

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Julius Ness Richardson, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time be considered expired at 1:45 p.m. today.

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

NOMINATION OF BRETT KAVANAUGH

Mr. ISAKSON. Mr. President, I come to the floor of the Senate today to express myself on Judge Brett Kavanaugh, who has been named by President Trump to the Supreme Court of the United States, subject to the confirmation of the U.S. Senate.

Probably the most serious responsibility all of us have is the confirmation of those who are appointed to lifetime appointments in the judiciary and certain other high places in our government. It is a responsibility that should be treasured, respected, and never abused or never trivialized.

President Trump has done what every President has done in the past: He has nominated the best available—Brett Kavanaugh, who stands before this Senate today. There is no better person for the job on the U.S. Supreme Court.

Brett Kavanaugh is the real deal. He is the real deal, and he went to Yale. That doesn't make him great. I think the University of Georgia is great, myself. But the Yankees have been bragging about Yale, so we always say nice things about them. He is very smart. He graduated cum laude from Yale.

He has trained so many young lawyers in his career, it is not even funny. He has had so many clerk with him. He has written so much that has been copied by other courts and adopted as a part of law; it is a great testimony to his ability and his intellect.

He served several years as a partner at Kirkland & Ellis, a private firm. He served as a clerk at the Court of Appeals for the DC Circuit. He has been a teacher and today teaches at Harvard University in the Samuel Williston lecture series and was nominated by Elena Kagan, a member of the U.S. Supreme Court.

He is the real deal in a lot of ways, and I want to take a minute to share why I am going to vote for him. I want somebody on the Supreme Court who understands me—an average American, somebody who has a family, two kids, works for a living, loves their country, and would do the right thing and will not do it for any other reason than to do the right thing.

My motto in life has always been Mark Twain's quote: When confronted with a difficult decision, do what is

right. You will surprise a few, but you will amaze the rest. Doing the right thing is the right thing to do every time, but it is the hardest thing to do almost any time. In fact, as my father used to say: Son, do what you want to do when nobody is looking, and when nobody is looking, do the same thing you do when they are looking because you always want to do the right thing regardless of the question and regardless of what answer you have to give.

The Supreme Court is a tremendous responsibility in our government. It is one-third of our government. We have a three-legged school of government: the bureaucracy—we are in the legislative branch; the executive branch, which the President runs; but the Supreme Court is the ultimate arbiter. I want a level-headed person who understands me making those decisions.

I think the following qualifies as a level-headed person: More than a dozen times, his opinions have been endorsed by the U.S. Supreme Court. His 100 most cited opinions have been cited by more than 210 judges across the country. More than 50 circuit court opinions discuss or cite one of his concurrences or dissents. Of his 48 clerks, 39 have gone on to clerk for the Supreme Court of the United States. One of his clerks, Britt Grant from Georgia, was confirmed last week by this U.S. Senate to the Eleventh Circuit Court of Appeals. That is a pretty high testament to a man of his youth and a man of his experience.

He has two beautiful children, a lovely wife, and is a committed family man. But let me tell you what makes him special: He is not pretentious. My first meeting with him was an odd meeting. It was a rare meeting. It was on the first floor outside of the elevators coming to this Chamber. I had just come in from the rain. I was standing there, trying to get myself halfway dried off, and there came a slew of police. I figured the President was coming. You know, they always run us out of there. The cops came in, and the dogs came in—and everybody else. All of a sudden, there was a guy; at first, I didn't recognize him. Then I realized, with all the press trying to get up close to him, he must be somebody really important. He wasn't us; he was Brett Kavanaugh.

He saw me. He stopped, came over, and said: JOHNNY, how are you doing? That impressed me a lot. Of course, I know he had been back there studying, just like the pages, so you can remember who we are, so you can say our name, and it is a good thing to do. He talked to me as though I was his long-lost friend. He stopped, and we talked for 4 or 5 minutes.

Two days later, when we came to my office and we talked again, we talked about family, we talked about food, we talked about fun, we talked about the United States of America, and we talked about the greatness and potential of our country and its future. We

talked about everything we loved about it and what we would do to protect it, save it, and how we both felt honored to be in the positions we were in.

Toward the end of the conversation, I said: Now, one thing about it, Mr. Kavanaugh, I understand you had a little issue with buying season tickets to the baseball games. In fact, the first thing Democrats came up with is that he makes too much money or he has too much money because he bought season tickets and used his credit card. I don't think that is a dumb idea. I think that is a compliment—a guy who loves baseball, loves politics, and loves America. It doesn't get any better than that.

So I am going to vote for Brett Kavanaugh to confirm him to the U.S. Supreme Court because he is a regular guy, he is a brilliant man, he cares about his country deeply, he believes in this country, and he feels a responsibility that he wants to assume at this time in life. I can't think of any better reasons to vote for him.

I am going to vote for him with pride, and I urge all my fellow Senators in the U.S. Senate to join me as well.

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

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

Mr. PERDUE. Mr. President, I rise today to speak on the nomination of Judge Brett Kavanaugh to the Supreme Court of the United States. One of the great privileges we have in the U.S. Senate is the responsibility of confirming nominees a President puts forward for this awesome lifetime responsibility on the U.S. Supreme Court.

Likewise, nominating Justices to the Supreme Court is one of the most important responsibilities the Constitution bestows upon the President of the United States. President Trump knows this, obviously, and has clearly taken this charge very seriously.

Last year, President Trump made an outstanding choice in nominating Judge Neil Gorsuch to the U.S. Supreme Court. I remember the debate on this floor, and I am delighted with his performance since he has been on the U.S. Supreme Court. President Trump has again put forward an impressive nominee in Judge Brett Kavanaugh for this awesome responsibility on the U.S. Supreme Court.

A former clerk for Justice Anthony Kennedy, Judge Kavanaugh is an accomplished, experienced jurist with over 300 published opinions. More than 50 circuit court opinions cite one of his concurrences or dissents, and the Supreme Court has actually endorsed his opinions more than a dozen times.

Judge Kavanaugh has dedicated his life to public service, serving in various roles in the executive branch under President George W. Bush and for the last 12 years on the U.S. Circuit Court of Appeals in the DC Circuit.

Throughout his years of service, Judge Kavanaugh has also had a very positive impact on those around him. Just last week, one of Judge Kavanaugh's earliest clerks was sworn in to serve on the U.S. Court of Appeals for the Eleventh Circuit of the United States. That judge is Judge Britt Grant, a native Georgian.

Judge Grant clerked for Judge Kavanaugh, served on Georgia's Supreme Court, was elected to a full term without opposition, and is now a justice on the U.S. Court of Appeals. Judge Kavanaugh introduced her when she was sworn in to the Georgia Supreme Court, and he swore her in to the court of appeals last week. That both Judge Grant and Judge Kavanaugh are where they are today is a testament to their years of service and work upholding the U.S. Constitution.

Even with Judge Kavanaugh's outstanding qualifications, which transcend party lines, some of my colleagues across the aisle are already hysterically opposing him. In fact, some of my colleagues promised to vote against the nominee before Judge Kavanaugh had even officially been nominated. That kind of blind partisanship is exactly what the American people find unacceptable about Washington—one of the many things.

Judge Kavanaugh is an independent, well-qualified nominee to the U.S. Supreme Court who will defend and uphold the U.S. Constitution. By the way, at the White House, when the President announced that Judge Kavanaugh would be his nominee, I was really moved by Judge Kavanaugh's comments that night. He first spoke about his mom and how she later in life had become a lawyer. He talked about his father, he talked about his two children, and only at the very end did he say these brief words. He made this comment in the East Room of the White House the night that President Donald Trump had nominated him and made it public that he was the nominee for the U.S. Supreme Court. This is Judge Kavanaugh's quote:

I revere the Constitution. I believe that an independent judiciary is the crown jewel of our constitutional republic. If confirmed by the Senate, I will keep an open mind in every case, and I will always strive to preserve the Constitution of the United States and the American rule of law. I don't know how you can be more clear than that.

In 2006, during his confirmation hearing for the DC Circuit, he again faced unmerited accusations, much as he is today. At that time, Judge Kavanaugh simply responded: "There is one kind of judge . . . an independent judge under our Constitution."

I think it is very clear where this man's mind is, and that is to protect

and uphold the Constitution of the United States. Those quotes show that this man is very serious, and he needs to be strongly considered as the next Justice of the U.S. Supreme Court.

In my opinion, there can be no higher responsibility in this body than to be very diligent in our due diligence of nominating and confirming a Justice to the U.S. Supreme Court. Having done that, I give this man my fullest unreserved recommendation, and I encourage my colleagues in this body to also vote positively on this confirmation.

AUGUST BREAK

Mr. President, for the RECORD, I wish to also make a couple of comments regarding where we are right now. This is August 16, 2018. Normally, this body, by tradition—at least in the last 50 years or so—would be back in their State, in a State workweek.

I wish to give the majority leader, Senator MITCH MCCONNELL from Kentucky, full credit for deciding to keep us here this week and the next couple of weeks in August, which is normally when Senators would be back in their States.

When we brought this up as a suggestion, this was never about staying here in August. It was only about two things. It was about trying to use every day to get as many nominees confirmed as we could before the end of the year.

Why is that important? Today, because of the obstructionism of the minority party, we have over 300 nominees—the last count was 321 nominees—waiting to be confirmed. By some estimate, this President will not be able to form his government for 10 years. The last time I checked, even if he gets reelected, he will not be here 10 years.

I think this is one of the big reasons why we wanted to stay here and do all we could to get as many nominees done in this month as we could. The second, and equally important, purpose of staying here and using as many days as we could was to fund the government by the end of the fiscal year—something this body has only done four times in 44 years, since the 1974 Budget Act was put into law.

Let me say that again. Only four times has the Senate and the House actually fully funded the Federal Government on time in the last 44 years. We are supposed to pass 12 appropriations bills to do that. The average over those 44 years is only 2½. This is an unmitigated disaster that led directly to this \$21 trillion debt crisis we have today.

As a matter of fact, as I stand here today, the way the Senate works, we only have 12 working days between now and the end of the fiscal year. To the credit of leadership and people on both sides of the aisle, in a bipartisan way we have already passed seven appropriation bills this year. We are already three times better than the average of any other Congress in the last 44 years. Unfortunately, we still have five to go,

and those five are predominantly most of the money that will be spent on the discretionary side, which is only \$1.3 trillion of the \$4.3 trillion the government ultimately will spend. That is a conversation for another day, but we only have 12 working days to do five bills, which totals almost \$1 trillion.

Getting close is not good enough. In the real world, if you don't get the whole job done, you don't get to compete. When you don't compete, you don't survive.

In my view, we have several opportunities. Right now we know we have 12 working days the way the Senate works, but if we work and vote on Mondays and Fridays, we pick up another 15 days. That is 27 days. We have a little better fighting chance. My rule is this. We either get all of them funded or we fail. That means we have 12 working days, the way we normally operate, to fund five more appropriations bills.

We are called here, primarily, in this body—the first calling—to fund the Federal Government. I am absolutely committed to that, and I know most people in here are. Right now, we have to be dead serious about what the goal is, and the goal is funding the entire government of the United States. To do that, we have to pass 5 more bills in the next 12 days.

I am going to end here, but I want to call out one other thing, and that is that this is not just this year. I want to thank the leadership, both Democratic and Republican, in the House and the Senate, for forming the joint select committee that is under way right now. I personally have the privilege to be a member of that committee. There are 16 members, 8 from the Senate and 8 from the House, 8 Democrats and 8 Republicans, and 2 cochair people, 1 Democrat and 1 Republican. Our charge is to come up with a new way, a different way, to fund the Federal Government every year. I will tell you that we are making progress. This is a tough hill to climb, but we have the right people doing it, I believe, and the right leadership. I want to thank leadership for allowing us to have that opportunity to make that effort.

By November 30, we are charged to bring back proposals that will change the way we fund the Federal Government going forward. That is the final comment. This can't be a one-off year where we will actually get the majority of these bills done. We have to get them all done by September 30. We also have to put in place a way to do this every year—like breathing, like everybody else in the real world does.

It is an honor and a privilege to be in the Senate, but it is an even bigger honor when we get our job done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Mississippi.

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

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

Mr. WICKER. On behalf of the majority, I ask for a rollcall.

Mr. LEAHY. Mr. President, we yield back all time.

The PRESIDING OFFICER. All time is yielded back.

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

Mr. WICKER. 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 Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arizona (Mr. FLAKE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from North Carolina (Mr. TILLIS), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “yea” and the Senator from Florida (Mr. RUBIO) would have voted “yea.”

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The result was announced—yeas 81, nays 8, as follows:

[Rollcall Vote No. 185 Ex.]

YEAS—81

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

NAYS—8

Blumenthal	Markey	Schatz
Gillibrand	Merkley	Warren
Hirono	Sanders	

NOT VOTING—11

Alexander	Lee	Rubio
Durbin	McCain	Tillis
Flake	Moran	Toomey
Inhofe	Murray	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Quattlebaum and Richardson nominations, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and proceed to the consideration of H.R. 6157, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3695

(Purpose: In the nature of a substitute.)

Mr. SHELBY. Mr. President, I call up substitute amendment No. 3695.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 3695.

Mr. SHELBY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3699 TO AMENDMENT NO. 3695

Mr. MCCONNELL. Mr. President, I call up amendment No. 3699.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. SHELBY, proposes an amendment numbered 3699 to amendment No. 3695.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the bill)

At the appropriate place in title II of division A under the heading “Operation and Maintenance, Defense-Wide”, strike “\$7,503,000” and insert “\$8,503,000”.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, today, the Senate begins debate on an appropriations package that I believe is absolutely essential to the strength and security of this Nation. The package before the Senate marries the two largest fiscal year 2019 appropriations bills; that is, the Defense bill that funds all national security and the Labor, HHS, and Education bill. Each of these bills carries the near unanimous support of the Appropriations Committee, which is quite unusual.

Senator BLUNT, the chairman of the Labor, HHS, Education, and Related Agencies Subcommittee, and Senator MURRAY, his ranking member, worked together to produce a strong, bipartisan bill that balances many competing priorities. I commend both of these Senators for their hard work, and I want to take this time to thank them for their continued efforts in this regard. If they haven't been here yet, Senators BLUNT and MURRAY will soon come to the floor to discuss the particulars of the Labor-HHS division of this package, so I am not going to get into the details of that bill, but as chairman of the Appropriations Defense Subcommittee, I want to provide my colleagues here this afternoon with an overview of the funding it contains for America's military.

Secretary Mattis, the Secretary of Defense, as we know—a decorated general who commands deep respect on both sides of the aisle—has warned us that “failure to modernize our military risks leaving us with a force that could dominate the last war, but be irrelevant to tomorrow's security.” Think about that for a minute. We cannot allow that to happen.

I think we must rebuild America's military to where it will be second to none in the world. We have to defend this Nation first and foremost. Here in the Senate this afternoon, I am pleased to report that this bill takes a big step in that direction. I will explain why.

It provides an additional \$67.9 billion for overseas contingency operations. The fiscal year 2018 Defense bill, enacted earlier this year, contained the largest increase in military spending in 15 years. The bill now before us does even better by providing an additional \$16 billion above the 2018 level. This funding sustains U.S. force structure and improves military readiness.

It also provides critical resources for a wide range of priorities that are essential to maintaining our technological superiority in an increasingly complex and competitive national security environment.

The bill before us includes substantial investments in the areas of basic research, hypersonics, directed energy, artificial intelligence, microelectronics, missile defense, cybersecurity, and our test and evaluation infrastructure, among many other priorities.

Just as important, the package before the Senate today provides our men