

TRIBUTE TO DR. WALTER OLESZEK

Mr. MCCONNELL. Madam President, I want to say a few words about a loyal and valuable public servant as he reaches a remarkable milestone. Over the past 50 years, Members of Congress have come and gone, but all the while, Dr. Walter Oleszek has been on hand at the Library of Congress to answer Members' and staff's toughest questions about the inner workings of American government.

Walter arrived in Washington in the summer of 1968 from Upstate New York. He signed on with the Legislative Reference Service, now the Congressional Research Service, and has been serving ever since.

Over five decades, Walter has grown into an institution unto himself. He is not only the longest serving CRS team member but also a dedicated and integral part of its operations, while also finding time to teach and lecture on the side.

Alan Frumin, the former Senate Parliamentarian, was actually one of Walter's students at Colgate University years ago. According to Alan, "If there's anything about Congress that Walter does not know, then that thing doesn't exist." In my experience around here, the Parliamentarian is usually the smartest one in the room. So that is especially high praise, and Walter has earned it.

Today, on behalf of the Senate, I want to thank this scholar, author, internationally sought adviser, and dedicated steward of the U.S. Congress. We congratulate him on his career thus far and look forward to continuing to work alongside him.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Madam President, pursuant to the order of August 28, at 1:45 p.m. today, the Senate will proceed to executive session to consider Calendar Nos. 693, 731, 778, 779, 782, 838, 839, and 893, as under the previous order.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

RECOGNITION OF THE MINORITY LEADER

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

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Madam President, today the Senate Judiciary Committee continues its hearings on Judge Brett Kavanaugh's nomination to the Supreme Court. During yesterday's session, the American people got to see a nominee who refused to answer even the most basic, fundamental questions about his jurisprudence. They got to see a coverup of Judge Kavanaugh's records by himself and the Republican members of the committee.

When Judge Kavanaugh was asked specific questions about important issues that might someday come before a court, like women's reproductive freedom, he pleaded the need for independence and refused to answer. When Democratic Senators asked him hypothetical questions, instead, to avoid the possibility of the judge tipping his hand on a future case, then he said he wouldn't engage in hypotheticals—can't talk about specific cases, can't talk about general situations. He is ducking. He is hiding.

Judge Kavanaugh was asked how he might view the constitutionality of a Presidential subpoena arising from the Mueller probe. He said he could not tip his hand about a potential issue before the Court. Asked, then, about the constitutionality of a Presidential subpoena in general, he said he would not engage in a hypothetical. This is not a hypothetical issue; this is a fundamental constitutional issue.

There is no legal, ethical, or judicial reason for Judge Kavanaugh to avoid directly answering these questions unless he has something to hide. If the nominee can't answer questions about already decided cases, pending cases, or hypothetical cases, honestly, what is there left to talk about—charity work and basketball? Your favorite Federalist Paper?

How does the nominee expect the Senate and the public to evaluate him? He doesn't. He doesn't want it. His lifelong record as a hard-right warrior, if he talked about it and talked about his views, would rule him out, so he hides. That should not happen when it comes to nominating one of the most powerful positions in American society.

Let me just mention a few topics Judge Kavanaugh ducked.

Judge Kavanaugh would not expand or even revisit his views on Presidential power, where he already enumerated some in a Minnesota Law Review article. As Senator KLOBUCHAR pointed out, he has already talked

about them publicly. Why can't he elaborate? He has given his view on that one. Very bad view. Does he still hold it? Nobody knows.

Judge Kavanaugh could not assure the American people he would uphold the healthcare law, including protections for up to 130 million Americans with preexisting conditions, protections that are under threat right now by a lawsuit in Texas.

He could not assure the American people he would uphold the landmark decision in *Roe v. Wade*. He did repeat a view, which he reportedly shared with Senator COLLINS, that *Roe v. Wade* was settled precedent of the Court, but as Judge Kavanaugh himself points out in a 2003 email made public this morning, "I am not sure that all legal scholars refer to *Roe* as the settled law of the land at the Supreme Court level since [the] Court can always overrule its precedent, and three current Justices on the Court would do so." That is an email from Brett Kavanaugh explaining that *Roe* vs. *Wade* is only settled law until a majority of the Court decides it isn't.

Since the time he wrote that email, one more Justice has joined the Court likely to overturn *Roe*. Judge Kavanaugh could be the deciding vote, and he will not even talk about it. That is an issue that affects all Americans. It is an issue that is so important to our jurisprudence. It is an absolute disgrace that a nominee for the Supreme Court refuses to talk about such a fundamental issue at the core of one of the great debates of American society and hides behind legal subterfuge, chicanery, so he doesn't have to speak—verbal chicanery.

I wonder why the Republican majority labeled the email about *Roe* vs. *Wade* "committee confidential" until this morning. Was that email withheld for privacy reasons? No. National security reasons? No. It is ridiculous. The only explanation is that Judge Kavanaugh's record was being withheld for political reasons. They don't want the American people to see his view. If the American people knew that Judge Kavanaugh would decide against *Roe* vs. *Wade*, as it seems this email feels he thinks he can, not bound by legal precedent if he changes his mind, if the Court changes its mind, they would rise up and say: Don't put him on the bench. So, instead, they hide the records.

My Republican colleagues set up an entire process to go around the non-partisan National Archives, and it appears that the purpose was to hide documents that might shed real light on Judge Kavanaugh's actual record.

Now, finally, a little late in the game, the truth is coming out, but this is only the tip of the archives. These are the only documents that have slipped through the Republican filter. What else is hidden in Judge Kavanaugh's record? What else don't we know about the nominee? When did the Republican majority decide that

Supreme Court nominees should be like icebergs, only a small portion showing, while the real nominee lurks unseen underwater and potentially dangerous?

So I strongly support and commend the Democrats on the Judiciary Committee in their efforts to make these confidential documents public. I stand with them. They did the right thing. The American people desire to see these documents.

In this case, committee confidential is a complete fiction, a subterfuge to avoid the American people knowing the real Brett Kavanaugh. The members of the committee should be praised, not chastised, for making these documents available. They did the right thing, and they had an obligation to do it. The Republican members of the committee should be ashamed of themselves—ashamed of themselves—for participating in the administration and Judge Kavanaugh's coverup of his record. The Senate and the American people have a right to see the nominee's record, especially now, since the nominee appears unwilling to answer substantive questions about his views.

Whatever the rules may be of the Senate, they should not be twisted to ensure partisan advantage and prevent transparency and openness. They should not be twisted to cover up the truth rather than reveal it.

There is so much at stake in this Supreme Court nomination. Will Americans with preexisting conditions be able to get healthcare? Will women be able to make private personal choices about their medical care? Will LGBTQ Americans be able to marry whom they love? Will every American's constitutional right to vote be protected? Can the President of the United States be held accountable, especially at this time? We know how much we need that. Yet, at every turn, the Republican majority, the Trump administration, and Brett Kavanaugh have prevented the Senate and the American people from being truly able to vet a nominee who could affect the lives of Americans for a generation.

I yield the floor.

Mr. COTTON. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

NOMINATION OF DOMINIC W. LANZA

Mr. COTTON. Madam President, I speak in support of the nomination of Dominic Lanza to be a district judge for the District of Arizona.

Dominic is my old friend and law school classmate and, maybe most importantly, intramural basketball teammate, when he was known as "Dom" or perhaps "The Dominator."

Now, I can't claim the credit for Dominic's nomination. He has the highest qualifications, and his whole life has prepared him for this moment to be a U.S. district judge. Dom graduated with highest honors from Dart-

mouth in 1998, where he was also an All-Ivy League and Academic All-American offensive lineman on the Dartmouth football team. He received the Barrett Award for being the outstanding graduate of his class in achievement, character, and leadership.

In law school together, he excelled, graduating with honors, serving as a member of the law review.

He went on to clerk for Judge Pam Rymer on the Ninth Circuit Court of Appeals. For 5 years, he worked in private practice with Gibson Dunn & Crutcher in their constitutional and appellate law practice, and won awards for his pro bono work.

For the last 10 years, Dom has served the people of Arizona and the people of this country in the U.S. attorney's office from the District of Arizona. As an assistant U.S. attorney, from 2008 to 2012, he prosecuted over 300 defendants for a wide variety of crimes, including immigration offenses, drug trafficking, and public corruption.

He authored more than 20 appellate briefs and argued more than 11 cases in the Ninth Circuit Court of Appeals. From 2012 to 2015, he served as chief of the district's Financial Crimes and Public Integrity section, and he is now the chief and executive assistant U.S. attorney—the No. 2 position in the district—where he oversees the Phoenix office.

Dom said that the most important lesson he has learned in his time at the U.S. Attorney's Office is the need to represent the facts and the law fairly and accurately to the court and opposing counsel. He has also learned the necessity of treating everybody involved in the legal process—from judges to jurors, support staff, opposing counsel, and parties—with courtesy, dignity, patience, and respect.

Dom has volunteered in the Court Works Program, in which students from at-risk schools perform simulated trials. He participated in the Veterans Court Program, which provides increased support and guidance to Federal criminal defendants who are veterans.

Dom participated in, completed, and received the highest marks from Senator McCain and Senator FLAKE's judicial nomination panel. He now has the support, as well, of Senator JON KYL. I commend all three men for an outstanding selection.

As I said, I can't take credit for Dom's nomination, but I can perhaps add a little bit of perspective to the kind of judge he will be from the man I knew on the basketball courts.

Dom was tough. If you were driving to the basket or fighting for a rebound, you did not want him in your way.

Dom was fairminded. If he fouled an opposing player or knocked a ball out of bounds, you would get no argument from him. He would admit that he knocked the ball out of bounds or that he had committed the foul, and play would go on.

I would say Dominic was even-tempered, something of a gentle giant. When tempers flared on the basketball courts at Hemingway, as they, in retrospect, did too often—and over silly matters—Dom was a peacemaker, separating those who might otherwise be in an altercation.

Dom was a team player. When it was time for him to take the shot because that is what the team needed, that is what he would do, but he was just as happy to pass the ball off, to set a screen, to box-out for a rebound.

Dom was good-natured—competitive to be sure, but he understood that in the grand scheme of things, we were all just a bunch of washed-up high school and college athletes enjoying a few hours off from our studies.

These are all traits that are going to put him in the best position possible to deliver justice not only for the people of Arizona but for the people of the United States. Everyone who comes before him is fortunate that Dominic Lanza will soon be a district judge.

For 42 years, Dominic has been known as Dom or the Dominator, but in just a few hours, he will be known as Your Honor. Few men, by their character and by their lives, better deserve that title than the Dominator, Dominic Lanza.

Madam President, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Madam 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.

NOMINATION OF BRETT KAVANAUGH

Mr. BLUNT. Madam President, I want to speak for a few minutes about the hearings going on today with Judge Brett Kavanaugh. I had a chance, as you did, to meet him a little over a month ago. It was clear from that conversation that he is clearly the best person available, in my view, to fill the vacancy left by Justice Anthony Kennedy. I think his opening remarks this week gave great evidence to that. He said, as he described himself, that "a judge must be an umpire—a neutral and impartial arbiter who favors no litigant or policy. . . . I do not decide cases based on personal or policy preferences. I am not a pro-plaintiff or pro-defendant judge. I am not a pro-prosecution or pro-defense judge. I am a pro-law judge."

What does it mean to be a "pro-law" judge? It means that you see your job as a judge who will look at the law and determine what the law says, whether that is criminal law or civil law.

I am not an attorney, but if you hire an attorney to give you advice on civil law, the greatest benefit you can have