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Senate

The Senate met at 3 p.m. and was called to order by the Honorable RON JOHNSON, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray.

Gracious God, thank You for the gift of Yourself and for teaching us how to live and serve. Forgive us when we take Your grace for granted. Forgive us also when we fail to treat others as we ourselves desire to be treated.

Lord, transform our lawmakers into instruments of Your glory, enabling them to strengthen our Nation and world. Remind them that fierce winds bring no anxiety to those who keep their eyes on You. Imbue them with Your wisdom, that they may know the road to take. Sustain them in all of their endeavors, keeping them from stumbling or slipping. Carve tunnels of hope through mountains of despair, and let Your peace reside in their hearts.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 4, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RON JOHNSON, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. JOHNSON thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Iowa.

REMEMBERING JOHN MCCAIN

Mrs. ERNST. Mr. President, today I rise to honor a dear friend of the Senate and a dear friend to me. This weekend many of us had the honor of joining the family of John Sidney McCain III as we walked through his life and shared memories of such a wonderful man, a true patriot, an American hero, a wonderful Senator, a father, and a wonderful friend.

The first time I met Senator McCain was in 2014, and he was larger than life. I was engaged in my primary for the Senate, and I had the opportunity to visit Washington, DC, and sit down with Senator McCain in his office and visited and talked with him about what it was like to be a U.S. Senator.

Immediately, I felt that bond with John McCain as a fellow veteran. It was one thing that he was truly interested in. He had been through the political stuff with a lot of other folks running for the Senate—what it is like to engage in a campaign. That is all good and fine, but what he really took an interest in was my experience in the war in Iraq. He asked me about my service. I talked to him about the Na-

tional Guard—all of those things he truly understood and connected with. He really enjoyed that aspect of our discussion.

It was that first meeting—again, meeting with somebody that to me was larger than life, someone who truly had served his country—and we felt that connection.

The months progressed, and I got through the primary campaign and moved on into the general election cycle. During that time, a number of Senators came to Iowa. They would hop on my bus, which we fondly called the “squeal mobile,” and we would travel around the State of Iowa.

John McCain is so well known for his codels, or his congressional delegation visits to other countries. I have heard many of my colleagues refer to those codels as the “McCain death marches” because he is going from sunup to sundown—no resting, no stopping. He was visiting with world leaders all over, furthering our American interests.

My bus tour was a lot like that in the fall of 2014. John graciously agreed to come out and spend a day on the road with me in the “squeal mobile.” That day we were doing eight different events in eight different counties in Iowa. We were going from sunup, literally, to sundown, and we were traveling in this big RV.

I remember having a conversation with him. We were sitting at a little table. I was facing the rear of the bus. He was facing the front. It was late at night. It was dark. The sun had already gone down. We were approaching Bloomfield, IA, which was the last stop for the day. All of a sudden and out of nowhere, as we were having this conversation, boom, and we hit something. The bus did. John McCain, in true John McCainism, said: What the “fill in the blank” was that?

I didn’t even have to turn around. I knew immediately. Again, it is Iowa. It is the fall. It is after dark. I said: John, we hit a deer.

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



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That deer took out the front end of the bus. The bus was going no further. Immediately, John was up. He was at the front of the bus, ready to get out the door, and he said: I have to see this.

There was the enthusiasm and the energy that man had. It was a unique experience for him to be in the “squeal mobile,” and it was the eighth stop of the night. John was used to the “go, go, go,” not just in campaign cycles but in anything he did. He was committed to finishing out that last stop of the night. We got out of the bus, which was incapacitated from that deer, and we hopped in a car that had been following us from one event to the next and went on to Bloomfield, to the diner, where he talked about service and commitment to country.

We did a lot of veterans stops that day. I will always fondly remember that and how many Iowans’ lives he had touched, sharing his stories and his thoughts about how we should do better for American service men and women.

After that incident, I made sure anytime somebody supplied me with deer jerky from Iowa that John got a little of it, and he always loved that.

When I was elected and I entered the Senate at the end of 2015, one of the very first things Senator McCain did for me and for several others who were freshmen was to make sure we secured seats on the Senate Armed Services Committee. This is one of the most important committees, in my estimation, of the U.S. Senate. Again, because I am a veteran and because I grew up as a soldier, it is very important to me. He took the time to make sure that Senator TOM COTTON, Senator DAN SULLIVAN, and I each had a seat on that committee.

He thought of us as the new era veterans—those that could really bring real world experience to the table from our time in Iraq and for TOM and DAN, their time in Afghanistan. Again, this was under the mentorship of a wonderful American, a patriot, and a true warrior—John McCain. He valued our input. He valued our time, and he encouraged us to get involved and stay involved, and I loved that.

Going back to the McCain death marches and the congressional delegations that John would plan for those of us who served on the Armed Services Committee, there was a trip I took in 2015 that was very important to me, and that was a trip I did with Senator McCain and Senator DAN SULLIVAN to Vietnam. Senator McCain took many Senators to Vietnam.

To me, it was such an incredible trip and probably one of the most treasured times I had with John McCain in the Senate. During that trip to Vietnam, of course, one of the usual stops for him was a trip to Hanoi, where he took us to the Hanoi Hilton, where he had been imprisoned so many years ago by the North Vietnamese. I found this time very sad, thinking about the pain and

the agony Senator McCain had gone through at the hands of his North Vietnamese captors. At the same time, what I experienced from John was something that I will never forget; that is, a sense of forgiveness. Having endured so many years of torture and hardship in Vietnam, what I found truly remarkable about Senator McCain was the fact that so many years later he had spearheaded the efforts to normalize relations between the United States and Vietnam. He forgave. He forgave.

There we were in Hanoi, walking through the very place I estimated had been so evil to him, and yet in those moments, he found his sense of humor. If anybody spent time around Senator John McCain, they know of his sharp wit and his humor. As we walked through the museum portion of the Hanoi Hilton, he would stop in front of a picture. He would look at it, and we would all look at it. DAN and I would look at it with John, and there would be a picture of American servicemen standing around a Christmas tree with smiles on their faces. He would look at it. He would look it up and down, and he would say: Bull “bleep”—fill in the bleep. Then, he would laugh, and he would move to the next picture. In the next picture, there were American servicemen playing sand volleyball, having a great time at the Hanoi Hilton. He would look at it, and he would shake his head and would say: Bull “fill in the blank.”

Then, we would move to the end of the room, and in this glass case with a plaque, there was a naval flight suit and flight helmet. On the plaque it said: John McCain’s flight suit and helmet. He looked it up and looked it down, and he said again: Bull “fill in the blank.” He said: That is not my flight suit. That is not my helmet.

This grand display at the Hanoi Hilton was to show what a wonderful experience it was for our service men and women, and we know that it wasn’t. But through all of that, John McCain forgave. He forgave, and he helped bring our countries closer together.

We still have a long journey ahead to totally repair relations between Vietnam and the United States, but because John McCain found it within himself to dig deep and forgive, we are on that path. We are on that path.

Later that evening, after having been to the infamous Hilton, John took us all to supper, and we were able to share traditional Vietnamese dishes. He shared a lot of stories with those of us who were on that delegation trip—stories that you will not find written in books, but things that were very personal and intimate to him and his experience.

He knew that DAN SULLIVAN and I, also being veterans, would understand the thoughts and the experiences that he had had in Vietnam. I will treasure that time with John McCain forever.

A little over a year ago, John was diagnosed with brain cancer, and I know,

for me personally, that was very hard, and I think a lot of other folks were shocked, again, because John’s persona was so big, larger than life. He had lived through so much in his lifetime, only to be diagnosed with something that we knew would be very difficult to overcome.

John stayed the course, though, working very hard here in the U.S. Senate, and I do remember there were times he would take votes that I totally disagreed with, and we got into a heated argument over one of those votes. As many of us have experienced with John and his temper, man, he got after me. I took a vote that he didn’t agree with. He yelled at me. He was all over me, and I wouldn’t let it go. He knew my personality. I wasn’t going to let it go. So after he had gotten on me, I would try to explain my position to him, and he would just walk away. For days after that incident, he would avoid me. I would be tracking him down, and he would avoid me. He would go down a hallway or try to get away from me. I finally caught up with him, and I said: John, I love you. We need to talk about this. And he said: Oh, JONI, I can’t stay mad at you. Then life went on as normal.

He was just a great man—a great man—and we knew that we could disagree, but we would get beyond it. We would get beyond it.

In the Senate Armed Services Committee, we always teased each other. He would call me colonel, and I would call him admiral. The funny thing is, he served in the Navy and retired as a captain. He did not achieve the rank of admiral. I served in the Iowa Army National Guard. I retired as a lieutenant colonel; I did not achieve the rank of colonel. But we would tease each other. He would call me Colonel ERNST, and I would call him Admiral McCain, and we would have a good chuckle over it.

He loved his time as a naval aviator. It was very significant to him—a very important part of his life. I had the wonderful experience in November of 2017, having gone to Oceana, down to Norfolk, and I was able to go through swimming physiology and then take my first flight ever in an F-18 with a naval aviator, and I was able to “bag some traps” out on the Abraham Lincoln.

After that weekend, I had a number of photos from that time. It was a great experience. I had been working on some issues with physiological episodes with some of our naval aviators, and I came back and was in votes that next week. I sat down with John here on the floor, and I pulled out those pictures, and he ate them up. He just continued flipping through those pictures, flipping through them, and I could just see the light in his eyes. I could tell that John was reliving some of the memories that he had in the cockpit—the times that he had, the times that he loved, the times that he enjoyed doing what he did as a naval aviator, fighting for the United States of America, doing what he believed to be true

and worthy. That was a precious time to share my tiny, tiny experience in the air with Senator John McCain.

So, again, I just wanted to share with everyone, with my colleagues, with my constituents the fact that I value the time that I spent in the U.S. Senate with Senator McCain. He taught us all a lot about love of country, duty, honor, commitment, service, leadership, patriotism, forgiveness, and how to love your brother and your sister, regardless of who you are and where you come from. I will treasure that time; I will treasure the man.

To his family—they have my deepest sympathies in the loss of their husband, their father, their brother, their son, their uncle. I think we will all feel the hurt of the loss for a long time. His spirit will live on with us in this Chamber.

Every time I walk into an Armed Services Committee meeting, I will always think of John McCain and how he strove to be a great leader for all of us, the mentorship that he provided.

John, I know you are with us, and it is my turn to say thank you for everything that you have done for your great State of Arizona, for all of us who have served in the U.S. Senate, and of course for these great United States of America. We honor you, John; we thank you. God bless you. Thanks so much, John.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Mr. President, the Judiciary Committee has begun the hearing to consider Judge Brett Kavanaugh for confirmation as Associate Justice of the Supreme Court. One of the distinguished professionals asked to introduce Judge Kavanaugh is Lisa Blatt, a prominent and accomplished Supreme Court litigator. She also happens to be a self-described “liberal Democrat and feminist.”

Nevertheless, in a recent op-ed, Ms. Blatt laid out the case for why Democrats should support Judge Kavanaugh’s nomination. Just last week, she spearheaded a letter that 41 veteran appellate advocates wrote to the committee. They said: “Based on our experience with Judge Kavanaugh and his work over 12 years of distin-

guished judicial service, we are confident that he possesses the character, temperament and intellect that will make him an asset for our Nation’s highest Court.”

Our colleagues on the committee also received a letter from Bob Bennett. Like Ms. Blatt, he is also a Democrat and, in fact, he served as a personal lawyer to one of America’s most prominent Democrats, President Bill Clinton, during a particularly acrimonious time in recent history. Yet Mr. Bennett concluded, in a letter to our colleagues, that Judge Kavanaugh is “the most qualified person any Republican President could possibly have nominated.”

He went on to say: “Were the Senate to fail to confirm Brett, it would not only mean passing up the opportunity to confirm a great jurist, but it would also undermine civility in politics.”

Those familiar with Judge Kavanaugh’s judicial record and temperament come away impressed. So has the American Bar Association, an organization our Democratic friends have called “the gold standard” in evaluating judicial nominees. They deemed Judge Brett Kavanaugh to be unanimously “well qualified.” That is the highest possible rating they can give, unanimously “well qualified.”

Many of our Democratic colleagues have been determined to oppose Judge Kavanaugh’s nomination, no matter what, since the day he was nominated. Some of our Democratic colleagues opposed him and anyone else before he was nominated, but they are running out of options. They can’t find any substantive reasons why he doesn’t deserve confirmation.

That explains the hyperventilation and orchestrated antics at this morning’s hearing, where they talked about almost anything besides his distinguished record. Our colleagues keep falling back on the same process complaints that have failed to persuade anyone for weeks and weeks.

So let’s review the facts.

The Judiciary Committee has received half a million pages of materials with respect to this nomination. This is by far—by far—the most materials provided in support of a Supreme Court nomination in our Nation’s entire history. In fact, it is more material than was produced for the last five Supreme Court nominations combined.

Of course, this record-shattering tower of executive branch documents is all in addition to Judge Kavanaugh’s 12-plus-year record on the DC Court of Appeals—obviously, the most relevant part of his record. Again, that judicial record was something our Democratic friends said was the best way to evaluate a judge, back when it was a Supreme Court nominee of a Democratic President whom the Senate was considering.

Judge Kavanaugh has issued over 300 opinions from what the legal community widely considers the second highest bench in the country. By any objec-

tive standard, by any fair metric, any Senator who is willing to give Judge Kavanaugh full and fair consideration is more than amply prepared to do so, but, of course, many of our Democratic colleagues haven’t been interested in doing that.

As I said, many Senate Democrats made up their minds instantly upon Judge Kavanaugh’s nomination that they would oppose him no matter what—no matter what his qualifications, no matter how many opinions are in the public record or how many pages of documents are provided. Many Senate Democrats were never going to give this nominee a fair hearing. There could be 1 million pages of documents or 5 million or 10 million, for that matter. Nothing will change the fact that one Democrat who serves on the committee declared she would oppose any nominee—any nominee—before Judge Kavanaugh was even announced. Nothing will change the fact that the very same night he was announced, two more Democrats on the Judiciary Committee publicly announced they finished their consideration and will vote against him. Nothing will change the fact that the very next morning, the Democratic leader stood up and said: “I will oppose him with everything I’ve got,” and more and more Democrats have followed suit.

Our colleagues will have the opportunity to thoroughly examine this nominee during this week’s hearings, and afterward he will receive a vote on the floor. No amount of partisan opposition or political theater will stop the Senate from doing its job.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Elad L. Roisman, of Maine, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2023.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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