

and respectful to both sides and to her, with as much independently verified information gathered beforehand as possible. And now, of course, there are additional allegations about Judge Kavanaugh's actions that should be examined.

There is one simple way to get to the bottom of this without the he said, she said, without the finger-pointing and name-calling: a quiet, serious, thorough background check by the FBI. That is the logical way to go. The FBI is not biased. The FBI is professional. It is a crime to lie to them, so people have a large incentive to tell the truth.

Reopening an FBI investigation is a routine practice for judicial nominations. It has happened over and over again when new information has come up, and it only takes a short time to complete. It should be quiet, serious, and get the truth, the whole truth, and nothing but the truth.

If my Republican friends are so concerned about this process being chaotic, they should want the FBI to handle these allegations because the FBI can conduct this investigation soberly, effectively, and discreetly. In fact, there is really only one way to get to the bottom of these allegations and prevent the Nation from being thrown into further turmoil—an independent background check by the FBI. On the one hand, our Republican colleagues decry the turmoil, but on the other hand, they avoid the careful, best, serious way to get at the allegations—a background check investigation by the FBI.

For some reason, both the White House and Senate Republicans are blocking an FBI investigation and questioning its purpose. Let me ask our Republican friends, President Trump, and America this question: If President Trump and Senate Republicans are so certain the allegations against Judge Kavanaugh aren't true, why aren't they welcoming the FBI to look into it?

Leader McCONNELL, you spent 5 minutes pointing your finger at Democrats. That shows someone who is in a pickle. That shows someone who has dug a deep hole. If you really believe these allegations are part of a despicable smear job, Leader McCONNELL, why don't you call for an FBI investigation? What are you afraid of? What are you hiding?

What is Judge Kavanaugh hiding? Nobody knows. But people who want the truth will find a truth teller. People who don't want the truth will run away from a truth teller and instead point fingers of accusation and wild, untethered allegations. That is what Leader McCONNELL is doing. It is not a great moment. I know he prizes his role in ramming through these right-wing Justices. That is part of his legacy. I don't think America will see it that way a few years from now when we see their rulings. There will be a huge backlash if Kavanaugh should get on the Court and they should rule the

way they have ruled in the past. But that is not the search for truth; that is the search for a rush job to avoid the truth. It should not happen.

Think about it. The White House is blocking an impartial investigation of Dr. Ford's allegation. Chairman GRASSLEY is setting arbitrary deadlines for Dr. Ford to testify, dictating the terms of her appearance, and denying her and the minority the right to call other witnesses, which always happens at hearings, including an alleged eyewitness. There was someone in the room. By press reports, he is backing up Kavanaugh. Why are they afraid to have him testify? Or at least he is saying he doesn't remember.

We are hearing that Chairman GRASSLEY now wants to bring in outside counsel to conduct the questioning, as if Dr. Ford were on trial, as if Republicans were afraid to question Dr. Ford. This is so unusual, but it shows a fear on the part of our Republican friends that something bad and truthful will come out.

If Chairman GRASSLEY and Leader McCONNELL continue down this road, we are heading for a hearing that will be far from what a serious factfinding inquiry should look like, far from respectful to Dr. Ford, and far from fair.

Given the circumstances, the American people should ask—particularly those who support Judge Kavanaugh—who is more credible: Dr. Ford, who wants the FBI to investigate her allegation because she is confident it will corroborate her account, or our Republican friends who are running away from any objective factfinding and truth?

Remember, it is Dr. Ford who not only wants the FBI to look into this, she took a voluntary lie detector test, and she knew she was inviting harassment and ridicule and abuse for coming forward. She has gotten death threats. She has had to move out of her house. She feared her life would be upended, and it is. She still had the courage to do this. We certainly owe her some dignity and a fair hearing, not the kind of rushed, almost kangaroo court-style hearing where the Members on the Republican side are afraid to even ask her questions and confront her while they will say things behind her back.

Who is more credible? Is it Dr. Ford, who is willing to submit to all this, or Republicans in the White House, who are stonewalling an FBI investigation into facts and who are refusing to call other witnesses to Dr. Ford's hearing, including the alleged eyewitness? Republicans or Democrats? There is an easy, easy answer to all of these. So when Leader McCONNELL rails and rants about Democrats, he is setting up a straw man. He is afraid of what might come out, what the truth is, it seems to me.

We have heard Judge Kavanaugh's defenders say: This happened 36 years ago; it shouldn't matter. We have heard new, tortured formulations of that shopworn excuse that boys will be

boys. I don't agree with any of those voices, any of those excuses, but let me address those who think that, people who think: This was a long time ago. Boys did this. Let's not hold someone accountable for it 30 years later, or at least let's not stop his advancement in his career.

One obvious answer is, it is the Supreme Court. But I would ask those who believe that Kavanaugh is not being treated fairly to examine one more point: his credibility. Whether you think what happened 36 years ago is enough to remove him from consideration of the Supreme Court, as I do, or whether you don't, credibility of a Supreme Court nominee is extremely important.

Judge Kavanaugh has unequivocally denied this. He didn't say, like Mr. Judge, "I can't remember. Maybe I had too many to drink, and my recollection isn't great"; he unequivocally denied it. And this comes on top of the fact that Judge Kavanaugh's testimony had real issues with credibility. Is Judge Kavanaugh again denying the truth because his confirmation to the U.S. Supreme Court hangs in the balance? The credibility of Judge Kavanaugh, given his previous testimony, given how he skirted the truth, at the very minimum, on issues such as appointment of certain judges, on torture, on Manny Miranda—and now he says this, an unequivocal denial?

Let's assume that after the testimony of Dr. Ford, most Americans believe it to be true. How would we want to appoint Judge Kavanaugh—because he would have abjectly lied—if they believe it is true?

So there is the issue of credibility. Beyond the weight that different people give what happened 30-some-odd years ago, beyond the weight of whether people excuse or don't excuse the behavior—I don't excuse it—is the issue that looms: credibility. Is Judge Kavanaugh the kind of upright, straightforward individual we want on the Bench? Do his flirtations with avoiding the truth in his testimony—is this just another, even worse indication that he does not have the judgment, the moral character, the credibility for a job that requires all three?

In summation, in the face of multiple allegations against Judge Kavanaugh, the FBI should reopen the background check investigation, and we should conduct a hearing where the appropriate witnesses are called and respect is given to both the accuser and the accused. Anything less will be viewed by the American people and I believe judged by history as a stain on Republicans in the Senate and a stain on the integrity of the majesty of the Supreme Court.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MORAN). Morning business is closed.

## EXECUTIVE SESSION

Thune  
TillisToomey  
WarnerWicker  
Young

[Rollcall Vote No. 214 Ex.]

YEAS—76

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the en bloc consideration of the following nominations, which the clerk will report:

The bill clerk read the nominations of Jackie Wolcott, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, and Jackie Wolcott, of Virginia, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. All time is yielded back on both sides, and I call for the rollcall vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Wolcott and Wolcott nominations?

Mr. ISAKSON. 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. CORKER), the Senator from Arizona (Mr. FLAKE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kentucky (Mr. PAUL), and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Kentucky (Mr. PAUL) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY) is necessarily absent.

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

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS—75

Alexander	Enzi	McConnell
Baldwin	Ernst	Menendez
Barrasso	Fischer	Moran
Bennet	Gardner	Murkowski
Blumenthal	Graham	Murphy
Blunt	Grassley	Murray
Boozman	Hassan	Nelson
Brown	Hatch	Perdue
Burr	Heitkamp	Peters
Cantwell	Hirono	Portman
Capito	Hoeven	Risch
Carper	Hyde-Smith	Roberts
Casey	Inhofe	Rounds
Cassidy	Isakson	Rubio
Collins	Jones	Schumer
Coons	Kaine	Scott
Cornyn	Kennedy	Shaheen
Cortez Masto	King	Shelby
Cotton	Klobuchar	Smith
Crapo	Kyl	Sullivan
Cruz	Lankford	Sullivan
Daines	Lee	Tester
Donnelly	Manchin	
Duckworth	McCaskill	

NAYS—19

Booker	Heller	Udall
Cardin	Leahy	Van Hollen
Durbin	Markey	Warren
Feinstein	Reed	Whitehouse
Gillibrand	Sanders	Wyden
Harris	Schatz	
Heinrich	Stabenow	

NOT VOTING—6

Corker	Johnson	Paul
Flake	Merkley	Sasse

The nominations were confirmed en bloc.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table en bloc and the President will be immediately notified of the Senate's action.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2019.

Mitch McConnell, Richard C. Shelby, Todd Young, Pat Roberts, Thom Tillis, Cory Gardner, Roger F. Wicker, Mike Rounds, David Perdue, John Boozman, Roy Blunt, Jerry Moran, Lamar Alexander, John Thune, Tim Scott, John Barrasso, Steve Daines.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2019, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. FLAKE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kentucky (Mr. PAUL), and the Senator from Nebraska (Mr. SASSE).

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY) is necessarily absent.

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

The yeas and nays resulted—yeas 76, nays 18, as follows:

Alexander	Gardner	Murkowski
Baldwin	Graham	Murphy
Barrasso	Grassley	Murray
Bennet	Hassan	Nelson
Blunt	Hatch	Perdue
Boozman	Heitkamp	Peters
Burr	Heller	Portman
Cantwell	Hirono	Risch
Capito	Hoeven	Roberts
Carper	Hyde-Smith	Rounds
Casey	Inhofe	Rubio
Cassidy	Isakson	Scott
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Cornyn	Kennedy	Smith
Cortez Masto	King	Sullivan
Cotton	Klobuchar	Tester
Crapo	Kyl	Thune
Cruz	Lankford	Tillis
Daines	Leahy	Toomey
Donnelly	Lee	Van Hollen
Duckworth	Manchin	Warner
Enzi	Markey	Wicker
Ernst	McCaskill	Young
Feinstein	McConnell	
Fischer	Moran	

NAYS—18

Blumenthal	Harris	Schumer
Booker	Heinrich	Stabenow
Brown	Menendez	Udall
Cardin	Reed	Warren
Durbin	Sanders	Whitehouse
Gillibrand	Schatz	Wyden

NOT VOTING—6

Corker	Johnson	Paul
Flake	Merkley	Sasse

The PRESIDING OFFICER. On this vote, the yeas are 76, and the nays are 18.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2019.

The PRESIDING OFFICER. The Senator from South Dakota.

ORDER OF PROCEDURE

Mr. ROUNDS. Mr. President, I ask unanimous consent that all postcloture time on Executive Calendar No. 938 be considered expired at 2:15 p.m., Tuesday, September 25; that if confirmed, the motion 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

## MORNING BUSINESS

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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