balances and if what he said in the last day or two were not just meaningless words, he will put this legislation on the floor. It will pass.

Alongside demanding testimony from the President's national security team, passing legislation to protect the special counsel is probably the most important thing this body could do to ensure that President Trump's recklessness does not precipitate a constitutional crisis.

Third, we should ratchet up sanctions on Putin and his cronies, not

water them down. The sanctions this body passed by an overwhelming bipartisan margin of 98 to 2—and I salute Leader MCCONNELL; he helped to bring it to the floor even though the President didn't like it—have not yet been fully implemented by the Trump administration. On our side, Senators MENENDEZ and VAN HOLLEN have some very good ideas about sanctions, and we should act on them.

Fourth, our Republican colleagues can and should insist that the President finally release his tax returns. We all know that the President broke decades of practice when he didn't release those returns—so damaging because his economic interests outside of the government are so large, complicated, and varied and so important because he deals with international finance in these situations.

There was no good reason not to release his tax returns then. Yet President Trump's inexplicable behavior in Helsinki has many Americans asking: What does Putin have over him that he is behaving in a way that is, basically, inexplicable by any rational, logical line of thinking? That is why his tax returns will be so important. We should pass legislation that requires the President to release his tax returns. It was important before, but it is much more important now, after Helsinki.

Fifth, the Republicans should demand with us that the President insist the 12 Russians who have been indicted for our election interference and information warfare be handed over. Putin may not do it, but at least we ought to show how serious we are as a country. The President ought to show how alarmed he is that this happened, and the best way to do that is for our Republican colleagues to join with us. They will have more influence than we will have in asking him to do so.

Finally, we should have bipartisan legislation on election security. Together, in a bipartisan way, with the help of my friend from Tennessee—a senior member of Appropriations—in the last omnibus bill, we passed \$380 million for election security. As I understand it, that money is now being sent out to help the States, but we have to do more. There is bipartisan legislation. Senators KLOBUCHAR and LANKFORD and Senators VAN HOLLEN and RUBIO have good legislation that could help beef up our election security. We ought to move on it.

Our country—our cyber networks and our election systems—is under constant attack from adversaries like the Russians. There is bipartisan consensus that we must harden our election infrastructure. This has led to the legislation I mentioned by KLOBUCHAR, LANKFORD, VAN HOLLEN, and RUBIO. There is other legislation by Senators HARRIS and WYDEN. I urge the Republican leader to let us move on one or more of these bills.

We should do all of these things, not just one or two—all of them. I can't think of a logical reason not to do any

of them other than out of fear of offending the President. Times like these call for us to do more. We have already heard some of our Republican colleagues say “let's move on” after what the President said yesterday—as I mentioned, his so-called walk back was not a walk back at all—and that if we cared about our Nation's security, we would move forward.

The final thing I would say to my Republican colleagues is this: This is a moment that will be remembered in American history. It is not going away. This is a moment that will be remembered next week, next month, in November of 2018, in November of 2020, and way beyond. The Helsinki summit is now an unalterable fact in American history—a moment when, unfortunately, an American President humiliated his own country and himself before a foreign dictator. It was a terrible sign of weakness by this President, and it, unfortunately, weakens the office he holds.

Yet it can be remembered as a moment when a bipartisan majority in Congress—Democrats and Republicans in their dropping all trappings of party—links arms and stands up for our country after our President has refused to do so. Let's hope it is. Let's hope it is.

#### NOMINATION OF BRETT KAVANAUGH

Mr. President, I know my colleagues are waiting, and I appreciate their indulgence as I have one final point on the Supreme Court and Brett Kavanaugh.

I just read in a very recent interview that Judge Kavanaugh was asked, if granted the opportunity, whether he would overturn precedent in any one case. Judge Kavanaugh initially declined to answer. He then paused and said, on second thought, he would overturn the precedent in *Morrison v. Olson*. That is the case that upheld the constitutionality of the independent counsel law. I will make two brief points on the subject.

First, Judge Kavanaugh's response demonstrates he is willing to answer direct questions about precedent—which precedents he agrees with and which precedents he would overturn. I hope, during the hearings, we will not suffer the tried-and-true verbal gymnastics of nominees who have refused to answer questions on existing precedent. Judge Kavanaugh had no qualms about that in that interview.

Second and more immediately, considering everything we know about Judge Kavanaugh's expansive view of Executive power and accountability, the fact that *Morrison v. Olson*—of all of the cases in the history of the Supreme Court—is the first case he would think of overturning is deeply, deeply troubling.

We already know he believes a President shouldn't be investigated while in office, that a President can't be indicted while in office, that a President doesn't have to follow laws that the President “deems”—his word—uncon-

stitutional. Clearly, Judge Kavanaugh's judicial philosophy incorporates an almost monarchical view of Executive power and accountability, animated by a belief that our Chief Executive gets to play by a different set of rules.

Judge Kavanaugh, particularly after this interview, needs to recuse himself from anything having to do with the Mueller probe given his record and the fact that he was nominated by the subject of the investigation he could very well end up ruling on.

Once again, I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### TARIFFS

Mr. JONES. Mr. President, I rise to discuss an issue that is of great importance to my constituents in Alabama and to many other people across the country. At issue is the health of our automotive industry.

Unfortunately, the health of my State's automobile industry is being threatened not by unfair competition or illegal practices but by significant tariffs proposed by the President. According to the U.S. Chamber of Commerce, more than a half a million Alabama jobs are supported by global trade, meaning more than one in every four Alabama jobs is tied to trade.

One of the key reasons Alabama has such a robust trade posture is due to our automotive manufacturing industry. I am old enough to remember what it was like before auto companies came to Alabama in the 1990s, starting with Mercedes. At the time that Mercedes came, many of Alabama's manufacturing facilities were closing down and moving to other countries. Yet, one by one—from Mercedes, to Honda, to Hyundai, and now to Toyota and Mazda, which are breaking ground on a new plant very soon—these automakers came to Alabama and breathed new life into our State's economy. They support, today, some 57,000 Alabama jobs, and our auto exports topped \$11 billion in 2017. That doesn't even include the new Toyota-Mazda plant in Huntsville, which is going to add another 4,000 jobs and \$1.6 billion in economic development.

After having no automobile industry 30 years ago, Alabama has become the third largest exporter of automobiles in this country. In only the past 15 months, every major automobile manufacturer in Alabama has announced an expansion to total 5,400 jobs and \$3.3 billion in investments. This industry has been a phenomenal success in Alabama and, more importantly, for the men and women who rely on these very good-paying jobs to support their families and to build better lives.

That is why it is a priority for me and colleagues like my friend, Senator ALEXANDER from Tennessee, to keep our States' automotive industry thriving. Yet, recently, this industry has come under attack. In May, President Trump threatened a 25-percent tariff

on imported cars, trucks, and auto parts under the pretext that these products somehow threaten our national security.

Let me be clear. While the United States faces any number of threats from adversaries on any number of fronts, foreign automobiles and auto parts are not threats to our national security. Do you know what is a threat? It is a 25-percent tax on the prices of these imported goods. The President's proposed auto tariffs have the potential to inflict serious damage on a booming industry in my State and in other leading auto-producing States, like Tennessee. We might call it a tariff, but we all know exactly what it is—a tax.

By definition, a tariff is a tax on a particular class of imports or exports. Any tariffs placed on products that come into the United States are taxes that increase the cost of those goods to American consumers. When other countries place additional tariffs, or new taxes, on American goods, it raises the purchase prices of American products overseas and hurts our ability to sustain competitive markets in those countries. So it is deeply troubling that the recent proposal from the President will threaten tens of thousands of jobs in Alabama and increase costs for American consumers.

Shortly after this tariff threat was issued, Senator ALEXANDER joined me in writing to Commerce Secretary Wilbur Ross, and we urged him to reconsider the auto tariff tax proposal. Between our two States, the automotive sector contributes more than 200,000 jobs to our economies. Numbers of autoworkers from our States are in town this week to tell their stories, firsthand, to the Commerce Department, and I commend them for their efforts in doing so.

Senator ALEXANDER and I understand the devastating blow these tariffs will represent to an industry that has literally rebuilt our respective States' economies from the ground up. Automakers and their suppliers can be found in every corner and in nearly every county of each of our States. We have found common cause in fighting these tariffs and protecting our constituents from the devastating impacts they will have.

There are already a few legislative solutions out there, including Senator CORKER's solution regarding tariffs. I know Senator PORTMAN is also doing a lot of good work in this space. Senator ALEXANDER and I are working together to propose a solution of our own as a complementary measure to halt these tariffs. We hope to introduce that proposal as early as next week after consulting with our automotive manufacturers and working with our colleagues to grow bipartisan support for this legislation.

I realize that folks who have been affected by these proposed tariffs are looking for a silver bullet to stop them dead in their tracks. Right now, the

only silver bullet in this case is for the President to change his mind and recognize how many jobs are at risk because of these proposed tariffs. Until that happens, we are going to fight to protect what our States and our workers have earned.

I want to thank my colleague Senator ALEXANDER, who is here today, for his continued partnership in this effort. I look forward to working with more of our colleagues to stop the urgent threat to American jobs.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to thank the Senator from Alabama for his remarks.

I come to the floor to discuss bipartisan legislation that he and I, as he said, plan to introduce as soon as next week to encourage the Trump administration to reconsider the dangerous steps it is taking to impose tariffs on imported automobiles and automotive parts.

I use the word "dangerous" because nothing has done more during the last 40 years to raise family incomes in Tennessee than the arrival of the auto industry, and nothing could do more damage to those family incomes than the proposed tariffs on imported automobiles and automotive parts, combined with the tariffs on imported steel and aluminum that the administration has already imposed.

We have heard the Senator from Alabama talk about his State. In my view, Tennessee is more likely to be hurt than any other State by these tariffs. Let me tell a short story to explain why I would make such a dramatic statement.

Forty years ago, I walked 1,000 miles across Tennessee in my campaign for Governor. In Rutherford County, outside Nashville, I spent the night with the Knight family. Mrs. Knight told me that her twin boys were bright but that she was sad because, as she put it, there are no jobs around here. She said: They are smart boys, and they will never get a job here, and I will never see my grandchildren.

Forty years ago, there were no auto jobs in Tennessee. We were the third poorest State. Our family incomes were the third lowest. Our low-paying textile jobs were fleeing outside of our country. Unemployment and inflation were high, and prospects were bleak. Then in 1980—just 2 years after that walk, when I was the Governor of Tennessee—Nissan from Japan arrived and came to Rutherford. Then General Motors, with Saturn, came to Spring Hill. Then Volkswagen came to Chattanooga. All had large manufacturing plants.

As the American automobile industry moved to the Southeastern United States, more than 900 auto part suppliers spread across 88 of Tennessee's 95 counties. Today, 136,000 Tennesseans—or one-third of our manufacturing

workforce—work in those auto plants. Those auto jobs have become the main driver of family incomes, which have now risen to a little above the national average. Our economy is booming, and unemployment is at a record low.

Today, Tennessee produces 6.7 percent of all of the cars and trucks produced in the United States. Tennessee exported more than \$5.5 billion worth of automobiles and auto parts last year. Tennessee has been the top State in auto manufacturing strength for 5 out of the last 8 years, according to Business Facilities.

Let me get back to my little story. Last year, one of those bright twins from Rutherford County—the Knight family—where I spent the night 40 years ago, Randy Knight, retired as the general manager of the Nissan plant, which is the largest and most efficient auto plant in North America. His brother works there, too, and so does one of those grandchildren whom the grandmother thought she would never see.

You can see why Tennesseans become very worried when anything threatens the auto industry that has transformed our State. Here is why the proposed tariffs do that.

As the Senator from Alabama said, tariffs are taxes. Tariffs are taxes on us, pure and simple. They make what we buy and sell more expensive. The laws of economics usually say that when you make what you buy and sell more expensive, you buy and sell less of it. If we sell fewer automobiles and automotive parts, there will be lower revenues, lower profits, fewer wage increases, and fewer jobs.

Since almost every one of the 900 auto part suppliers use steel and aluminum, lower revenues and smaller profits mean fewer wage increases and fewer jobs for the 136,000 Tennesseans who work in the more than 900 auto plants in our State. More expensive cars means fewer people in the United States buy those cars and fewer people overseas buy those cars—the cars we make. Fewer people buying cars and trucks means that 136,000 Tennesseans in America's No. 1 auto State are going to have a lower standard of living than they otherwise would and lower family incomes.

Why in the world would our government raise our taxes and destroy our jobs in this way? Well, the government's answer is that tariffs protect jobs in the steel and aluminum industry.

It is true that some steel and aluminum jobs might be saved, but in 2003, when President George W. Bush proposed steel tariffs, there were about 10 times as many people working in the steel-using industries as there were in steel-producing industries. Let me say that again. There were more people working in the steel-using industry than there were in the steel-producing industry.

President Bush dropped the idea after a year because the tariffs destroyed, as

I said, more jobs in other industries, including the automotive industry, than they saved in the steel-producing industry.

I know something about the aluminum industry. My dad worked most of his life at Alcoa's Tennessee aluminum smelting plant, which closed a few years ago because electricity was so much cheaper in other parts of the world. You use electricity—lots of it—to smelt aluminum. That is why those plants came to East Tennessee more than a century ago. But electric prices in the United States gradually rose over that century, and are still cheaper in other parts of the world. So today there are only eight smelting plants left in the United States. Seven of them are still in operation. Alcoa operates four and makes 46 percent—nearly half—of all of the aluminum produced in the United States. Alcoa opposes the aluminum tariffs because it also operates smelting plants in Canada and other countries that export aluminum to the United States.

The bottom line is this: The largest U.S. producer of aluminum, Alcoa, doesn't want the aluminum tariffs. The thousands of auto plants and other plants that use aluminum don't want the aluminum tariffs. So who is asking for the aluminum tariffs?

A second reason justifying tariffs is that other countries may have been unfair to the United States. There may be examples of that, but when did it become a good idea to solve your own problem by shooting yourself in both feet at once? It is hard to see how raising our taxes and destroying our jobs is a smart solution to unfair trade practices.

Then there is the question of whether tariffs help autoworkers. Raising taxes and prices and selling fewer cars wouldn't seem to help the American autoworker.

Will it cause foreign companies to build more cars in the United States? Well, that is already happening.

The foreign manufacturers have been doing exactly what we asked them to do. They have moved here. They produce cars and trucks here. They export many of those cars and trucks and auto parts to other countries. Today, about half the cars being built in America are being built by the so-called foreign manufacturers. Nissan's plant in Rutherford County employs 8,000 Tennesseans and is the largest and most efficient auto plant in North America.

I was with President Trump last year when he spoke in Michigan about all the autoworker jobs leaving the Midwest. Since 1994, 3.6 million of those jobs have left the Midwest, but they didn't go overseas; they moved to Tennessee and Alabama and other parts of the Southeastern United States, which gained 3.6 million auto jobs during the same period. Those new auto plants are in Tennessee, Alabama, Georgia, Mississippi, South Carolina, Kentucky, and Texas. Those are all States where

the President is widely admired and States that he carried heavily in his election effort.

Those plants moved primarily to the Southeast because our part of the country offered right-to-work laws and an environment that allowed companies to make quality cars at a lower cost and sell them competitively here in the United States and around the world. In fact, my own view is that the movement of the American auto industry to the Southeast saved the American auto industry because where it was 25, 30, or 40 years ago was stuck in the Midwest in an oligopoly where the United Automobile Workers and three big companies were producing big, expensive cars, and the little foreign cars were coming in and eating their lunch in the marketplace. So now we have strong and effective American auto plants in the Midwestern United States and in the Southeastern United States, and half of them are made by so-called foreign manufacturers.

I agree with President Trump on many things—taxes, judges, regulations, the economy, Keystone Pipeline, and others. He has helped create today's booming economy and low unemployment. I give him credit for helping to do that, but these tariffs take us in exactly the opposite direction.

These tariffs are dangerous. These tariffs are going to cost us jobs. These tariffs are going to lower our family incomes. These tariffs are going to undo much of the good the President and this Congress have done during the last year and a half to create this booming economy.

I respectfully suggest that the President reconsider his trade policy, drop the tariffs as a tool for implementing his objectives, and find other, more effective means to persuade other countries to do for us what we do for them.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

OPENING OF THE ROCKY MOUNTAIN REGIONAL VA MEDICAL CENTER

Mr. GARDNER. Mr. President, this weekend, Colorado will be celebrating the opening of our new Rocky Mountain Regional VA Medical Center in Aurora. I am incredibly proud that we will be reaching this milestone this weekend after more than a decade of work and some significant hurdles, trials, and tribulations along the way. I commend my colleagues for the work they did funding this project.

The Rocky Mountain Regional VA Medical Center will be the crown jewel of the VA system. It wasn't easy to get here. A lot of people had to do a lot of work to make it happen, including the veterans, the leadership organizations in Colorado, our colleagues across the aisle, Congressman COFFMAN, Congressman PERLMUTTER, Senator BENNET—in fact, the entire congressional delegation for a number of years—Senator Salazar, Senator Udall, Senator Allard. They have all done incredible work to make this weekend a possibility.

Hundreds of millions of tax dollars were used for this facility. It did run over budget. It certainly ran over time. But we have learned a lot as a result of this facility, and the Army Corps of Engineers will now be taking over major construction projects like this. As a result of this facility, we have made changes on how designs are being made. It was a learning experience and unfortunately a costly one at that, but it doesn't change the fact that this will be a crown jewel in the VA system.

This is not the end of a project, it is the beginning of a promise to be fulfilled—a promise to our veterans on the care they will receive, a place where they will find healing, where they will find support, and where they will find a return to good health.

To our men and women in uniform who currently serve, know that you have a place in Colorado where you will find incredible care.

To those who have served our country, who live in Colorado, know that with great pride, we open this facility this weekend.

But we have more work to do. We have work to do to make sure that it is easier to hire doctors and fill the positions at the hospital that have remained open for months around the VA system. It takes too long to onboard medical professionals. We should cut down that time, figure out how to cut through the redtape and the bureaucracy. If you are qualified to practice medicine at Swedish Hospital in Denver, or any of our other great facilities, why can't you just go to work at the VA hospital as well? So these are things that we can do to do a better job.

On Monday, I met with the Secretary nominee, Robert Wilkie, President Trump's nominee to be the new VA Secretary, and I talked to him about the work we have to continue to do to make sure that veterans receive the best care possible. This Congress has passed legislation, such as the Choice Act. We have made great reforms over the last several months to reduce wait times and wait lists and to eliminate them and make sure that we can provide that promise of care.

This weekend in Colorado there will be a great celebration as we open this facility. So many people put in tireless years upon years of work, from the leadership of the State to the leadership of Congress. I am grateful that this weekend we celebrate as we open a facility that begins to fulfill the promise made a decade ago for veterans in the region.

I yield the floor.

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

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

NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, I come to the floor today to join my colleagues in making it clear just how

high the stakes are when it comes to our Nation's highest courts—for our families, for our communities, for our country, and for our future.

Since the day he took office, President Trump has made one move after another to turn the White House and the entire executive branch into a tool for those who have the most power, the most money, and the most influence to get even more power, more money, and more influence. From our public schools to our public lands and more, it is hard to find any Trump administration decision where the bottom line didn't come first.

But it is not just his administration. President Trump has systematically worked to roll back decades of progress through our courtrooms, from the Supreme Court on down, which will have long-lasting impacts stretching far beyond his time in the White House.

I know some of my colleagues were here last night to talk about the absolutely egregious circuit court nominees who would do everything they can to whittle away at our rights and freedoms as Americans. I want to talk about that for a bit as well, but I want to take some time first to talk about a nominee who would sit above those circuit court nominees in our Nation's Supreme Court and who, if confirmed, would overturn *Roe v. Wade*, eliminate protections for patients with preexisting conditions, reverse settled law and precedent, and give these extreme circuit court nominees even more room to do damage to our Constitution, our laws, our freedoms, and our way of life.

It is telling that President Trump and his Republican and special-interest allies are desperately trying to make the case that Judge Kavanaugh isn't well outside the mainstream, far outside the bounds of reasonable, and deeply opposed to what people across the country want when it comes to their rights and freedoms being protected. They may try, but they will not succeed because the record is clear and the facts are clear. Judge Kavanaugh is an extreme pick who would be devastating for our country if he is confirmed, and we need to do everything we can to stop it.

So I am standing here right now, on behalf of the families in my home State of Washington and across this country, to be very clear about what is at stake if President Trump and his enablers continue to try to turn our judicial system into one that works for massive corporations and special interests and against regular families.

Earlier today, a number of my colleagues stood in this spot to sound the alarm on what is at stake for our environment and our public health if the balance of this Court swings toward President Trump and his extreme special interests. I want to expand on those concerns, and I want to talk about just a few of the many issues that Judge Kavanaugh would impact should he be confirmed and how awful this would be for our families, commu-

nities, students, and workers and for our environment, our elections, our country, and more.

But before I get into some other issues—and, again, just a few of many—I want to start with two that I believe are most important and that every woman, every man, and every family should be thinking very hard about: protections for patients with preexisting conditions and *Roe v. Wade*.

First, President Trump has broken promise after promise he made to workers and families on the campaign trail, but he has never once wavered in keeping promises he made to extreme, ideological, rightwing special interests.

President Trump said he would make taking away patient protections—like those for preexisting conditions—and gutting policies that have made healthcare more affordable for millions a top priority. He failed to jam a bill through Congress here to make those things happen. So he has done everything he can to attack patients' healthcare from the Oval Office.

His biggest attack yet is Judge Kavanaugh—an extremely conservative nominee vetted by those same rightwing special interests who President Trump is so determined to keep happy, a judge who those special interests picked because they know he will help them undermine affordable healthcare from the Supreme Court Bench.

I believed President Trump when he said he was determined to undermine patients' healthcare in order to satisfy rightwing special interests. Healthcare coverage, especially for people with preexisting conditions, is on the line with this nomination, and we cannot afford not to take this threat seriously.

That is not the only healthcare issue under threat. President Trump said he would appoint Supreme Court Justices vetted by these groups for their willingness to overturn *Roe v. Wade*. He said women should be punished for having an abortion. In office, he and Vice President MIKE PENCE have done virtually everything they can to restrict women's access to healthcare and to chip away at women's constitutionally protected reproductive rights. Unless women and men across the country stand up to stop them, they will succeed in putting another Supreme Court Justice who has the ideological rightwing's stamp of approval when it comes to striking down *Roe*.

There is no sugarcoating this. We are on the precipice of five men voting to overturn a historic ruling that has made women healthier and made them more equal and more free in the United States. We cannot let that happen.

Those are two issues that so many of us are focused on, and they are so important, but they are far from the only ones. Another key issue I want to briefly mention today is the rights and freedoms of our LGBTQ friends, coworkers, neighbors, and fellow Americans. We have made progress, but there are many questions and cases in this area

that will come before the Supreme Court in the coming years—whether it is questions regarding equality under the adoption laws for all couples or the rights of a couple to buy a wedding cake, whether transgender troops can serve their country, whether someone can continue being fired simply for being LGBTQ, and more. So there is a whole lot at stake. Anyone who cares about this issue or anyone who simply believes that everyone in this country should have fundamental rights and freedoms—no matter who they are or who they love—should join us in rejecting Judge Kavanaugh.

That is not all. We have known from day one that President Trump would be hostile toward our bedrock environmental laws, that he was eager to do the bidding of the coal, oil, and gas industries, that his slogan of putting America first actually meant that the United States would be dead last in the fight against climate change, and that Trump's economic agenda has more to do with rolling back rules that help to keep our kids safe from toxic pollutants, protecting our drinking water, or preventing health problems in senior citizens—the ones those special interest groups try to call pesky regulations and what the rest of us moms, grandmothers, and ordinary people call commonsense protections.

But it is apparently not enough just to attack our environment for the administration. If you really want to shape our Nation's environmental laws for generations to come, you put someone on the Supreme Court for life who will consistently side with the massive corporations and special interests that put profits ahead of the health and well-being of families, and, boy, did those CEOs and special interests hit the jackpot with President Trump's nominee.

You don't have to spend long looking at Judge Kavanaugh's record to see that, should he be seated, nearly five decades of environmental protection are at risk, including the protections enshrined in the Clean Air Act, which has significantly cut the smog, soot, and chemicals that choked communities prior to 1970 and prevented hundreds of thousands of premature deaths and cases of heart disease in the years sense.

Also at risk is the Clean Water Act, which, if erased, would take us back to the bad old days before commonsense protections—like when the Cuyahoga River was so polluted that it caught fire; when shellfish beds were closed in Puget Sound, nearly decimated by pollutants; or when an estimated 20 million gallons of sewage effluent flowed into Lake Washington every single day.

I could go on and on about the strides our country has made to keep our families safe, but the bottom line is that because of our landmark environmental laws—like the Clean Water Act and the Clean Air Act—our rivers are cleaner, our air is easier to breathe,

and families are better protected than ever before.

Though we have a lot of work yet to do, it would be a grave mistake to go backward, and that is just what so many people fear would happen with Judge Kavanaugh on the Bench, given his past rulings and given the test that President Trump applied and his commitment to only nominate someone screened and approved by the extreme right, especially his stance that could take decisions away from our Nation's scientists and nonpartisan professionals and put those decisions into the hands of special interests.

That takes me to another issue I want to run through briefly: making sure our elections in this country are free and accessible and that corporations don't have a louder voice in our process than ordinary voters. These are issues where our courts have failed to serve us well in recent years, but by confirming Judge Kavanaugh, we would be cementing this awful pattern for a generation and making necessary reform so much more difficult.

Judge Kavanaugh will continue his habit of ruling to make it harder and harder for citizens to vote and have a voice in this democracy. We know this. We saw how he ruled in favor of stricter voter ID laws—ones where the intention to make it harder for Americans to vote was clear and absolutely the wrong way to go. We cannot have a Supreme Court that continues to allow voter suppression.

So I ask my colleagues: If you believe that voting in our country should be open to all and that people shouldn't have less access to the voting booth because of where they live or the color of their skin, join me in rejecting this nominee and demanding someone who will protect our elections and our democracy. If you believe that Citizens United was an awful decision that perverted the First Amendment and put shameful amounts of power into the hands of the mega rich and the biggest corporations, join me in rejecting this nominee and demanding someone who would put our ordinary voters first.

If we can't stem the flow of dark, unaccountable money in politics, and reverse the tide of the wealthiest Americans and biggest corporations being allowed to have the loudest voices in our elections, we are going to keep running into massive challenges as a nation. Without a Supreme Court willing to do that, without rejecting Judge Kavanaugh and demanding someone else, we can't do that. Giving the most powerful among us an advantage in our elections is not the only way Judge Kavanaugh is working for those at the top, and I want to briefly discuss another.

Last month's Janus decision made it clear that workers and their unions need a fair voice on the Supreme Court. Unfortunately, Judge Kavanaugh has a long record of weakening worker protections, undermining union rights, and making it easier for corporations

and special interests to tilt the scales of justice in their favor.

I would urge my colleagues who claim to care about the rights and economic security of working families to join me in rejecting this nomination and put the power back into the hands of working families and the middle class.

This point is especially potent given the disgrace we witnessed in Helsinki. Every American should be deeply concerned about President Trump putting someone on the Supreme Court who is prepared to protect him from legal attack and do his bidding.

As we all watch, many of us in horror and dismay, as President Trump continues to do everything in his power to try and discredit the Mueller investigation, we cannot forget, for a moment, that his Supreme Court nominee suggested in a 2009 law review article that a sitting President should not be subjected to criminal investigation or civil or criminal litigation.

Does anyone think, for one second, this isn't something President Trump was looking for? Is there anyone who has seen how President Trump has acted, listened to what he said who thinks he is not thinking about what happens if something related to this investigation goes to the Supreme Court?

President Trump controls the White House. His Republicans control both Houses of Congress. The last thing we need, the last thing any American who truly cares about our country should want is to place the last remaining branch—the final branch intended to be independent, to put our Constitution first—into the hands of a Trump lackey. That would be awful. It would eliminate even the pretense of checks and balances. If Judge Kavanaugh is confirmed, with his record and given what we know about President Trump, that is exactly what would happen.

If you believe we should be taking the Russian election interference into U.S. elections seriously, join me in rejecting this nominee and demanding someone who would be truly independent and place an appropriate check on Executive power.

If you believe a President is not above the law, join me in rejecting this nominee and demanding someone who will take our Constitution and our judicial independence seriously.

If you believe Executive power is not unilateral and that real checks and balances are required, join me in rejecting this nominee and demanding someone who will clearly and unequivocally make sure that continues to be a reality.

Finally, I want to highlight Judge Kavanaugh's troubling record on commonsense gun safety. This is an issue that certainly hit close to home for far too many people in recent years. Churches, schools, concerts, it seems like no place is immune to the rampant gun violence happening in the country, which is why millions of Americans have taken to the streets in recent months to demand action.

Yet, at the same time, Judge Kavanaugh has taken a far more expansive interpretation of the Second Amendment and has vigorously argued that assault weapon bans are unconstitutional. His position is far more extreme than even the late Justice Scalia. It is no wonder the NRA immediately applauded Judge Kavanaugh's nomination and has pledged now to spend untold amounts to seal the deal on his confirmation.

Those are just a few issues weighing on so many people's minds right now. I could go on about what is at stake if President Trump turns his White House, and potentially now the judicial system, into one that favors the powerful few.

I would like to close by saying there are few things I take as seriously as a Senator than my duty to consider and vote on a Supreme Court nominee. In my time in the Senate, I have had the opportunity to consider nominees from Democrats and nominees from Republicans. I voted for some of them, I voted against some of them, each on their merits, and each based on how I think they would serve.

This time is different. We know exactly where President Trump's Supreme Court nominee will fall on the specific issues, no matter what vague answers Judge Kavanaugh chooses to deliver through this process.

Why do we know this? Because President Trump told us openly, publicly, and repeatedly. The President laid out specific tests and promised to only pick nominees from a prescreened list of people who would absolutely meet them.

Nobody should be fooled. Judge Kavanaugh is a rubberstamp. He will stand with special interests over families, and he will take our country in the wrong direction.

I urge my colleagues, stand with me in rejecting Judge Kavanaugh's nomination and join me in calling on President Trump to send us someone who would stand with women, with our workers, with our families, and who would truly commit to respecting settled law and the rights and freedoms we all hold dear and the longstanding protections that help keep our families safe and healthy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

NOMINATION OF RYAN BOUNDS

Ms. CORTEZ MASTO. Mr. President, I rise to speak out in opposition to the nomination of Ryan Bounds to sit on the U.S. Court of Appeals for the Ninth Circuit.

I will be voting against his confirmation, and I ask all of my colleagues to do the same. My reason for this is not just the fact that in expressing his disdain for multicultural values in a series of college writings, he compared efforts to build tolerance and promote diversity to Nazi book burning; it is not just the fact that he advocated against policies designed to make

LGBTQ students feel welcome and crack down on campus rapists; it is not just the fact that when a bipartisan judicial selection committee asked him to disclose past controversies, he deliberately misled the committee and said there was nothing to worry about.

Now that his controversial writings have come to light, he refuses to retract or show remorse for his statements. Instead, he brushes them off as overbroad and overheated.

Ryan Bounds' writings show he does not believe in a tolerant and diverse America, where women and people of color are treated with equal respect. In my eyes, that alone disqualifies him from sitting on the Federal bench, but Bounds has not received the blue-slip approval of either Senator from his home State of Oregon. No judge in modern history has ever been confirmed without a blue slip from either home State Senator.

So a vote to confirm him is a direct attack on the Senate's constitutional responsibility to advise and consent. The blue-slip process is a critical function of the legislative branch. It gives every Senator a chance to have a say in the Federal judges who serve in their home State.

The nominee to the U.S. Court of Appeals for the Ninth Circuit will have a lifetime tenure. If confirmed, Ryan Bounds will have influence over our legal system for the rest of his life. Don't the American people and their elected officials deserve a say in whether he should be allowed to fill that seat?

This debate is not just about one unqualified judge and his racist ideas. It is about the duty of the legislative branch to serve as a check and balance on the President. Over the course of the Trump administration so far, we have seen an unprecedented attempt to undermine the blue-slip process and pack the courts with judges favored by corporations and special interests.

I urge my colleagues to take a stand against President Trump's attacks on our legal system. Protect the integrity of the blue-slip process and vote against Ryan Bounds' nomination. The power and independence of the legislature is at stake.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

CALLING FOR THE RELEASE OF PASTOR ANDREW BRUNSON

Mr. TILLIS. Mr. President, I think last week or the week before, you were presiding when I did a speech that I promised I am going to do every week we are in session until justice is served in Turkey.

It is a speech about this man. His name is Pastor Andrew Brunson. He was arrested in Turkey in October of 2016. If you want to sum up his crime, it is for being a missionary. He has been in Turkey for about 20 years, has served the community well, has provided aid and comfort to Syrian refugees, has provided a place for people in

Turkey who want to come into a Christian church to do just that. He has a small church in Izmir. You can only seat about 100 people in it, and he didn't even have that when he started his missionary work.

I should say he is from the Black Mountain area of North Carolina. He was part of the same church that Rev. Billy Graham was a part of. He went to Turkey to really pursue his passion and serve in Christ through missionary work.

In 2016, after the coup attempt, President Erdogan implemented emergency powers, and he swept up thousands of people and put them in prison. Pastor Brunson was in a Turkish prison for almost 19 months without charges—about 17 months in a cell that was designed for 8 prisoners that had 21 people in it.

I was in Turkey about 4 months ago—when I first met Pastor Brunson personally—to visit him in prison to let him know that as long as I am in the U.S. Senate, I am going to work hard for his ultimate release.

Then I went back about 6 weeks later, and I sat in a Turkish courtroom for about 12 hours, and I heard some of the most absurd charges that could ever be levied against someone to keep them in prison for what will now be going on 2 years. I told Pastor Brunson I would be back, and I will continue to be back, until justice is served.

I don't want to get into too many of the details so I will tell you he was in a courtroom today for another 5 hours. If it bore any resemblance to the time I was in the courtroom, it goes something like this: The defense gets to say nothing. They don't get to introduce witnesses to testify on his behalf. You have secret witnesses, many of them in a Turkish prison, testifying against him about things like a daughter posting a meal she had on a social media application that the Turkish authorities believe linked her to terror because they believe it is a meal certain terrorist organizations like. It also happens to be a meal that a lot of people in the Middle East like, but that was a charge that suggested he was involved in a coup attempt or conspiring with terrorists.

Having a light on in a church—by the way, in a room that doesn't have a window—that was supposedly observed by one of these secret witnesses who are in prison, saying: Well, clearly if there was a light on in this church, nothing good could have happened because it was in the middle of the night. Maybe somebody just left the light switch on, but I am still trying to figure out how they actually saw it because I have been in that room, and there is not a single window. There is no way you could have seen it from the outside.

Those are the types of charges that have been used to keep Pastor Brunson in prison since October of 2016.

Today, he was back, as I said earlier, in a hearing in a Turkish courtroom for 5 hours. At the end of the 5-hour

hearing he was told that he is going to continue to be in prison until they have another hearing in October, and that hearing is scheduled for about 4 days short of 2 years that he has spent time in a Turkish prison.

He has been in prison for 649 days. He is in good spirits—as good as you can imagine for somebody who is enduring the trauma of being imprisoned, I think, unlawfully and unfairly.

His wife Norine is in Turkey. She refuses to leave because she is afraid if she leaves Turkey, Turkey will not allow her to come back into the country.

They have been separated from their three children for 2 years because they are afraid to have them come into the country and not be able to leave.

I am asking the Members of Congress to join with me to apply pressure on Turkey to have justice done. Justice is releasing Pastor Brunson and letting him come back home.

We have provisions in the National Defense Authorization Act that send a very clear message to Turkey that we are serious about this.

I have my own concerns about Turkey because they seem to be drifting away as a NATO ally and partner and more toward a position I don't quite understand. I certainly don't understand it in terms of our mutual interests as NATO allies or as economic partners.

But for right now, I want to focus on a man who has been in prison for 649 days. I want to focus on other people who worked with the Embassy who have been in prison for about the same time. I want to focus on a NASA scientist who happened to be visiting his family in Turkey—he is a Turkish American—who has been in prison for 2½ years. We have to educate the American people on a Turkey that has no resemblance today of what it was just 5 or 6 years ago.

I want to have a positive working relationship with Turkey. I want increased economic ties and increased military ties. But when you illegally imprison American citizens, no matter how important that strategic relationship is, at some point we have to question whether or not we can go further.

In the meantime, if any of you are planning on going to Turkey, I would think twice. Make sure that you don't take a picture of somebody that maybe Turkish officials think is involved in a coup, because that can sweep you up in it. Make sure that you don't eat a meal that other segments of Turkish society like, because that may make you a coup conspirator.

I hope that we solve this problem, but I will tell you that there are very few things that would ever take me away from coming to this floor and going into committee meetings and doing everything I can to put pressure on Turkey until Pastor Andrew Brunson is back in this country safe and sound with his family. Then I will

continue to work on all the other people who are being unfairly and unjustly held in Turkish prisons.

We need to have justice for Pastor Brunson. We need Turkey to be the ally that we want them to be, and we need President Erdogan to show the leadership and the compassion to bring Pastor Brunson home.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

#### TARIFFS

Mr. TESTER. Mr. President, I rise today to talk about tariffs and their impact on Montana's family farmers and businesses. In Montana we have more than 27,000 family farms and ranches. Folks who farm and ranch these lands are descendants of homesteaders and pioneers, including myself. They are also young producers who may be preparing for their first harvest. Might I add that we don't have enough young producers in our State. The population of farmers is getting far too old.

These folks work 7 days a week, for long hours, to raise the food that feeds our families across this world, and they power our rural economies in this country. Farmers and ranchers are small business operators and owners who are always on tight margins and always are looking to make sure that they can make the books balance by being on the positive side of the ledger. Why? So they can keep their farms and ranches viable to be able to have the next generation take over their operation. Just like any other business—a local bar or a hardware store—you need to be able to make a profit to stay in business.

Producers need to make sure that they have predictability in input costs—we are talking about fertilizers, fuel, and seed—and predictability in markets, the places where we sell our grain, which has always been a challenge and which has become more of a challenge over the past 6 months. When farmers plant a crop, they need to know there is a market for that crop, because if there is not, it can put them in a world of hurt financially.

Unfortunately, in Montana, we are preparing to harvest winter wheat crops as we speak. Spring wheat crops will soon be coming, pulse crops will soon be coming, and oil seeds will soon be coming. The fact is that there is no certainty in any of those crops right now. Why? Because our farmers and our ranchers are being used as pawns in a trade war that I can guarantee not one of them asked for.

This trade war is eliminating access to foreign markets that have taken generations to develop and putting family farm and ranch operations in a financial pinch—such a severe financial pinch that we haven't seen anything like it since the 1980s, when we saw a mass exodus off the land due to bad ag prices.

The retaliatory tariffs against family farmers and ranchers is harming Mon-

tana's No. 1 industry, agriculture. Montana's grain producers produce about \$2 billion worth of wheat, barley, pulse crops, and oil seeds every year. Since the middle of June, the price of No. 1 Dark Northern Spring wheat in southeastern Montana has fallen more than 60 cents a bushel. That is more than 10 percent, and the same can be said throughout the State of Montana.

To put that in perspective, just think what would happen in your business if your prices were reduced by 10 percent right off the top. It would put you in a world of financial hurt, and that is where Montana's farms and ranches are today. If prices continue to plummet, some of these families who have been on the land for over 100 years will be forced to make some very difficult decisions in the next 6 to 8 months.

These tariffs are eliminating producers' access to foreign markets—markets that are in Asia and Europe and markets in Canada and Mexico. In Montana, we sell our grains and our beef to these countries and others: China, Japan, South Korea, Mexico, Pacific Rim countries, and European Union countries. These exports didn't just pop up overnight. They came to fruition after years of hard work, good faith and trust, and negotiations.

Negotiations and trust are being thrown out the window with these tariff fights. In some cases—Japan, for example—it has taken multiple generations to establish these export markets. If we lose them, it will take many generations to get them back. Countries such as Argentina and Russia are circling the markets like sharks, wanting to strike the minute we lose a grip on them to fill those voids.

Take, for instance, Mexico. Mexico is the largest importer of Montana barley in the world. For years, Mexico bought Montana's barley to be able to make beers, like Corona and others. These tariffs have put those markets at risk to the point that one Mexican barley buyer told one of the folks from the barley association of Montana: I don't know that we can depend on America to supply our barley anymore because these tariffs have put our markets at risk.

As a result, Mexico, which is a huge importer of American wheat, just this last spring turned toward Argentina for their wheat for the first time ever. They signed a contract for Argentine wheat to take the place of the wheat from this country, of which Montana is a part and will no longer be supplying.

The real question is, How long is this going to have to go on? We are faced with enough uncertainties in production and agriculture with weather, drought, hail, bugs, and disease. The list goes on. Unfortunately, this is a manmade problem.

I get it. I think the President is right when he talks about holding China accountable. They have stolen a lot of intellectual property. They manipulate their currency. But to put on tariffs where retaliation comes on ag products

is not the right direction to go. We can get their attention by other ways.

I would also say that these tariffs aren't just felt by farmers and ranchers. They are felt by other businesses too. For builders, for example, their costs are going up. In 2016, the voters of Missoula, MT, approved a \$30 million bond to build a new city library. They started the project, but tariffs on steel sent material costs soaring. Now the cost of rebar alone has increased the cost of the project by \$100,000. Library officials have told me that as a direct result of these tariffs, they are preparing with a need to go out and raise another \$500,000 to finish this project. The people of our State have to pay that price.

One of Montana's fastest growing industries is microbreweries. It is a real success story, employing a lot of folks and adding value to grains in our State. They are being hit hard by tariffs on aluminum. These emerging businesses have no other option but to pass that cost on to their patrons.

So we are paying both ways, folks. We are paying on the tariffs coming in, and we are paying on the tariffs being put on our products going out.

In agribusiness, for example, everything that is made of steel is going up and going up significantly. From I-beams to cattle guards, to posts for fencing, to metal for storage bins, anything made out of steel is going up significantly. Manufacturers who have been on the rebound since the 2008 financial crisis now have a hard time bidding contracts on materials. Less of their money is going into their pockets, if there is any left at all, because of these tariffs. Every sector of our economy is feeling the pinch of this escalating trade war.

Fair trade is really important. Getting manufacturing back to this country is really important, but it doesn't appear that we are doing those things. Instead, we are putting our existing businesses—whether it is in production or agriculture, construction or manufacturing—at risk with these trade wars.

We should have open markets. Those markets need to go in both directions, but we shouldn't be driving people into bankruptcy in the meantime. That is what is happening.

I ask: What is the end game? If this trade war continues, I had an ag banker tell me that family farms and ranchers have about 18 months before they have to start liquidating. That is the reality we are facing, and that is not very long.

That is the reason why this body needs to understand that we need to send strong messages to the administration that they can't use farms, ranches, and small businesses as bargaining chips. Their livelihoods are on the line.

Earlier this month, I hosted a roundtable discussion on tariffs at the Billings Chamber of Commerce. I was able to meet Montanans eyeball to eyeball,

and I heard their concerns. This is not a political issue. These tariffs aren't targeted toward Democrats or Republicans. They are targeted at everyone. Ag producers at this moment in time are probably carrying the majority of the load. It needs to stop before the damage is irreversible.

My grandparents homesteaded the land that we farm and lived through the 1930s. My folks, who took over the land, took the farm over in the early 1940s and lived through a lot of hard times themselves. My wife and I took the farm over in the late 1970s, and we saw what happened in the 1980s. We have seen what happens in agriculture, where so many of the folks can't make it on the farm anymore, and they have to have jobs off the farm to be able to make the books balance.

These tariffs are making things harder. We have been down difficult paths in this country before. I don't believe we can afford another punch to the gut in rural America. I will continue to fight for and defend the folks who put food on our table, but their bottom lines are being severely, severely impacted by this trade war.

Now look, the legislation we passed last week is a start. The Senate version of the farm bill provides a safety net, but I am here to state that if things continue to go south for our markets, we are going to be faced with a bill that dumps a bunch of money into production agriculture to keep these folks afloat. Why? Because of tariffs that are being put on ag products. It doesn't have to be this way.

We are an equal branch of government. I believe that both Republicans and Democrats can work on this issue in a commonsense way, especially in this body. The administration needs to understand that if they keep continuing down this war of who can put the most tariffs on products, we are going to have a hard time keeping our businesses afloat, particularly our family farms and ranches in this country. That will not help with food security for our country, and the long-term negative impacts of that are unacceptable.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

#### NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, it has been a little more than a week since President Trump announced his nomination of Judge Brett Kavanaugh to fill the vacancy on the Supreme Court left by the impending retirement of Justice Anthony Kennedy. In that short period of time, we have seen some of our friends across the aisle run through an almost impressive set of rhetorical calisthenics in an attempt to tank Judge Kavanaugh's confirmation before it even had a chance to begin.

"He will overturn this case or this law," they claim. "He will not be a check on the President," they have tried to say. They have even suggested that he charged too much for baseball

season tickets on his credit card—horror of horrors. Multiple fact-checkers have debunked each of these claims, so they have moved on.

More recently, we have heard from some of our Democratic colleagues that they want to review every single piece of paper—every email, every memo, every document that has passed across Brett Kavanaugh's desk at any point in his career.

Reviewing relevant and important documents is a perfectly normal part of confirming a judicial nominee, but using that as an excuse to delay, foot-drag, and obstruct is not acceptable. We know that the effort to get every memo from the Bush White House during the time he served as Staff Secretary there is really laughable and is only a fishing expedition designed to delay his confirmation until after the Supreme Court begins its work the first Monday in October.

For example, as Staff Secretary, he would have had the responsibility to basically manage the paper flow across the President's desk. These aren't just documents that he, himself, has generated. In fact, I suspect that with the overwhelming majority of them, he would have had nothing to do with creating them. He wouldn't be the author. He wouldn't be making policy recommendations. Basically, he would have navigated all of the documents that went across the President's desk to make sure that they had been reviewed by the appropriate person and that they would have been checked for accuracy. The ideas that every single piece of paper that went across President George W. Bush's desk should be somehow relevant and that we should delay confirmation until we have all had a chance to read it are ridiculous. Is what President Bush had for dinner 14 years ago relevant to Judge Kavanaugh's fitness to serve on the Supreme Court? Obviously not.

Just as, in 2010, the committee quickly processed Justice Kagan, who spent many years in the Clinton White House, I am confident we can expeditiously and efficiently review Judge Kavanaugh's relevant background materials to make sure the vote on his confirmation occurs before the Supreme Court reconvenes in October.

Under Chairman GRASSLEY's leadership, the Judiciary Committee will work to produce as many documents as are relevant and possible so that every Senator can do their due diligence. An important part of our constitutional responsibility is to provide advice and consent, as the Constitution itself says.

The most important thing to remember is that unlike the Kagan nomination, we have 12 years of service on the bench by Judge Kavanaugh. He served on the DC Circuit Court of Appeals in what has often been called the second most important court in the Nation because it is located in the District of Columbia. Most of the major cases involving huge policy disputes confronting

the Federal Government have made their way through his court, and he has written opinions—majority opinions and dissenting opinions—which have all been reviewed by the U.S. Supreme Court. I submit that would be the best evidence of what kind of Justice he would be on the Supreme Court. What kind of judge has he been on the DC Circuit? That is the best evidence.

We shouldn't indulge requests for these fishing expeditions and paper chases that will lead to nothing other than delay. It is important that the vetting process be deliberative and thorough, and it will be. But the volume of documents requested shouldn't be just a pretext to draw this out for political purposes.

Here is an important factoid: Nearly half of the Democratic caucus has already said that they will vote no on Judge Kavanaugh's confirmation to the Supreme Court. Are they going to be requesting documents? Are they going to be saying "Well, I want to look at everything that came across his desk" when they have already announced their public opposition?

Five of them announced their opposition before Judge Kavanaugh was even named. In other words, they would oppose anyone who is nominated by this President. We saw an attempt to filibuster the nomination of Neil Gorsuch to the Supreme Court, which resulted in the change of the precedent. We lowered the number of votes to close off debate from 60 votes to 51 votes because we realized that some across the aisle were so determined to vote against any nominee of this President—no matter how well qualified—there was no way we could confirm a well-qualified candidate. So we changed that.

Both Justices Sotomayor and Gorsuch were confirmed just 66 days after they were nominated. In the case of Judge Kavanaugh, if that same timetable held up, we would be voting on his confirmation about September 13—well in advance of the October deadline when the Court reconvenes. We will have plenty of time to thoroughly vet this nominee in a similar timeframe, which is consistent with the confirmation process for both Republican and Democratic Presidents.

I had the good fortune to sit down with Judge Kavanaugh last week and to renew my acquaintance with him, which first occurred in 2000. As I have recounted here on the floor, when I was attorney general of Texas, I had the privilege to argue a case in front of the U.S. Supreme Court. As one of the best qualified appellate lawyers in the country, having clerked on the Supreme Court, as well, he was one of the lawyers who helped me get ready for that oral argument.

I had a chance not only to get to know him in 2000 but to follow his career on the DC Circuit Court of Appeals. He has consistently impressed me with his thoughtfulness, his deliberativeness, his outstanding legal and

academic credentials, and, of course, his experience on the DC Circuit Court of Appeals. He was candid and open, professional and impressive.

I hope all of our colleagues will meet with Judge Kavanaugh to see for themselves. I have been told that he has been making calls to some Democratic Senators' offices, and they refuse to see him at all.

He is an accomplished jurist who will fairly and faithfully apply the law as written and adhere to the text of the Constitution, as judges are obligated to do, and leave the policymaking and the politics to the Congress and the executive branch. I look forward to continuing our vetting process and voting to confirm Judge Kavanaugh this fall—well in advance of the October term of the Supreme Court.

On a separate note, Mr. President, this afternoon, we will vote to confirm another accomplished legal mind, Andy Oldham, to the Federal Court of Appeals for the Fifth Circuit, which includes Texas.

Andy will join two other judges whom we have already confirmed in the Fifth Circuit earlier this year: Don Willett, a former member of the Texas Supreme Court, and Jim Ho, my former chief counsel, someone with impeccable legal credentials. They are already on the Fifth Circuit. I am delighted that Andy Oldham will be joining them.

As we like to say in Texas, Andy wasn't born there, but he got there as fast as he could. He grew up in Richmond, VA, where his parents instilled within him a sense of hard work. His father put himself through college, and his mother was one of the first women to attend the University of Virginia.

Following their examples, Andy attended the University of Virginia and was awarded the prestigious title of Jefferson Scholar. While he was at UVA, he helped found an advocacy group to prevent sexual assault. His group was particularly focused on educating young men on their responsibilities when it comes to sexual violence.

From there, he attended the University of Cambridge as a Truman Scholar, graduated with first class honors, and then went to law school at Harvard—very impressive academic credentials.

During law school, he helped represent a death row inmate in a habeas corpus petition and won a temporary stay of execution in the U.S. Supreme Court. Based on Andy's hard work, the then-Governor of Virginia, who is now a Member of the Senate, commuted the defendant's sentence to life without parole based upon Andy's legal representation.

After law school, he went on to clerk for Judge Sentelle on the DC Circuit Court of Appeals, which I spoke about in connection with Brett Kavanaugh. Then he served as an attorney to the Department of Justice's Office of Legal Counsel; that is, the lawyers for the lawyers at the Department of Justice's

Office of Legal Counsel, who issue authoritative guidance for the Department of Justice. And then, of course, he served as a law clerk for Justice Alito on the Supreme Court.

Following a period of private practice, the State of Texas came calling, and Andy became a deputy solicitor general in the office of the Texas attorney general; then it was Greg Abbott, whom he later followed to the Governor's office, where he now serves as Governor Abbott's general counsel.

On behalf of the State of Texas, Andy has argued two cases before the U.S. Supreme Court and filed countless briefs in support of the State. Because of his background and experience, Andy has earned bipartisan support, receiving recommendations from the general counsel to the Obama Foundation, as well as the Texas attorney general's office.

In his confirmation hearing before the Judiciary Committee, Andy spoke about his transition from a role as an advocate to that of a jurist. He explained how he views the role of a jurist as "fundamentally different," which it is.

He went on to say that "the oath of a jurist is simply to administer justice impartially, to do equal right by rich and poor, and to discharge justice in an equal and fair manner." This is exactly the type of judge we should want serving on our courts—someone who is impartial, not someone who will push for a particular ideology or political agenda on the bench. I believe Andy will follow this philosophy of impartially and fairly administering the law.

Andy spent all but 3 years of his career in public service, and he has advocated on behalf of Texans for many years. I am confident he will continue to serve them and the rest of the country well, and I look forward to supporting his nomination this afternoon.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Utah.

#### NOMINATION OF BRETT KAVANAUGH

Mr. HATCH. Madam President, I rise today to discuss the confirmation process for Brett Kavanaugh. By any honest measure, President Trump's nominee, Judge Kavanaugh, is exceptionally well qualified to serve on the Supreme Court. When he was nominated to the DC Circuit, he already had stellar credentials, a keen intellect, and an impressive knowledge of the law. He was confirmed to the DC Circuit Court in 2006, following years of Democratic obstruction. I have followed his work closely on that court for over a decade. His judicial record never ceases to impress.

A nominee with such a sterling reputation should receive wide bipartisan support. But over the years, I have seen firsthand the deterioration of the judicial confirmation process. When Justice Kennedy announced his retirement, I knew the Democrats would, again, play politics with the Supreme Court. It is what they have done for more than three decades. It is a matter

of grave concern to me, especially with an eminently qualified nominee. They are casting about looking for something—really, anything—to stop Judge Kavanaugh's confirmation.

Because Democrats want political judges, they politicize the confirmation process. This is what they did to oppose Justice Neil Gorsuch when he was nominated. They took a few cases out of the thousands he had decided and distorted what he had said. They attacked him as being unfit to serve. They said he was unqualified to be a Justice, but Justice Gorsuch had an unassailable record as a principled jurist on the Federal bench.

We fought back against the misrepresentations, the caricatures, and the exaggerations, and the American people saw through the Democrats' ruse. They saw the kind of Justice Neil Gorsuch would be—a Justice who says what the law is, not what he wants it to be, a Justice who respects the separation of powers, a Justice who will stand up to the executive and legislative branches when they overreach. I believe the American people will see the same thing when they look at Judge Kavanaugh.

The debate over Judge Kavanaugh's confirmation should be a debate over his qualifications. Does he understand the proper role of a judge under our Constitution? Does he have the experience needed? Will he respect our Constitution and the rule of law?

With hundreds of opinions, Judge Kavanaugh has built a reputation as being one of the most respected and influential judges in the entire country. His incisive reasoning has led the Supreme Court to adopt his positions in at least 12 cases.

Fidelity to the Constitution and to the rule of law are hallmarks of his opinions. Importantly, his vast body of work shows a deep commitment to the separation of powers. His opinions demonstrate his commitment to the principle that judges should interpret the law, not make it.

Judge Kavanaugh should be asked questions about his rulings and his approach to the law. As a judge, he has developed a reputation for his preparation in court. I have no doubt that he can stand up under the most rigorous questioning.

Yet what we have seen so far is a mix of hyperbole, mudslinging, and distortion. Attacks aimed at Judge Kavanaugh have not focused on whether he is qualified to serve. They have not focused on whether he understands the role of a judge. They have not focused on how he will interpret the Constitution and the laws passed by Congress. When it comes to what we should be asking about a nominee, what we have seen so far is not even in the ballpark.

After scouring Judge Kavanaugh's financial disclosure, progressives thought they had struck gold with a shocking revelation that would, surely, turn public opinion against him. So

what salacious scandal did they uncover? What damning evidence did they find that would dash all hopes of confirmation?

The Presiding Officer is not going to believe this, but they discovered that Judge Kavanaugh enjoys America's pastime. That is right. Judge Kavanaugh loves baseball—horrors. Honestly, I couldn't believe it either. But wait. It gets worse.

Not only does Judge Kavanaugh love baseball, but he was once a season ticket holder at Nationals Park. OK, but here is the real kicker. Judge Kavanaugh bought those season tickets with a credit card—with a credit card of all things. As was the Presiding Officer, I was speechless too. I have been racking my brain all week trying to figure out how a credit card-using baseball fan could slip through the cracks of the White House's vetting process.

Now, I am being facetious to prove a point. We are only 9 days into the confirmation process, and progressive opposition is already beyond parody.

Of course, this is nothing new. Everything we have seen so far comes directly from the Democrats' playbook. Throw every rumor, half-truth, and exaggeration at the nominee, and just see what sticks. When nothing sticks, double down on partisan attacks, take past statements out of context, mischaracterize his positions, and lob a hyperbolic Hail Mary if you have to. Do everything you can to denigrate, disparage, and dehumanize the nominee no matter his qualifications or character.

If Democrats continue down this path, we are going to lose all ability to debate matters of public importance. We cannot expect that all debate will be well reasoned, but opposition should, at the very least, be rational. It should never be hysterical. The rhetoric used to oppose Judge Kavanaugh crosses that line.

Just last week, when speaking about Judge Kavanaugh's impressive resume, I said you could not knock Yale, Harvard, or Georgetown. Maybe I spoke too soon. Shortly after the announcement that Judge Kavanaugh would be the nominee, Yale Law School released a statement with praise of Judge Kavanaugh from professors and administrators.

One professor even noted that "politics have deeply harmed our Supreme Court nomination process," but she lauded Judge Kavanaugh as being a "true intellectual," an "incomparable mentor," and a "fair-minded jurist who believes in the rule of law." She went on to say that "he is humble, collegial, and cares deeply about the federal courts."

The response from some Yale Law School students, staff, and alumni was swift, forceful, uncompromising, and completely ridiculous: "People will die if he is confirmed." As these Yale alumni were feverishly opposing the nomination, Judge Kavanaugh was spotted volunteering his time with a

local charity to distribute food to the poor. His decision to keep his commitment to volunteer the week he was nominated to the Supreme Court says more about Judge Kavanaugh than any letter could.

This overwrought reaction, sadly, comes as no surprise. Crying wolf is the left's trademark strategy in attempts to sabotage Republican nominees. Back in 1990, a group that opposed then-nominee David Souter warned that he was a threat to the "lives, health and livelihoods of millions of women and their families." It wasn't true then, and it isn't true now.

I hope that the Senate can raise the level of debate as we consider the nomination. In doing so, we should focus on whether Judge Kavanaugh is qualified.

I hope my Democratic colleagues can resist the temptation to politicize this nomination as they have with others in the past. Some of what we are seeing now has me worried.

We have also heard a lot from Democrats about how important transparency is to the confirmation process. Because of Judge Kavanaugh's long record of public service to our Nation, the executive branch has been asked to produce a large number of documents. Democrats have been demanding that they be given access to these documents as quickly as possible.

Some of my colleagues have expressed shock that Deputy Attorney General Rod Rosenstein requested that assistant U.S. attorneys help to review these documents. The truth is that the Office of Legal Policy at the Justice Department always assists with nominations, and that Office is composed mostly of career attorneys. It is not uncommon for attorneys from other offices in the Justice Department to help with the review of nominations.

The government attorneys at the Department of Justice who work on nominations are extraordinarily thorough. Given the reportedly large number of documents, it makes sense that to facilitate this process, the DOJ would seek extra help.

When we spoke last week, Judge Kavanaugh said he was proud of his opinions, and he hoped people would actually read them rather than just read about them. I think those who do that will be just as impressed by Judge Kavanaugh's work as I am. I hope Senators will take the time to sit down with him.

Judge Kavanaugh has spent more than 23 years in public service. As a good man, a decent man, and an honest man, Judge Kavanaugh is the type of person we should all hope is nominated to a seat on the U.S. Supreme Court. That is why I am so pleased that President Trump nominated Judge Kavanaugh. I intend to do everything I can to support his nomination, and I hope that all other Senators will do the same.

We have to quit this mudslinging and mischaracterizing of people's characters. Judge Kavanaugh is one of the

finest people I know. He is also one of the smartest. He is conservative—no question about that—but he is honest. To me, these are some of the most important keys to these judgeship positions. I hope we get rid of the unjust representations against the judge. I hope we will start treating the Senate like the great deliberative body it really is.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 3229 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BARRASSO. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. BARRASSO. Madam President, last week, President Trump nominated Judge Brett Kavanaugh to serve on the U.S. Supreme Court. People have begun looking over his extensive record, and he has been getting rave reviews around the country. Just look at a few of the headlines we have seen across the country.

The New York Times, July 10: "A conservative stalwart wins praise for his intellect and civility." The New York Times—it is astonishing.

The Wall Street Journal said: "Trump's nominee will be an intellectual leader on the bench."

The Detroit News said his record suggests that "he will maintain a commitment to interpreting the law as it is written, and not how he may wish it had been crafted." That is exactly what Americans should be looking for in a Supreme Court Justice because a judge's job is to apply the law, not to rewrite it.

People looking at Judge Kavanaugh's record and reaching the conclusion that he knows the right way to approach this very important job.

It is not just newspapers that are saying wonderful things and singing the praise of Judge Kavanaugh; legal scholars are lining up to commend his independence and his wisdom as a judge. Some of them are extremely liberal people he has worked with over the years. They just respect him that much as a judge who they find has been devoted to the law and the Constitution. Imagine that. That is what we

should expect in anybody who serves as a Justice on the Supreme Court.

A law professor from Yale wrote an op-ed for the New York Times last week titled “A liberal’s case for Brett Kavanaugh.” The professor called Judge Kavanaugh “a superb nominee” and said that “it is hard to name anyone with judicial credentials as strong as those of Judge Kavanaugh.”

Another liberal law professor called him a “highly qualified mainstream conservative judge.” He cited Judge Kavanaugh’s reasoning as “an example of the judging ideal, setting aside ideology and party politics, and just trying to get the law right.” That is a liberal former law professor. He said Judge Kavanaugh gives “an independent judiciary the job it is supposed to do: Interpret the law.”

There are lawyers who have appeared before Judge Kavanaugh who said the same things. I am not a lawyer, I haven’t done these sorts of things, but I understand there are surveys of lawyers who appear before judges in court, people who have won cases and people who have lost cases. They put up their ideas about what they thought about the judge afterward.

Across the board, they called him “an excellent judge.” They said that he “has a history of excellent legal argument and analysis,” someone who can think intellectually, think clearly, and come up with a legal argument and analysis to make the assessment, to apply the law as written. One lawyer actually said: “It is daunting and humbling to be in front of that brainpower.” This was an anonymous survey of lawyers who appear before Judge Kavanaugh. I don’t know if they won or lost, but people get to put in their opinions, winners and losers, after cases in anonymous surveys. “It is daunting and humbling to be in front of that brainpower.” This wasn’t people just trying to kiss up to the judge to win favor in a case; these are results from people after the case who were just telling it like it is. “Excellent legal judgment,” they say.

If you look beyond the courtroom, people are just as willing to talk about Judge Kavanaugh’s character as a person, not just a judge. That is part of it—to look at somebody’s legal philosophy, their intellect, and their character—when trying to assess a judge who has been nominated, to say: Is this person the right person to be a Justice on the Supreme Court?

The Washington Post even ran a piece by a woman who knows Judge Kavanaugh because he coaches her daughter’s basketball team. She wrote that she was impressed by “his traits of personal kindness, leadership, and willingness to help when called on.”

There are three things I look for in a nominee for the Supreme Court: judicial philosophy, a strong intellect, and a solid character. What we are hearing is overwhelming evidence from people who know him that Judge Kavanaugh has all of these qualities. He is some-

one who takes the law and the Constitution at face value.

The Constitution is a legal document, not a living document, and it was built for certainty. He knows that a judge’s job is to “interpret the law,” not to legislate from the bench, “not to make the law or make policy.” That is what he actually said in a speech last year.

He has an extremely strong intellect, and I can’t imagine there is anyone out there who can deny that. “It is daunting and humbling to be in front of that brainpower”—this is what one of the lawyers who appeared before him said. And he is a person of solid character. That is what we are hearing from people who have known him over the years from being extremely active in the community. The New York Times summarized it: “A conservative stalwart wins praise for his intellect and civility.”

So what is there for Democrats to come to the floor and object to? Why are they objecting to all of this? Why are some Democrats already saying they oppose a judge known for his intellect and civility? They were actually saying it before he was even named by President Trump. Whomever President Trump names, they are going to vote no. It is astonishing to see Democrats making that decision. Then they are asking for reams and reams of documents after they have already said they are against Judge Kavanaugh. What are they looking for? It is amazing.

That is what I believe the big difference is between Republicans and Democrats in Washington: Republican Presidents choose judges and justices to follow the law; Democratic Presidents seem to pick judges and justices who are guaranteed to push liberal policies and liberal agendas, preconceived notions of how they should rule on a case before they hear the facts. They know the way they are going to go, maybe using things like emotion, sympathy, and empathy. The Constitution is a legal document.

Even though you have legal experts from around the political world and around the spectrum of all sides of the aisle who praise his intellect and civility, it is not good enough for the liberal activists in this country. They don’t even want to consider Judge Kavanaugh’s qualifications, and they have said it here on the floor of the Senate and on television, if you listen. They are already making opposition to his nomination a liberal litmus test for Democrats in this Senate, and I am sorry to say that more than a few Democrats seem to be playing along. We have seen Democrats in the Senate who have already said that they don’t care about Judge Kavanaugh’s intellect; they don’t care that he is “just trying to get the law right”; they don’t care that, as one lawyer said, “it is hard to name anyone with judicial credentials as strong as those of Judge Kavanaugh.”

When you have someone with these qualifications, Senators ought to be looking at his record. They should look at the 300 decisions he has written in 12 years on the bench. It is absolutely the right thing to look at. They should meet him and talk with him.

We have just begun this confirmation hearing process. I hope that more Democrats in the Senate will have an open mind about this nominee. I hope they will consider the kind of person we should have on the Supreme Court and then make their decisions about whether Judge Kavanaugh has those qualities. From what I have seen, he absolutely does.

I plan to continue to look into his record and listen to people who know him best. I plan to sit down and talk with him. Everything I have seen so far tells me that this is someone who is exactly the kind of Justice we need on the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### NATIONAL SECURITY

Mr. CARDIN. Madam President, to my colleagues, let me just say that we must speak out and act.

President Trump’s appearance with Russia’s President Putin—a U.S. President capitulating to a strongman dictator, unprecedented in American history—compromised America’s national security and brings into question whether America can be relied upon as the leader of the free world.

With Mr. Trump standing with Mr. Putin while he discredited America’s investigation into Russian meddling—this is an American President, with a dictator, challenging the investigation being done against Russia—the President questioned the conclusions of U.S. intelligence agencies. He left unchallenged Mr. Putin’s lies and illegal military invasions.

In short, Mr. Trump did Mr. Putin’s bidding. In Russia, they are smiling; at the White House, they are scrambling.

Congress must speak out and act. Congress must repudiate the President’s actions to make clear to the American people and the world that Russia, directed by Mr. Putin, attacked our free election system in 2016 and tried to tip the scales in favor of Mr. Trump.

Russia illegally invaded the sovereign state of Ukraine and illegally annexed Crimea, which the United States must make clear we will never recognize. Russia, under Mr. Putin, murders its political opponents and journalists. Russia has interfered in the politics of several European democratic states.

Six months ago, I authored, on behalf of the Senate Foreign Relations Committee Democrats, a report entitled “Putin’s Asymmetrical Assault on Democracy in Russia and Europe: Implications for U.S. National Security.”

I sent a copy of that report to President Trump and hoped that he would absorb it and use it in his meeting with

Mr. Putin. Unfortunately, he either didn't read it or didn't heed the advice in that report.

That report spells out in detail the asymmetrical arsenal that Mr. Putin uses. Yes, he uses his military, propaganda, and cyber; he supports organized crime and corruption, weaponizes energy, and supports fringe political groups, all to attack our democratic system of government.

The report spells out numerous recommendations for steps we should take to protect our national security against what Russia is trying to do to us. The report spells out several recommendations I just want to underscore today. We urge the President to assert Presidential leadership and launch a national response, an inter-agency response, so we make it clear that we will not tolerate this.

Mr. Trump has done just the opposite. He has downplayed any significance to what Russia has done, has not allowed us to have a coordinated effort with the executive branch, and has fought what Congress has tried to do in giving him additional resources in order to prepare us against what Mr. Putin is doing.

The report goes on to further recommend that we expose and freeze Kremlin-linked dirty money. The administration has not done that.

It goes on to say that we should subject state hybrid threat actors to an escalating sanctions regime. Here Congress did act. We passed the CAATSA statute, which requires—these are mandatory sanctions against Russia because of what they did to us in 2016 and what they did in regard to the Ukraine and their other activities. This administration has not fully utilized those sanctions that are available under the legislation we passed.

The report calls for publicizing the Kremlin's global malign influence efforts and building an international coalition to counter hybrid threats. Mr. Trump did just the opposite in his most recent foreign trip. In his performance in Brussels with NATO and then later in London, he not only took the opportunity to criticize two of our closest allies, Mrs. Merkel in Germany and Ms. May in London, England—the U.K.—but he also challenged the unity of Europe, weighing in with regard to Brexit and the politics of Brexit. That is not how the President brings unity among our allies in order to stand tall against the threats of Russia.

The report goes on to say that we need to build global cyber defenses and norms. Congress has appropriated funds; the administration has not fully utilized those funds.

We need to hold social media companies accountable. We see the infiltration of Russia into our social media platforms. Europe has already taken action to make sure that it identifies and is protected against infiltration of foreign entities getting involved in trying to influence policy in their country. The United States, under Mr. Trump, has not taken similar action.

First and foremost, we need to recognize Russia for what it is today—not the Russian people, but under the leadership of Mr. Putin, Russia is an adversary. They are against our system of government, and they are trying to bring down our system of government.

I saw the President's tweet this morning, and I just want to acknowledge that we want to have relations with all countries in the world. I want the relationship between the United States and Russia to be on a better plateau, but it has to be under our terms, not Mr. Putin's terms. That is the problem with what the President did in Helsinki. He allowed Mr. Putin to control the dialogue and allowed Mr. Putin to look as though everything he is doing is reasonable when it is not. If you give Mr. Putin space, he will push to fill it, and then he will go even further.

Ten years ago, Mr. Putin saw an opportunity. He saw an opportunity to put a wedge in regard to the NATO expansion and the growth of a unified Western Front. He saw that opportunity in the independent state of Georgia, and he took advantage of that. Russian troops invaded. They are still there today, and Georgia is still not part of NATO.

Mr. Putin's strategy paid off. The Western World gave him that open space; he took advantage of it.

In 2014, Mr. Putin, based upon his experience in Georgia—and also, by the way, based upon his experience in Moldova—said “Well, we can do the same in Ukraine,” and they invaded Ukraine. They took over Crimea; they illegally annexed Crimea, and guess what. Ukraine, today, is nowhere closer to being a NATO ally as a result of Mr. Putin's strategies.

It worked for him, not for us. That is not in our national security interest. The President gives him a pass.

They tried it in Montenegro. Russia financed operations of a coup to try to prevent the parliamentary elections from having a government that would ratify NATO. The people of Montenegro stood up and said no. They fought it, and they won. Now Montenegro is a NATO ally. We can't give this space to Mr. Putin.

Mr. Putin, not just in the United States, but in Europe, interfered in elections. But what happened in 2016 in America? This is a fact; this is not subject to debate. We know that Russia, directed by Mr. Putin, interfered in our elections. That has been confirmed by our intelligence community. It has been confirmed by our own Intelligence Committee here in the U.S. Senate. This is not something that you debate. We know that is a fact. We understand the President has tried to convince the public here in America that may not be true, but those are the facts. We know the facts. We are privy to the facts.

We know that Russia interfered in our elections, but the message from Helsinki, President Trump's message to President Putin, is: OK. Let's move

on. That gives space to Mr. Putin. His calculation: 2018 is fair game. I can do whatever I want in the U.S. elections. After all, I know the President will be on my side and will not hold me, Russia, accountable for interference in the U.S. elections.

That is certainly not in our interest. Congress must speak out and act. We have to protect this country. It is our responsibility. We are an independent branch of government. We need to speak out on behalf of our Nation.

Let me just lay out issues that I hope we will work on not only in response to the President's summit with Mr. Putin but also because it is our responsibility as an independent branch of government to speak out for America.

First, we need to protect the integrity of the Mueller investigation. I am not going to prejudge what the Mueller investigation will come in with. I have confidence that Mr. Mueller will do his work.

Mr. Trump has been openly critical over and over and over and over again about this investigation. It is outrageous that the head of the executive branch of government is trying to compromise the checks and balances in our own system, but we have to make sure that the checks and balances remain. We have to make sure that we protect the integrity of the Mueller investigation.

Congress needs to pass legislation, and there is legislation that has been recommended by our Judiciary Committee that would protect the integrity of the Mueller campaign. We should take up that legislation and pass it immediately.

I said that I will not prejudge what Mr. Mueller will come in with. We know there are people who have been indicted. We know that Russia has been engaged in the election. We know that some Americans were involved.

Was there collusion with the Trump campaign? It will be up to the Mueller investigation to give us those findings. But we do know from Helsinki that Mr. Trump openly colluded with Mr. Putin in regard to an orchestrated message coming out of Helsinki.

Secondly, Congress needs to exercise its oversight capacity with hearings. That is our responsibility.

I was pleased to see that Senator CORKER announced that Mike Pompeo, the Secretary of State, will be before the Senate Foreign Relations Committee on Wednesday of next week. This meeting is long overdue.

Let me just remind my colleagues that this meeting is being set up to get our very first briefing on what happened in Singapore in the President's meeting with Kim Jong Un in North Korea. We haven't had a single briefing in Congress on the North Korean summit.

Now we have Mr. Pompeo coming up here for North Korea. I urge Mr. Pompeo and Senator CORKER to make sure that Mr. Pompeo is prepared and has the time not only to address North

Korea but also to address what happened in Helsinki. We have a right, an obligation, to find out.

While we are able to question representatives from the executive branch in regard to Helsinki, let's make sure that we have a chance to talk to Jon Huntsman, our Ambassador to Russia, to get his take, his assessment of what happened. We need to talk to our Director of National Intelligence as to his assessments. We need to have oversight hearings here in Congress.

Most importantly, we need to understand what happened in the room—where it happened—where Mr. Putin and Mr. Trump spent over 2 hours. We have no information about what happened in that room. We have a responsibility as Members of Congress to understand what discussions took place, what commitments in regard to our elections, in regard to Ukraine, in regard to Syria, in regard to North Korea, in regard to Iran. We have a lot of interest in knowing what took place, and we should get that information now. That is our constitutional responsibility. We need to speak out and act to carry out our responsibility.

This is not a partisan issue. This is a constitutional issue of what we do. We are a check and balance in the system. The public expects us to act that way and to get that information.

We should also strengthen the sanctions regime against Russia. I say that mindful that the bill we passed last year, the CAASTA bill—I worked very closely with my colleagues in drafting that bill—provides a whole array of options to President Trump to impose new sanctions against Russia for their activities. Many of these sanctions, by the way, are mandatory. The President has no discretion. I say that with some disbelief because these sanctions have not been imposed yet, even though they are mandatory sanctions.

So Congress needs to speak out and act. We need to speak out to make sure these sanctions are indeed imposed, and we have to make sure we strengthen the sanctions regime, if the President needs more of a reminder or needs additional tools in order to act against Russia. One thing we want to make crystal clear is, we don't want to see the weakening of any of these sanctions. I think many of us know about conversations that took place in the past about Mr. Trump's thoughts about easing up some of these sanctions. We have to make sure that, in fact, they are not.

It was interesting that during the summit, there was a conversation against Mr. Browder about the Magnitsky sanctions that have been imposed by Congress. Browder worked with Senator MCCAIN on that legislation. We have to make sure those sanctions remain in place and are strengthened, not weakened. That is our responsibility to make sure that takes place.

We must also make sure that we protect the integrity of our election sys-

tem. We have appropriated funds for this. There is legislation that is pending by Members of the Senate on both sides of the aisle. We now know we are even more vulnerable. We have seen some indictments of late that point out what Russia could be doing in the 2018 elections, which are only less than 4 months away.

One of the fundamental principles of our democracy is our free and fair elections. We have a responsibility to make sure they are free from international tampering and the influence Russia may try to play in this election cycle. We need to take concrete steps to make sure that is done.

Lastly, I suggest that the Senate go on record repudiating President Trump's actions in Helsinki. The Republican leadership should bring to the floor of the U.S. Senate such a resolution. It is our responsibility to consider such a resolution.

By passing such a resolution, we can restore confidence to the American people and to the world that the United States, indeed, is the leader of the free world.

Mr. DURBIN. Madam President, I oppose the nomination of Andrew Oldham to the Fifth Circuit Court of Appeals.

Mr. Oldham is only 39 years old. He checks the Federalist Society box, having been a member since law school of that rightwing legal group that vets all of President Trump's nominees. Mr. Oldham has spent much of his career litigating on behalf of Republican elected officials in Texas State government, where he worked on challenges to the Affordable Care Act, the DACA and DAPA programs, the Voting Rights Act, Fair Housing Act regulations, "Ban the Box" regulations on job applications, and Clean Air Act regulations, among many others.

Mr. Oldham's extreme ideology is apparent from statements he has made in his personal capacity. At his nomination hearing, he refused to say that the landmark Supreme Court case *Brown v. Board of Education* was correctly decided. That was an astonishing moment. Every Supreme Court nominee who has been asked this question has said he or she believed *Brown v. Board* was correctly decided. In recent hearings before the Judiciary Committee, nominees have answered yes to this question without hesitation; yet Mr. Oldham wouldn't answer.

If a nominee refuses to say that *Brown v. Board* was correctly decided, it certainly raises questions in my mind about the nominee's judgment, but that is not all Mr. Oldham has said.

At his hearing, he refused to say whether he agreed that voter discrimination still exists in the United States.

He gave an interview in 2016 where he described the Supreme Court as "the most dangerous branch" and said "they often fail to enforce our sacred rights that are in the Constitution, while creating rights that are not." Keep in mind, this is a Supreme Court where the majority of justices were appointed by Republican Presidents.

He gave a speech to the Federalist Society in 2016 where he said, "I have particular things that I think are illegitimate in the way that we conduct modern American law." He went on to say, "It's not that I disagree with a particular Department of Labor regulation or a particular IRS regulation; it is the entire existence of this edifice of administrative law that is constitutionally suspect."

He also wrote in a law review article that "the Sherman Act, as it is currently understood, is unconstitutional." The Sherman Act is one of our foundational antitrust laws; it prohibits monopolies and restraints of trade.

Mr. Oldham's views are clearly outside the judicial mainstream. His own words and writings show an extreme ideological agenda.

Of course, like all of President Trump's nominees, he has promised he would cast all his views aside if confirmed and simply follow the law. But time after time, we have seen these nominees get confirmed to the bench and then start interpreting the law to produce outcomes that align with their preexisting, Federalist Society-approved views and side with corporations and wealthy elites over working Americans.

Mr. Oldham is ideologically extreme, he has shown instances of terrible judgment, and he has said things that would make litigants question whether he could be a fair and impartial judge. I oppose his nomination.

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

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

Mr. CRUZ. Madam President, I rise to speak to the integrity of the character and the career of Andy Oldham, the President's nominee to be a circuit judge for the U.S. Court of Appeals for the Fifth Circuit.

Andy represents the best of what Texas's legal community has to offer to our Federal courts. Andy Oldham was born to high school sweethearts. His parents, like his grandparents before them, knew struggles and knew hard work.

Andy's father was raised in a trailer with four other siblings, and Andy's grandfather spent years away from his family, first fighting in World War II and then in Korea. His mother was raised by her divorced mother, and Andy's mother helped manage the household starting at age 8.

Growing up in these humble beginnings taught both of Andy's parents the value of hard work. His father drove a cement truck and cleaned deep fryers in restaurants to pay his way through college. His mother was one of

the first women to attend the University of Virginia. Together, both enrolled in the Medical College of Virginia, where his father became a doctor and his mother became a dentist.

Andy's parents had enormous student debts to pay, and so Andy learned what it was like to grow up with little as well, but he likewise learned the value of an education from his parents.

Andy went to the University of Virginia on a full academic scholarship, graduating with a perfect 4.0 GPA and at the top of his class. He then became a Truman Scholar and went on to attend Harvard Law School.

Andy graduated from Harvard Law magna cum laude and clerked for Judge David Sentelle on the DC Circuit, one of the most respected Federal appellate judges in the country, and then clerked for Justice Samuel Alito on the Supreme Court of the United States.

He then worked as an attorney advisor for 2 years in the Office of Legal Counsel in the U.S. Department of Justice under the George W. Bush administration.

Andy then went into private practice at Kellogg Hansen here in Washington, DC. From there, Andy went to the Texas solicitor general's office to serve as the deputy solicitor general of Texas. I can state that office is usually a pretty tight ship.

After that, he joined Governor Abbott to serve as his legal counsel. He is now the general counsel for the Governor and has spent all but 3 years of his career in public service.

If I may say, it shows a depth of character and a devotion to his country that Andy would stay in public service for so long, so dutifully, while forgoing the great rewards that come with private practice. He is devoted to the practice of law, and over the years, Andy has displayed a keen understanding of the Constitution and how it applies and guides us to this very day.

I am confident Andy will not substitute his own policy preferences, his own opinions for the rule of law, but he will instead serve the people of Texas and the American people by respecting the law as written—as written in the Constitution and as written in Federal law—passed by this Congress and signed by the President. Our courts and our country are well-served by judges with this dedication, wisdom, and forbearance.

In his career, Andy has argued across the country in State and Federal courts. He has appeared and argued numerous times before the Fifth Circuit, and he has argued twice before the U.S. Supreme Court.

He has earned widespread praise from both Democrats and Republicans, and he was recommended to the Judiciary Committee by esteemed legal voices from both the left and right. Andy is respected across the political spectrum. I know my colleagues in the Senate will return the same respect when they vote today to confirm Andy

Oldham as a circuit judge of the U.S. Circuit Court of Appeals for the Fifth Circuit.

Andy will be the fifth judge we have confirmed for the Fifth Circuit, one of the finest courts in the country—a court I have been privileged to argue before many times. Andy will be the third Texan and fifth circuit judge in the last year and a half, and that, I think, is one of the greatest legacies of President Trump and this Republican Senate; namely, the confirmation of principled constitutionalists to the Federal court; judges who will be faithful to the Constitution and Bill of Rights, who will stand steadfastly to protect our fundamental liberties, to protect free speech and religious liberty, to protect the Second Amendment, the right to keep and bear arms, to protect the Tenth Amendment, the fundamental liberties of the people against ever-expanding Federal power.

This is a legacy that was front and center as to why the American people elected this majority, and it is a legacy that will benefit Texans and Americans for generations to come.

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

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

#### TRUMP-PUTIN SUMMIT

Mr. LEAHY. Madam President, as we all know, in this country, in 2016, the Russian Government weighed a covert, multifaceted criminal campaign to interfere in our elections. We now know it was intended to help then-Candidate Donald Trump win the Presidency. We don't know the full impact of Russia's interference, but it is beyond debate that it happened.

Russia, as we now found out, used inflammatory propaganda—it actually was fake news—attempts to suppress Democratic turnout and boost support for Donald Trump. They also stole communications belonging to the Democratic National Committee and the Clinton campaign, which were then strategically released to maximize their impact. They were released at times when they could counter negative news stories about Donald Trump.

Just last week, 12 Russian intelligence officers were charged with hacking campaign officials' emails and State election boards. In just over a year—in what may rank as the most productive special counsel investigation in our Nation's history—32 people and 3 companies have been charged or pled guilty as part of the Russian investigation. We likely will not know the full extent of Russia's interference until the special counsel's investigation is complete.

But what is clear—and this is what should concern Republicans and Demo-

crats alike—is that our democracy, our great country, was attacked by a foreign adversary. And two days ago, on an international stage, standing shoulder to shoulder with Vladimir Putin, our President sided with that attacker.

Instead of forcefully condemning Russia's attack on our democracy, its role in annexing Crimea, poisoning individuals with chemical weapons on the soil of one of our closest allies, Russia's downing of a passenger airline with nearly 300 innocent civilians onboard, or undermining democracies around the world, our President offered only praise for the authoritarian President Putin. He then repeated his conspiracy theories about the FBI and called the Russia investigation a "witch-hunt"—denigrating our law enforcement institutions, while standing beside the foe they work so hard to protect all Americans from—Republicans and Democrats alike.

In my 44 years as a Senator, I have never seen anything like it. I can think of no Republican President and no Democratic President who would ever do this. I never thought it would be possible in our country before President Trump took office.

Yesterday, the President attempted to walk back his decision to side with Russia over our own intelligence agencies. He attempted to do it because of the criticism he got from both Republicans and Democrats, but as many of my colleagues told me would happen, President Trump walked back his walk back. He reiterated that the interference "could have been other people. There are a lot of people out there."

This morning on Twitter—where apparently he does his deepest thinking—he claimed that people at the higher ends of intelligence loved his press conference in Helsinki. I do not think anyone here doubts that the President meant what he said and said what he meant in Helsinki. And, after their two-hour private meeting in Helsinki, I do not think President Putin has any doubt either.

We have to know that Russia shares neither our values nor our interests. Russia is not our friend. Of course, we want to see improved relations with Russia on Syria, on nuclear proliferation, and on many critical issues, but for that to happen, Russia needs to respect our democracy and values. We must not slouch down to theirs.

The United States is the leader of the free world. The free world is under threat, as it has so often been. But these threats are not supposed to come from within.

Just moments ago, when asked if Russia is still targeting the United States, the President inexplicably said "no."

That is not the truth.

Russia is still targeting the United States. This is despite his Director of National Intelligence, Dan Coats, confirming just last week that Russia is, indeed, still targeting our digital infrastructure and interfering in our democracy. Director Coats compared it to the

warning signs that emerged prior to the 9/11 attacks, but the President denies it is happening.

I know Director Coats. I served with him when he was a Republican Senator in this body. I know he would not say this if it were not so. Notwithstanding the President's saying that Russia is not targeting us, his own Director of National Intelligence says they are. We can't trust this President's judgment when it comes to Russia.

Remember, the President takes an oath to protect and defend our Nation. When it comes to Russia, it appears he does not intend to abide by his oath to defend and protect our Nation. This Congress is going to be derelict in its duty if it takes no action.

All of us have to speak with a single voice in this moment—Republicans and Democrats alike. We should all condemn the President's actions, which were as dangerous as they were shameful.

These condemnations are important, but words are not enough. Remember, Congress is a coequal branch of government. Remember that the Senate is supposed to be the conscience of the Nation. Let's act like it.

The President, obviously, can't be trusted to keep his hands off of the Russia investigation. By denigrating it at every opportunity and by dismissing its lead investigator last year, he has repeatedly failed the test.

The Senate Judiciary Committee recently passed legislation with a strong bipartisan vote. Republicans and Democrats alike voted to protect the special counsel's investigation. That legislation is before the Senate. Let's enact it into law. Let's take what Republicans and Democrats together said in the Judiciary Committee—that we will protect the special counsel's investigation. Let's vote up or down. Let's do it and enact it into law.

It is often said that the only thing President Putin responds to is strength. Let's show him that here in the Congress, we stand united in opposition to his ongoing attempts to attack our democracy. Believe me, they are ongoing right at this moment. Let's pass stronger sanctions targeting him and the oligarchs who enable him, who continue to help him because they become billionaires by doing it. Let's pass a resolution making it clear that if President Trump chooses to stand with President Putin, then he stands alone. The European Union is not our foe. And President Putin is not our friend. Our allies around the world, especially those that have stood with us since World War II, are looking at us at this moment. They are questioning whether the United States will be a reliable partner in the face of creeping authoritarianism, both at home and abroad. Let's show them where we stand.

This is not about politics. It is not about Republicans or Democrats. This is about who we are as a country and what we stand for as Americans—

whether we stand for democracy; whether we stand for freedom, including the freedom of the press; whether we stand for the rule of law; whether we stand for truth; and whether we stand for America. As a Vermonter and a Senator, I know where I stand. It is time we stand together.

#### BLUE-SLIP TRADITION

Madam President, I believe I have colleagues on the floor who are going to make a unanimous consent request, but before they do, I feel obliged to speak up about the steady erosion of the norms and traditions that protect the Senate's unique constitutional role with respect to lifetime appointments to our Federal courts.

We should all be alarmed by the Judiciary Committee's abrupt change in course when it comes to respect for blue slips, which allow home-State Senators to have a word in what happens. This should concern us all. For much of this body's history, blue slips have given meaning to the constitutional requirement of "advice and consent." They have protected the prerogatives of home-State Senators, and they have ensured fairness and comity in the Senate.

When I was chairman of the Judiciary Committee, under both the Bush and Obama administrations, not a single judicial nominee received a hearing without first receiving both home-State Senators' positive blue slips. Regardless of who was in the Oval Office, I steadfastly defended blue slips because I firmly believed in both their constitutional and institutional importance. I also firmly believed in the prerogatives of home-State Senators and the need to ensure that the White House works in good faith with those Senators.

My decision to defend blue slips was not without some controversy. I faced significant pressure from my own party's leadership to hold hearings for President Obama's nominees who had not received positive blue slips from Republican Senators. I was criticized by liberal advocacy groups and major news outlets like the New York Times, but I resisted such pressure because I believed then—and I still believe now—that certain principles matter more than party.

All of us, whether Democrat or Republican, should care about good-faith consultation when it comes to nominees from our own States. The reasons for this are both principled and pragmatic. We know our States. We know who is qualified to fill lifetime judicial seats that will have a tremendous impact on our neighbors and communities.

This week, the Senate will vote whether to confirm a nominee to the Ninth Circuit, Ryan Bounds, opposed by not one but both of his home-State Senators. Senators WYDEN and MERKLEY were cut out of the nomination process entirely. The White House interviewed Bounds and fast-tracked his nomination without consulting ei-

ther senator. If Mr. Bounds is confirmed, it will mark the first time in the history of the Senate that a judicial nominee is confirmed despite opposition from both home-State Senators.

My concern is not about a mere piece of paper. My concern is that we are failing to protect the fundamental rights of home-State Senators, and we are failing in our constitutional duty to provide our advice and consent on a President's nominees. That should concern all of us. The Senate should never function as a mere rubberstamp for nominees seeking lifetime appointments to our Federal judiciary.

Without blue slips, nothing prevents a California nominee from being appointed to a Texas court. Nothing prevents our State selection committees from being completely ignored by the White House. That is what we are seeing today. The Oregon bipartisan judicial selection commission overwhelmingly voted that Mr. Bounds—who misled the commission about his controversial writings—did not deserve its recommendation.

Some may dismiss these warnings, but I have served in the Senate long enough to know that winds tend to change direction. Inevitably, the majority becomes the minority. The White House changes hands. I suspect Republicans will rekindle their love of blue slips if they find themselves in the minority under a Democratic President, as they did under President Obama and during my chairmanship. That is precisely why maintaining a single, consistent policy with respect to blue slips is so critical.

That is why I will vote against Mr. Bounds. If we abandon our longstanding traditions to change partisan expediency, that provides only fleeting advantage and inflicts lasting harm in this body. We are better off when we follow the tradition we always have. We foolishly hurt ourselves and our individual States when we allow ourselves to step away from it. I would urge all Senators to ensure that home-State Senators are provided the same courtesies during the Trump administration that they received from both Republican and Democratic Judiciary chairmen during the Obama administration. I ask my fellow Senators to oppose Mr. Bound's nomination.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, I am about to engage in a brief colloquy about a unanimous consent request with my colleague, the Senator from California.

I ask unanimous consent that, notwithstanding the previous order, I be able to have 5 minutes to do that prior to the vote.

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

#### UNANIMOUS CONSENT REQUEST—S. 118

Mr. LEE. Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No.

297, S. 118; that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. FEINSTEIN. Madam President, reserving the right to object, I rise today to express concern with S. 118, the Reinforcing American-Made Products Act, because it would preempt California's strong "Made in America" labeling standards.

California requires that at least 90 percent of a final product be composed of American-made parts to use the label—the strongest standard in the Nation.

This bill would undo California's tough standard, setting instead a watered-down national standard. Companies could then confuse consumers by flooding the market with products sold under the "Made in America" label that were built using more foreign-made components. That is why the California attorney general and the Consumer Federation of California support keeping California's strong standards in place.

The "Made in America" label should promote U.S. manufacturing and give consumers confidence that they are supporting American jobs. Consumers want to know that products bearing the "Made in America" label are truly made in America. Because this would undermine that confidence and preempt California's strong standards, I believe this bill should not move by unanimous consent. Regretfully, for those reasons, I object.

The PRESIDING OFFICER (Mr. COTTON). Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the comments made by my distinguished colleague, the Senator from California.

When Americans see a "Made in USA" label on a product, it is a source of great pride. It represents the American virtues of innovation and industriousness. It is a symbol of support for American manufacturing jobs and high-quality products across the board, and it often spurs American consumers to buy those very products.

The Federal Trade Commission currently enforces a difficult standard for products to claim the "Made in USA" label. It requires that all or virtually all of a product must be made in the United States, and it has issued lengthy guidance documents establishing the rules. However, one State holds a different standard—one that is nearly impossible for businesses to meet. Under California's law, if more than 5 percent of the components of a product are manufactured outside the United States, even if that means just a few bolts or a few screws, then that product cannot be labeled "Made in USA."

While companies could legally boast this claim in 49 of the 50 States under the Federal standards set by the Federal Trade Commission, they are often unable to do so because of the flow of interstate commerce. Most manufacturers sell wholesale to national and international distributors who then disperse products throughout the country. As a result, companies must label products according to the most rigid definition in order to protect themselves from costly litigation. In short, one State—one single State—is effectively governing how interstate commerce is conducted with regard to "Made in USA" labeling throughout the country.

The Reinforcing American-Made Products Act would solve this problem by ensuring that the current Federal definition is the supreme labeling law in interstate commerce without weakening the strong "Made in USA" national standard. In addition to upholding the Constitution, which empowers Congress—this body—to regulate interstate commerce, this legislation would provide clarity and consistency, which would help American companies avoid unnecessary hardships and frivolous lawsuits.

In the global marketplace, it is increasingly difficult for small American companies to stay afloat, let alone to compete. This reform would ultimately encourage manufacturing in America and use American tools and resources. It would also help so many of the small businesses and ordinary American workers who are currently being left behind, and helping them ought to be our goal.

This bill passed unanimously out of committee, and it has broad bipartisan support. I am disappointed that it is being blocked by the few people who do not support it when it could benefit all 50 of our States. We should exercise this authority, and we should open the flow of interstate commerce.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 160 Ex.]

YEAS—50

Alexander	Blunt	Burr
Barrasso	Boozman	Capito

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

NAYS—49

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

NOT VOTING—1

McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Ryan Wesley Bounds, of Oregon, to be United States Circuit Judge for the Ninth 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 Ryan Wesley Bounds, of Oregon, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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