

Bureau, or CFPB. The CFPB is an incredibly powerful agency with vast authority over American life. Its jurisdiction includes banks, credit unions, securities firms, payday lenders, mortgage servicers, and an array of other financial services companies.

When Congress created the CFPB in the 2010 Dodd-Frank Act, it placed strict limits on the President's ability to remove the agency's head. Specifically, Congress provided that the President may remove the CFPB Director only for "inefficiency, neglect of duty, or malfeasance."

You may recall that language from my discussion of the Free Enterprise Fund case. It is the same restriction that Congress placed on the President's ability to remove SEC Commissioners, but there is a significant difference between the SEC and the CFPB.

The SEC is a multimember body. It cannot act without the agreement of a majority of Commissioners. The CFPB, by contrast, is a unitary body. It has a single Director. The only person the CFPB Director has to agree with is himself. Coupled with the fact that the CFPB is an incredibly powerful agency whose funding isn't even directly controlled by Congress, this raises serious separation of powers concerns.

An agency head who can do virtually whatever he wants without fear of Presidential reprimand, and who can do it on his own without having to get the consent of fellow Commissioners, is accountable to no one. The President cannot check him. His colleagues cannot check him. In a very real sense, he is a law unto himself.

Judge Kavanaugh's dissent confronts this problem head-on in its very opening lines:

This is a case about executive power and individual liberty. To prevent tyranny and protect individual liberty, the Framers of the Constitution separated the legislative, executive, and judicial powers of the new national government. To further safeguard liberty, the Framers insisted upon accountability for the exercise of executive power. The Framers lodged full responsibility for the executive power in a President of the United States who is elected by and accountable to the people.

Judge Kavanaugh then eloquently explains how the CFPB's structure and limits on Presidential oversight violates these core principles. He said:

The Director of the CFPB wields enormous power over American businesses, American consumers, and the overall U.S. economy. . . . The Director alone may decide what rules to issue. The Director alone may decide how to enforce, when to enforce, and against whom to enforce the law. The Director alone may decide whether an individual or entity has violated the law. The Director alone may decide what sanctions and penalties to impose on violators of the law. Because the CFPB is an independent agency headed by a single Director and not by a multi-member commission, the Director of the CFPB possesses more unilateral authority—that is, authority to take action on one's own, subject to no check—than any single commissioner or board member in any other independent agency in the U.S. Government.

And then Judge Kavanaugh drops the hammer. He said:

[O]ther than the President, the Director enjoys more unilateral authority than any other official in any of the three branches of the U.S. Government. That combination—power that is massive in scope, concentrated in a single person, and unaccountable to the President—triggers the important constitutional question at issue in this case.

Judge Kavanaugh eloquently explains how the CFPB's structure, coupled with the agency's complete lack of accountability, poses a threat to individual liberty. The CFPB wields enormous power and yet is accountable to no one—not the President, not the Congress, not the American people.

The central purpose of the separation of powers is to prevent any one individual group from wielding too much power. It does this by dispersing authority and by playing the branches off of each other. But the CFPB's structure does not disperse power. It consolidates power, and it does so in a single individual who has no superior. This is a textbook violation of the separation of powers and one that I fully expect the Supreme Court to correct if it hears this particular case.

I have spoken at length today about Judge Kavanaugh's writing and jurisprudence. I focused on actual cases that he has decided and on his important contributions to constitutional law.

In short, I have done what Judge Kavanaugh asked me to do. I have reviewed his opinions and considered his analyses. I have done what all of my colleagues should be doing. We should be reading what Judge Kavanaugh has actually written. We should be looking at his judicial philosophy and how he decides cases.

Judge Kavanaugh is an outstanding choice for the Supreme Court. His opinions are cogent, his writing eloquent, and his reasoning ironclad. He understands that the purpose of the Constitution is to preserve liberty and that the Constitution does so both through the substantive guarantees in the Bill of Rights and reconstruction amendments, and through the structural protections in articles I, II, and III of the Constitution.

Congress may from time to time experiment with new ways of delegating authority or structuring agencies, but it cannot do so in ways that violate our Constitution's separation of powers. Individuals who exercise Executive power must be accountable to the President. Agency officials cannot be fully insulated from Presidential oversight. A person who has power to regulate broad swaths of our Nation's economy must have some checks on his or her authority. This is a requirement for our system of government. It is a requirement of our Constitution, and it is essential to the preservation of liberty.

Judge Kavanaugh understands this. He understands the Constitution. He understands the proper role of a judge. He is one of the most brilliant and most distinguished legal thinkers in our country today. I am proud to support his nomination to the U.S. Su-

preme Court, and I urge all of my colleagues to support him as well.

We have to get away from the politics of the Supreme Court. When we have someone who has the qualities, the ability, the reputation, and the historicity of doing what is right on the bench, we should give that person an opportunity to serve.

Judge Kavanaugh deserves an opportunity to serve. He has more than adequately proved that he deserves it. We are going to be lucky to have him on the U.S. Supreme Court.

I am not sure that he is always going to rule the way I want him to rule, either, but nobody does, and from time to time, we may be disappointed. But the fact is that I know one thing: He is going to apply the best of legal knowledge to the opinions that he writes, and he will be a force on the Court who will get along with the other Justices by showing mutual respect for them and receiving mutual respect back from them.

Judge Kavanaugh is the type of guy who really will make a tremendous difference for our country. He deserves this appointment. We need to sustain him and support him, and we need to get the politics out of this nomination.

We are lucky that he is willing to serve. I believe that almost everyone in this body will henceforth, once he is confirmed, come to the conclusion that we are really lucky to have him as a Justice on the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

PENSIONS AND THE CFPB

Mr. BROWN. Mr. President, I will start by thanking Senator HATCH. He and I are cochairs of the Pensions Committee. We had a commitment, and we had a good meeting in his office last week. We had a good discussion and hearing in our joint committee; we have four Republicans and four Democrats from each House solving what looks to some to be an intractable pension problem.

But if you are one of 16,000 Ohio Teamsters, mine workers, iron workers, carpenters, bakers, and others, it is your life because you put—what this town doesn't always understand on collective bargaining is you give up money today at the bargaining table so you will have a pension later in life; you will have economic security.

In part because of Wall Street she-nanigans and other things, these pensions are in jeopardy. They could face up to 60 percent in pension cuts. We also know that a whole lot of businesses, at least 210 in my State alone, could face layoffs or, worse, bankruptcy. Many of them are family-owned transportation and manufacturing and construction companies. They could face very, very dire economic times if Congress doesn't fix that, let alone what is going to happen to the Pension Benefit Guaranty Corporation. I thank Senator HATCH for that.

Mr. President, I am a little curious, though, when I hear him and others talk about the Consumer Financial Protection Bureau as if it is this awful, out-of-control Federal agency. What bothers my colleagues about the CFPB is that it is the only agency in government that is willing to stand up against the Wall Street interests. We see the Office of the Comptroller of the Currency, and we know how close he is to Wall Street—the Comptroller. We see the FDIC and we see the Federal Reserve and we see these nominees who come out of a White House that looks like it is a retreat for Wall Street executives, and they are on one side protecting Wall Street and doing Wall Street's bidding.

We have one agency, just one agency, which my conservative, pro-Wall Street, pro-corporate colleagues complain about every day, every week, every month—an agency that has saved 29 million American consumers \$12 million. How do you think—and they want to rein in that agency, saying the agency just has too much power over people's lives. It is actually protecting—my friend, the Senator from Massachusetts, who is also in the hall, talks about their being a cop on the beat. They are protecting consumers while Wall Street is doing whatever Wall Street does to them. I will just leave it at that.

A FREE PRESS

Mr. BROWN. Mr. President, a free, independent press is vital to our democracy. It is enshrined in our Constitution. We need tenacious, dedicated journalists, who will afflict the comfortable and comfort the afflicted, to ask tough questions, to challenge special interests, to connect Americans with their communities. That is why I joined my colleagues this week on a resolution condemning this administration's awful, vicious, demagogic attacks on reporters—including the decision last week to bar a reporter from attending a White House event just because the White House didn't like the questions she asked—with the repeated labeling of the free press as "enemies of the people."

Watch the video from last night. Watch the video in Florida from last night where the President egged on, egged on, and egged on his supporters to start screaming at newspaper reporters and other reporters—people who are doing their jobs.

In spite of this President using Stalinist language—I am just reading a book right now written by a Stalinist translator, and this book talks about a lot of the language Stalin used. He called people "enemies of the people." That is Communist talk. That is Stalinist talk. Yet this President calls reporters who get up every day and do their jobs—most of them not paid very well, frankly—the enemy of the people. They do vital work not just in Washington but throughout the country.

I would like to take a moment to highlight one of them. I am going to come to this floor every so often in the weeks and months ahead, and I am going to talk about a local reporter—a reporter who gets up every day, who probably doesn't make more than \$20,000 or \$30,000 a year. In many cases it is a little more than that, but reporters are generally not particularly well-paid people. I want to talk about the important work that local Ohio journalists do. Some of them I have met; others I haven't met but I have observed, because I know how important they are to their communities. I will start doing this on a regular basis because in this town today, with this administration, with this President of the United States—I still can't believe a President of the United States engages in talk like Stalin—the Soviet Stalin—calling American citizens who get up every day and do their job and do their job to the best of their ability "enemies of the people," and he tries to get the crowds he speaks to, the people he addresses, to chime in and call them "enemies of the people" and start calling those reporters names.

I want this floor message that I am going to do from time to time to be a constant reminder of how reporters contribute to their communities.

Last week, the Daily Jeffersonian in eastern Ohio ran a story on the upcoming Firemen's Festival in Caldwell, OH, a town in Appalachia, reported by a local reporter named Austin Erickson. It is the local fire department's biggest fundraiser of the year. They rely on the proceeds in part because of the corruption in State government where State government doesn't fund local communities like they used to for a whole bunch of reasons, but this fire department relies on the proceeds of the Fireman's Festival to fund daily maintenance, testing, and safety gear of their firefighters.

Mr. Erickson talked to the festival's chairman, who pointed to the fire department and told the reporter: "If it's in those four walls, it's from that festival." In other words, if it weren't for this festival, we wouldn't have the fire equipment we need.

Through its work, the Daily Jeffersonian and local reporters like Mr. Erickson are informing their communities about ways to support local firefighters and responders who keep them safe. If people like Mr. Erickson of the Daily Jeffersonian in Cambridge, OH, were not writing these stories, were not reporting on the Fireman's Festival, not as many people would go or understand it. They spend their hard-earned money there. It helps their local communities. It helps their fire department.

Enemies of the People? If the President would listen and see what these reporters do every day, maybe he would stop the demagoguery. Maybe he would stop calling people names. Maybe he would stop calling his own Attorney General names. Maybe he

would stand up to Putin who clearly—that is a whole other story. I won't get into that.

Let's go back to these local reporters and what journalists do every day and what Mr. Erickson does. It is what newspapers all over Ohio—from my hometown paper, the Mansfield News Journal, the paper where my wife used to work, the Cleveland Plain Dealer, the Columbus Dispatch, the Cincinnati Enquirer, a smaller paper, the News-Herald, the Lorain Journal—I could go on and on and on, paper after paper after paper.

Journalists wake up every day and do their jobs. They serve their communities, and they serve their country. They are not enemies of the people. I just pray to God that the President of the United States will stop that kind of talk.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. BROWN. Mr. President, today we came together to pass important bipartisan legislation to strengthen our national security and invest in American jobs.

Many of my colleagues of both parties have helped get the National Defense Authorization Act over the finish line. I particularly want to thank my colleague Senator PORTMAN from my State, who worked with our office to secure important Ohio priorities, and Senator INHOFE and my friend JACK REED, who served so well on the Banking Committee in addition to the work he has done on unemployment insurance and on military issues, and Senator CRAPO, my colleague from Idaho, as we worked on securing and fortifying our national interests when it comes to foreign investments. All of these colleagues of mine worked with the conference committee to get our agencies new tools to screen Chinese and other foreign investments for national security threats.

This bill would not have been possible without the leadership of one Senator in particular; that is, the senior Senator from Arizona. Senator MCCAIN's leadership on this legislation and throughout his career is why this Congress honored him through the naming of this bill—the John McCain National Defense Authorization Act. That is a rare honor. Congress rarely honors its own. We all know we all have feet of clay and don't put our friends here up on a pedestal, but for a few lions in the Senate, including Sam Nunn, John Warner, Ike Skelton, Carl Levin, and now JOHN MCCAIN, we have done that.

It honors his commitment to our national security through the John S. McCain Strategic Defense Fellows Program—fitting tributes to the service and sacrifice of a man like JOHN MCCAIN. We know his story—how a young Navy pilot was captured behind enemy lines, yet he never wavered in his commitment to his fellow POWs in Vietnam.