

from Arizona (Mr. FLAKE), the Senator from Arizona (Mr. McCAIN), and the Senator from Kentucky (Mr. PAUL).

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

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—87

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

NAYS—10

Durbin	Markey	Warren
Gillibrand	Merkley	Wyden
Harris	Rubio	
Lee	Sanders	

NOT VOTING—3

Flake	McCain	Paul
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The conference report was agreed to. The ACTING PRESIDENT pro tempore. The majority whip.

MORNING BUSINESS

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, earlier this summer I was privileged to be at the White House when President Trump announced his nominee to succeed Justice Anthony Kennedy, whose retirement from the U.S. Supreme Court became effective just a couple of days ago. Judge Kavanaugh's nomination continues the streak that we Republicans in the Senate have been on for the last 18 months under the Trump administration. We have set new records.

Specifically, we set a record last year for the most circuit court judges confirmed in a President's first year, and we set a new record this year with the recent confirmation of President Trump's 23rd circuit judge, Texan Andy

Oldham, who will serve on the Fifth Circuit Court of Appeals, and that was 2 weeks ago.

Keep in mind that we have already set the record with the most judges confirmed in the President's first 2 years, and we still have 5 months to go. That is unprecedented. That is huge. It speaks volumes about the seriousness with which this administration takes its responsibility to fill vacancies on the Federal judiciary and the efficiency with which this Chamber is carrying out its duty to provide advice and consent.

Yesterday, we voted on another outstanding nominee, Britt Grant, for the Eleventh Circuit. To date, the Senate has confirmed 45 Federal judges under President Trump, including Supreme Court Justice Neil Gorsuch, and that includes 24 circuit court or intermediate level judges.

But some people don't like to focus on that record of accomplishment so much. They like to dwell on Judge Kavanaugh, the nominee to succeed Anthony Kennedy, exclusively instead. I understand why the Supreme Court vacancy is a very big deal, but it doesn't give license to engage in hysterical attacks.

We have seen Judge Kavanaugh called almost every name in the book. We have heard that his confirmation would result in the destruction of the Constitution and that the nominee is your worst nightmare and one who wants to pave the path to tyranny.

Well, I just think those sorts of attacks—and hysterical attacks—undermine the very credibility of the speaker, because anybody who knows anything about Judge Kavanaugh knows that none of that is true. We are not going to be distracted from carrying out the confirmation process in the normal established way through the Judiciary Committee first, led by Chairman GRASSLEY, and, then, once we get to the floor, with a debate and vote to confirm the judge, hopefully, well in advance of the next term of the Supreme Court, which begins the first Monday in October.

We know, for example, that Chairman GRASSLEY has already sent a request to the Bush Library to recover many of the records that pertain to the nominee's service when he worked at the White House Counsel's Office. This was a unilateral request, unfortunately, because our Democratic colleagues refused to join us, even after two weeks of negotiations and trying to find a way both sides could agree. This is, unfortunately, another sign of obstruction, which is basically all that our colleagues on the other side of the aisle who are opposing this nomination have left.

Many of the Democrats on the other side have made clear that they really aren't interested in the nominee's qualifications. As I mentioned previously, five of them came out against the nominee before he was even named, in other words, taking the position

that the person nominated by President Trump would not be able to earn their support. Fifteen more, after the nominee was named, came out in opposition. So 20 Democrats have already announced their opposition to the nominee without even taking a few moments even to meet with the judge or getting to learn a little more about his record.

Unfortunately, the role that so many of our friends across the aisle want the judiciary to play is that they are really interested in judges who basically will be results-oriented. In other words, rather than be impartial umpires and call balls and strikes regardless of who is at bat, what they want is somebody who will put the thumb on the scales of justice and reach a preordained result.

But that is not the way judges are supposed to serve under our form of government. Judges don't run for election. They have lifetime tenure. So they are not politically accountable for their decisions at the ballot box like those of us in the political branches of government are.

So some of the rhetoric, as I said earlier, is just over the top. One of our colleagues even said that you would be complicit and evil if you supported this nomination.

Well, we need to be aware of the double standard that applies. There is a stark contrast between Judge Kavanaugh and the confirmation process of Justice Kagan. This time around, our Democratic colleagues requested every single scrap of paper that made its way across the nominee's desk, even when he did not contribute to the policy or content of those documents.

At the time when Justice Kagan was nominated, about 173,000 pages of documents were produced from the time that she worked in the White House Counsel's Office and on the Domestic Policy Council. She and Judge Kavanaugh share in common the fact that they worked in the White House Counsel's Office.

But the difference between Judge Kavanaugh and Justice Kagan is that Justice Kagan didn't have any public judicial record at all. Just compare that to Judge Kavanaugh's 12 years of serving on the District of Columbia Court of Appeals. He has more than 300 written opinions for Members to review and ascertain what kind of judge he would be if confirmed to the Supreme Court.

I am surprised that our Democratic friends are asking for so many documents that are clearly immaterial, because during the nominee's 2006 confirmation hearing for the DC Circuit Court of Appeals, our colleagues did not ask for any documents, which they are now demanding, and specifically, those that came across his desk when he served in the important function of White House Staff Secretary. This is, perhaps, a little understood office, but basically it is an administrative position, where Judge Kavanaugh, at the time, as Staff Secretary at the White