our colleagues in the House and keep this provision in the bill. If you are between the ages of 18 and 59, you are not disabled, and you don't have a child under 6, then we will gladly give you food stamps, but in return we are going to ask you to work 20 hours a week, and we will help you get a job.

If you look at the numbers, right now we have about 21 million people on food stamps who are able-bodied. Let me tell you how I define that universe. There are 21 million people, 18 to 64 years old. So the numbers are slightly different from the House. They are not disabled. Those 21 million able-bodied Americans receive about $34 billion a year in food stamps.

Of those 21 million able-bodied Americans who do not work and who are not disabled, 40 percent of them don't have children, 63 percent of them are White, and 50 percent of them are under 35.

The House bill is even more generous, if you will. It is just 18 to 59, no child under 6, and you can't be disabled. In return for the food stamps, we would ask you to get a job.

I want to repeat what I started with. The purpose of this bill is not just my idea. The House provision is not meant to punish anybody. I don't want to take food stamps away from people who are in need, but I want fewer people who need food stamps. If people don't need food stamps, that will free it up for other people who need food stamps, and it might free up a nickel or two for other things like kids, roads, and cops.

The Senate, in its wisdom, decided not to put in a work requirement. Some of my colleagues say: We already have a work requirement for food stamps. No, we don't. No, we don't. It is optional for the Governors.

Guess what my Governor did. He implemented a food stamp work requirement without work. I mean, it looks beautiful on paper. Except, when you actually read the thing, it is a work requirement without work.

The House bill is different. It is getting serious about this problem.

I hope our conferees will open their minds and open their hearts and open their ears and listen to our House colleagues, and I hope our House colleagues will stand firm.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What is the parliamentary situation? Are we in morning business?

The PRESIDING OFFICER. We are in morning business.

NOMINATION OF BRETT KAVANAUGH

Mr. LEAHY. Mr. President, I do have a few comments I will make.

Mr. President, I have had the privilege of serving in the U.S. Senate for 44 years. For 20 of those 44 years, I was either the chairman or the ranking member of the Judiciary Committee. During those 44 years, I have seen 19 nominations to the Supreme Court. I voted for most of the nominees—for both Republican and Democratic Presidents. The first one was John Paul Stevens, who was nominated by President Ford.

I voted on every current member of our Nation's highest Court.

When I was in Vermont over the weekend I was thinking of these nominations, and I believe that I have never seen so much at stake with a single seat as with the current nomination of Judge Kavanaugh.

There is one thing we can all agree upon, Republicans and Democrats alike, that like many Supreme Court nominees before him, Judge Kavanaugh has impressive academic credentials and judicial experience. But unlike most of his predecessors, Judge Kavanaugh also had a lengthy, partisan career.

Prior to his time on the bench, Judge Kavanaugh was a political operative engaged in some of the most divisive fights in our Nation's recent history—including Kenneth Starr's investigation of President Clinton, Bush v. Gore, and five contentious years as a senior official in President George W. Bush's administration.

It is no surprise, then, that Judge Kavanaugh has quite a paper trail—over one million pages. His lengthy, controversial record was something that the White House was well aware of when the President selected him. But the President selected him, nonetheless. Under the advice and consent clause of the Constitution, the burden falls now to the Judiciary Committee to review his record. It should be self-evident that records relating to an especially significant period of a Supreme Court nominee's career should be among those most closely examined by the Senate.

Indeed, the methodical review of a federal court nominee's full record is not optional. It is the most fundamental part of the Senate's constitutional obligation to provide advice and consent. In fact, we saw just a few weeks ago that such vetting led to the withdrawal of a circuit court nominee with a record of very offensive college writings.

This process must be even more exhaustive for a nomination to our Nation's highest Court.

One only need look to the Senate's consideration of Justice Elena Kagan. Like Judge Kavanaugh, she served in the White House prior to her nomination. I was chairman of the Judiciary Committee at the time. I worked with the ranking member at the time, Senator Jeff Sessions. We requested the full universe of her documents from the Clinton Presidential Library. We worked together. We wanted to ensure the request was expedited. We wanted the collection to be complete.

Crucially, President Obama made no claims of executive privilege. In fact, less than one percent of the documents were withheld on personal privacy grounds. To this day, those emails are posted online for anyone to see.

Then, I also supported then-Senator Sessions' request for documents related to military recruitment at Harvard. Military recruitment at Harvard is not the sort of thing one thinks of for a Supreme Court nominee, but Justice Kagan, a brilliant lawyer, had been dean of the law school.

Well, that request was beyond the scope of our committee's usual practice, but I agreed with the Republicans that the records could potentially be of public interest, and therefore they ought to be subject to public scrutiny.

Transparency weighed in favor of disclosure, but, then, transparency almost always does.

For Justice Sotomayor, when I was chair, I joined then-Ranking Member Jeff Sessions to request decades-old records from Justice Sotomayor's time working with a civil rights organization in the 1980s. Remember, she was a sitting judge on an appellate court, and we had her record, which is what some of the Republicans are saying is all we should look at with Judge Kavanaugh. They wanted the documents during the time she had worked with a civil rights organization decades before. We did have 3,000 opinions that she had written over the 17 years she served as an appellate and district court Federal judge. Every Republican wanted those records, and those of us who were in the majority, the Democrats, said: Fine, the public should know what they are. We agreed.

What a change, what a change—they wanted to have the records from Justice Kagan and Justice Sotomayor, and they had to come up with those records, but he doesn't have to. This is what the American people deserve to see from Judge Kavanaugh. Every document of public interest should be made public with no artificial restrictions and no abuse of executive privilege.

The American people deserve the unvarnished truth of this man, just as Senate Republicans rightly demanded of the two highly qualified women that President Obama nominated. We wanted the records from them, and we want the records from him, but, unfortunately, the Judiciary Committee is not on track to uphold its bipartisan standard of transparency. Two weeks ago, my Republican friends expressed a willingness to request White House documents that Judge Kavanaugh authored or contributed to as Staff Secretary of President Bush. We thought it was very similar to requests made of Justice Sotomayor and Justice Kagan.

But then they had a private meeting with White House Counsel last week. Now, suddenly, we can't do that. Suddenly, the White House, a different branch of government, is telling the independent Senate Judiciary Committee what they have to do, and suddenly all of Judge Kavanaugh's Staff Secretary records were off-limits.

Then last Friday, in a stark departure from committee precedent, Chairman GRASSLEY, who is a friend of mine, shocked me when he sent a partisan request that omitted any and all records from Judge Kavanaugh's three contentious years as Staff Secretary. This was a particularly extraordinary admission, given that Judge Kavanaugh himself singled out his three years as Staff Secretary as ''among the most instructive'' for him as a judge, when he provided advice ''on any issue that may cross the [president's] desk.'' During this time, Judge Kavanaugh said he helped to ''put together legislation,'' and he ''worked on drafting and revising executive orders.''

Karl Rove described Judge Kavanaugh as playing a major role in reviewing and improving practically every policy document that made it to the President. Judge Kavanaugh said this experience gave him a ''keen perspective on our system of separated power.''

Yet, Senate Republicans don't want to see any of it. Not even those memos and other documents that Judge Kavanaugh himself authored and edited.

Just as I worked to provide these same documents when the Republicans requested them in a Democratic administration, I do not believe the Senate can fulfill its constitutional duty to provide advice and informed consent to a nominee for our Nation's highest Court without vetting three years' of such critical records.

That is why, yesterday, I joined Ranking Member FEINSTEIN and the other Judiciary Democrats to send our own records request to the Bush Presidential Library. The request mirrors—not surprisingly—almost word for word the request I sent with then-Senator Jeff Sessions for Justice Kagan.

We simply cannot have a lower standard of transparency for Trump nominees than for past nominees of both Republican and Democratic Presidents. The fact that the Judiciary Committee is willing to move forward without Judge Kavanaugh's full record is especially alarming because the last time Judge Kavanaugh testified before the Senate under oath, he appeared to provide a misleading account of his work at the Bush White House.

In his 2006 confirmation hearing, I and other senators asked about his knowledge of several Bush-era scandals, including warrantless wiretapping, torture, and detainee treatment. Judge Kavanaugh testified he had no knowledge of such issues until he read about it in the paper. He testified in response to a question from Senator DURBIN that he ''was not involved in the questions about the rules governing detention of combatants.'' Again, this was under oath.

After his confirmation, press reports indicated that he had participated in a heated discussion in the White House over the legality of detainee policies. Judge Kavanaugh discussed whether the Supreme Court would uphold the Bush administration's decision to deny lawyers to certain enemy combatants. Judge Kavanaugh advised that his former boss, Justice Kennedy, would likely reject the argument that the White House was putting forth.

I try to look at this conversation every way I can. I was a trial lawyer. I took depositions. I argued cases. I am trying to reconcile it with Judge Kavanaugh's sworn testimony under oath, but it is impossible. It makes it all the more critical that we review his complete White House record to find out what he really did.

The only records I have seen from Judge Kavanaugh's time as Staff Secretary are a handful of emails previously released through an unrelated FOIA request. One happens to show very clearly that Judge Kavanaugh was looped in, notwithstanding his statement, on the Bush White House's efforts to message the infamous torture memos. From the 1 million records that exist on Judge Kavanaugh, we have but one drop in the bucket, but in that one drop, they are discussing torture. It is something he said that he had read about only in the papers. Yet this email shows he worked on these issues while in the White House.

I am afraid that my Republican friends clearly do not want records from Judge Kavanaugh's three years as staff secretary to be public, but the fact that records may be controversial doesn't mean they should be hidden from the public view. Indeed, just the opposite principle applies. Just as we gave all of the records on President Obama's nominations, we should do this.

The American people must not be in the dark about controversial aspects of a nominee's record. Certain principles are more important than party. Transparency is one of them.

We have learned this lesson before. Wearing blinders when considering a former administration official for a lifetime judgeship presents grave risks.

When President Bush nominated Justice Department lawyer Jay Bybee to the Ninth Circuit in 2003, I and other Senators asked about his involvement in the legal issues surrounding the war on terror. He didn't answer our questions. But a year after he was sworn in for a lifetime position on the Federal court, the American people learned that Judge Bybee gave the legal green light for the official use of torture, something that most people now agree is one of the darkest chapters in our nation's history. Had we known that at the time, Judge Bybee would still be known as Mr. Bybee. He never would have been confirmed. A majority of Republicans and Democrats would have voted against him.

Judge Kavanaugh was directly involved in some of the most politically charged moments of our recent history. The Senate owes the American people an unsparing examination of his nomination—a nomination that could shape their lives for a generation.

It is my hope that Senate Republicans and Chairman GRASSLEY will reconsider their partial records request for Judge Kavanaugh and join the Democrats' request for all of his records. I agreed when they demanded that for Justices Kagan and Sotomayor.

Well, if that is the standard we followed for both of those tremendous jurists—Justice Sonia Sotomayor and Justice Elena Kagan—shouldn't we demand the same of Judge Brett Kavanaugh? He is no different than they are on the issue of what he has had to say. We ought to find out what it is. Then make up your mind; vote for him or vote against him. I am pretty sure that had we gotten the right answers on then-Mr. Bybee, he never would have become Judge Bybee.

I don't believe that many Senators of either party will stand up here and say that it is great that we broke the law on torture for dubious reasons.

I see the Senator from Missouri.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. I thank my friend, the Senator from Vermont.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. BLUNT. Mr. President, today the Senate overwhelmingly supported the conference report for the 2019 John S. McCain National Defense Authorization Act. That bill is now on the way to the President's desk.

Many Americans have bravely fought to uphold the values that our country holds dear. There are many people in the Senate who have been stalwart supporters of the military during their time here, but the legislation we passed today is named for one of those Senators, our colleague from Arizona, the chairman of the Armed Services Committee, JOHN MCCAIN.

Senator MCCAIN not only has given much of his life in military service, but he has given tirelessly in service to the country in so many ways, including service here. He has been an incredibly effective advocate for the men and women who serve in uniform and defend us.

There is no Member of the Senate for whom my admiration and appreciation has increased more during the time I have had the opportunity to serve with him. As a House Member, I knew Senator MCCAIN, but I knew him only in the kind of passing that occurs when the House and Senate are trying to work out an issue or deal with a specific problem. I didn't really get to know JOHN MCCAIN until I came to the Senate. That daily contact with him made a real difference in the way I felt about him.

His courage, his sometimes seemingly short fuse, but always his desire to do the right thing as he saw the right thing have continued to make him an important advocate here. Even