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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky.

### PRAYER

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

Let us pray.

Eternal God, in these challenging and unpredictable times, we look to You for guidance. You are the source of our strength and the center of our joy.

Remind our lawmakers that You are prepared to shower them with wisdom if they would only request it. Thank You for inviting our Senators to ask and receive, to seek and find, and to knock and open closed doors. Bless our legislators with productivity and progress for the glory of Your Name.

Today and always, let Your will be done on Earth as it is done in Heaven.

We pray in Your strong 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 26, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,  
*President pro tempore.*

Mr. PAUL 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.

### 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 and resume consideration of the following nomination, which the clerk will report.

The 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 a term of seven years from October 27, 2019. (Reappointment)

#### RECOGNITION OF THE MAJORITY LEADER

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Mr. President, tomorrow morning, the Senate and the American people will hear from Judge Brett Kavanaugh and Dr. Christine Blasey Ford under oath. We will hear sworn testimony from both of them regarding the allegation of 30-plus-year-old misconduct that Dr. Ford has raised.

It goes without saying, but it bears repeating: Sexual assault is completely abhorrent. Everyone deserves to be

safe. So I am glad Dr. Ford will be heard.

I would like to particularly thank Chairman GRASSLEY, who worked tirelessly to establish a fair process and a secure, comfortable setting for this to take place. He gave Dr. Ford the opportunity to testify in public or in private or to speak with investigators who would meet her anywhere she wished or to conduct the entire interview by phone. He has brought a patient professionalism to this process—one that stands in stark contrast to those on the other side of the aisle who self-describe as “Spartacus” and play to the television cameras. Dr. Ford will be heard, thanks to Chairman GRASSLEY and despite the irresponsibility of Senate Democrats, who ignored her allegation for weeks and then discarded her request for confidentiality and leaked it to the press.

Let me walk you through this again. The ranking Democrat on the Judiciary Committee received a letter from Dr. Ford all the way back in July in which she stated her allegation and asked for confidentiality. That was in July. The committee’s thorough review of Judge Kavanaugh was just getting started. There was ample time to vet this allegation in a serious and bipartisan manner that would have maintained confidentiality and honored Dr. Ford’s request for privacy.

All the Democrats needed to do was go through proper channels and share the information with their Republican colleagues so the committee could tackle it together, but that is not what Senate Democrats did. This is the Democratic caucus whose leader, my friend the senior Senator from New York, said just hours after Judge Kavanaugh was nominated that he would “oppose him with everything I’ve got.” This was just hours after the nomination. This is the Democratic caucus of which several Members preemptively announced fill-in-the-blank opposition to any nominee before

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



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Judge Kavanaugh had even been named. This is the Democratic caucus that spent all summer searching for reasons to delay, delay, delay this nomination. This was because there were not enough documents, because there were too many documents, because of unrelated headlines—you name it.

No, these Democratic colleagues did not treat Dr. Ford or her allegation with the seriousness and discretion she deserved. Apparently, they took no meaningful action for weeks with respect to her claim. Then, finally, at the eleventh hour, when its introduction was virtually certain to introduce further delay, they got it to the press. So much for Dr. Ford's request for confidentiality, I guess.

What lessons can we draw from all of this? If you write to the Senate Democrats in complete confidence about an extremely sensitive matter, you will soon wind up a household name. If you are a public servant whose confirmation those on the far left happen to oppose because they dislike the fact that you will interpret the law and the Constitution according to what they mean rather than what those on the far left wish they would mean, they will not hesitate to weaponize uncorroborated allegations and drag your name and your family right through the mud. That is what these guys will do to you—uncorroborated allegations, which Judge Kavanaugh has denied repeatedly in the strongest terms in public and to the Senate investigators, all under penalty of felony.

Let's not forget that Dr. Ford's account identifies three other supposed witnesses, and each of these individuals has denied participation in or recollection of any such event—also under penalty of felony in all cases. One of the alleged witnesses is a longtime friend of Dr. Ford's. She has stated not only that she does not recall any such party but that she doesn't even know Judge Kavanaugh. No corroboration. No supporting evidence before us. Just Dr. Ford's allegation.

By any normal standard of American justice, this is nowhere near enough to destroy someone's reputation or nullify one's career, but some of our colleagues are trying to move the goalposts.

The junior Senator from Delaware asserted recently on television that it is Judge Kavanaugh who bears the burden of disproving these allegations. Let me say that again. The junior Senator from Delaware said Judge Kavanaugh bears the burden of disproving these allegations. Guilty until proven innocent—in our country?

Similarly, the junior Senator from Hawaii has implied that Judge Kavanaugh does not deserve a presumption of innocence. The junior Senator from Hawaii has said that Judge Kavanaugh does not deserve a presumption of innocence because she does not agree with his judicial philosophy.

Just yesterday, the Democratic leader said that because we aren't in a

criminal courtroom, "there's no presumption of innocence or guilt here when you have a nominee before you." In America, somebody is saying that? Well, it will not surprise you to know the Democrats haven't always taken that position.

Back in 1991, when our friend Senator Joe Biden was chairman of the Judiciary Committee, he had this to say to Judge Clarence Thomas when the committee was evaluating an allegation against him.

Joe Biden said:

The presumption is with you. With me, the presumption is with you, and in my opinion it should be with you until all the evidence is in and people make a judgment.

That was the chairman of the Judiciary Committee, Joe Biden, during the Clarence Thomas proceeding.

My colleagues would do well to remember this commonsense principle. After all, this is America. Every American understands the presumption of innocence.

I am glad that Chairman GRASSLEY, his staff, and committee investigators have worked so hard to clean up this mess and put together a fair process. I am encouraged by the committee's choice of Rachel Mitchell, a career prosecutor with decades of experience in sensitive investigations, who was recognized with an award by Arizona's then-Democratic Governor, Janet Napolitano, to lend expertise to this important process.

It is time for Senators to hear from both Dr. Ford and Judge Kavanaugh under oath. Tomorrow, we will do just that. Then it will be time to vote.

#### TRIBUTE TO TOM HAWKINS

Now, Mr. President, on an entirely different matter, it is with great reluctance that I close by marking the recent departure of a trusted adviser, a loyal friend, and a true patriot from my leadership staff.

Tom Hawkins served as my national security advisor for over a decade. Over that time, he became a familiar face to so many around the Senate. In fact, while I told my staff I was waiting for a quiet day to offer a fulsome tribute to Tom's service here on the floor, I have to admit I was really just hoping one of my colleagues would convince him to stick around so I wouldn't have to.

Of course, for Tom, with his incredibly important portfolio and his diligence and dedication, there was really no such thing as a quiet day. Long after the lights went off here on the Senate floor, Tom was reviewing intelligence, conducting classified meetings, and making sure my colleagues and I were equipped to make serious decisions about our Nation's security and footing in the international system. It was impossible to walk away from a meeting with Tom and not grasp the serious, real-world consequences of our work. After all, he had lived them.

During his own decorated military career, Tom led marines in combat. He

understood firsthand the price of freedom. This was clear from his very first days on my staff. From those early months, in the heat of negotiations over a new strategy for our involvement in Iraq, I never doubted that Tom was tirelessly committed to the brave men and women in uniform who continue to serve our Nation—so tirelessly, in fact, that traveling with Tom and our military personnel abroad was a lot like traveling with our dear, late friend, Chairman John McCain—cover a lot of ground, meet a lot of people, and sleep when you get back home. As Tom moves on from the Senate, I sincerely hope that he will take a break from his grueling pace.

In fact, Tom, that is an order.

I know Tom's wife, Jennifer, and his daughters, Emily and Abigail, will back me up on that one. Very few people will ever know the full extent of Tom's service and his sacrifice, but believe me—America is safer and more secure for his efforts, and in the Halls of this institution, which he served so faithfully for so long, he will be sorely missed. Never once—not one time—did Tom put his personal views ahead of my own or his personal interests ahead of the best interests of our country. He was always faithful to me, to this body, and to our Nation. That was Tom—always faithful. To put it another way, *semper fidelis*.

On behalf of the Senate and the Commonwealth of Kentucky, our men and women in uniform around the globe, and the entire Nation, I thank Tom Hawkins again for his many years of patriotic service, and I extend our very best wishes for all that the future holds.

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.

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

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, I come to the floor to join my colleagues in lifting up the voices of women across the country who, right now, are being ignored, swept aside, and attacked, and in calling on our Republican colleagues to join us and do everything we can to make sure women are heard, listened to, and respected as we debate and deliberate over Judge Kavanaugh's nomination to the Supreme Court.

Recently, I was back home in Washington State to talk to my constituents about the Supreme Court nomination, and I met a woman named Caitlin, who bravely told me and others about her experience of being sexually assaulted.

She shared her story. It was July 2016. She had gone to a concert that evening, and she was sexually assaulted that night, but it was how she explained what happened after that I want to share today.

She said:

As a sexual assault survivor, I know firsthand that these experiences have a lasting impact and the pain can't be overstated. In the aftermath of sexual violence, it's common to feel humiliated and to blame ourselves; to just want to forget it ever happened. I didn't want to admit that I'd "allowed" this to happen to me, so I tried to convince myself that the attack had never occurred. For these reasons and so many others, it's common to wait months or . . . years before confiding in anyone, even those closest to us.

Those were Caitlin's words to me. She went on, and she said:

Going public with our stories, opens us up to criticism ranging from victim blaming to accusations that we're liars and attention-seekers, in addition to far uglier insults that I won't repeat right now. I know that coming forward and forever tying our names to one of the most terrifying, degrading experiences of our lives isn't a decision to be taken lightly.

Sadly, Caitlin is not alone—far from it. She shared her story with me so her story can help others and so I can lift it up, make sure it is being heard, and help her make a difference.

So this brings me to the question I want to ask today: What is this really about, right now, in this moment, in the U.S. Senate? There is a whole lot of confusion, a whole lot of mud being kicked up, and a whole lot of distractions, but what is this moment, right now, really about?

It is not the question of this confirmation, although that is clearly important. It is not whether we think Judge Kavanaugh would make a good Supreme Court Justice or whether we can trust him, despite the lies we have already heard on issue after issue. Those are, of course, critical questions too. It is not even whether my colleagues will believe the allegations brought against him are true once all the evidence is weighed and all investigations are complete—although, of course, for many of us, that question must be dug into—but to me and millions of people across the country, this moment right now is about the answer to a few simple questions.

Is the Senate a place where women are listened to, heard, and respected or is it still just one more place where women's voices are swept under the rug, where our voices are ignored, attacked, and undermined, right now, in this moment, in the U.S. Senate, while the President of the United States is saying a woman can't be trusted because "she was drunk"; while he was tweeting that Dr. Ford can't be trusted because if it were really as bad as she said, she would have reported it back when she was 15 when it happened; while Republican leaders are saying they will "plow right through" this; while they are desperately trying to distract people by pointing to the proc-

ess and the timing—anything but the substance; while they hire a woman they are calling their "female assistant"—the lawyer they found to ask Dr. Ford the questions they can't trust the Republican men on the Judiciary Committee to ask; while they are already sweeping past this hearing and scrambling to line up a committee vote right away; while they are planning to stay through the weekend to rush to a vote on the Senate floor that their leader says is "confident" they "will win"—before Dr. Ford has even had a chance to be heard and a vote that doesn't need to be rushed for any good reason?

Right now, in this moment, in the U.S. Senate, these are the questions: Will women be heard or will women be ignored? Will women who are bravely coming forward to share the most horrific experience of their lives be trusted or will they be treated like liars? Will women, such as Caitlin, Dr. Ford, and Ms. Ramirez be respected, listened to, and heard or will they be pushed aside, put in their places, and told to remain quiet?

Right now, in this moment, in the U.S. Senate, what kind of message will we send to women and girls across the country who are watching, who are looking to see how Dr. Ford is being treated; whether Ms. Ramirez, who is reportedly willing to testify to the committee under oath—whether her story will be taken seriously or even be investigated. They are grappling with what may be one of the toughest decisions of their lives: Should they report a sexual assault? Should they try to bring a perpetrator to justice and make sure he faces the consequences he deserves or should they keep it to themselves, worried about the ways they may be attacked or ignored or disbelieved, interrogated about what they drank or wore, whom they told and when?

Right now, in this moment, in the U.S. Senate, what kind of message will we send to men and boys across the country who are watching right now, who will see whether women are empowered to share their experience, men facing the consequences of their actions, and a message sent that this is not acceptable behavior in high school, in college, or anywhere else, or who will, once again, hear that women can be attacked and abused and disrespected and used and then ignored and attacked all over again when they share their stories?

I decided to run for the U.S. Senate after I saw Senators get those questions wrong in the Anita Hill hearings in 1991. I ran to be a voice for the women and men across the country who thought it was absolutely wrong for her to be ignored, attacked, swept aside, and disbelieved. I ran for, right here, in this moment, in the U.S. Senate, to make sure we never allow that to happen again. I ran for my daughter who sat by my side as we watched that all-male Judiciary Committee grill Anita Hill, for her daughters—my

granddaughters—who are not quite old enough to understand what will happen on Thursday but who will grow up in a world that will treat them better or worse depending on how women are treated this week, for Caitlin and the women like her who shared their stories with me—some out loud in front of crowds, some in whispered voices after everyone else has left—and for the women we don't know who have buried their experiences deep down inside, who have kept their secret for decades because they have been too scared or intimidated to come forward and who are watching right now to see what happens here, right now, in this moment, in the U.S. Senate.

I am proud to bring their voices to the floor today, and I am truly hopeful enough Republicans stand with them and that we can do the right thing.

Republican leaders need to listen—truly listen—to the women coming forward to share their experiences. Republican leaders need to investigate—truly investigate—the allegations they are making and the inconsistencies in Judge Kavanaugh's statements on so many issues. Republican leaders need to end this scramble and rush. They need to slow it down and do this right.

Women and men are watching. They are paying attention, and they are not going to forget.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, as we approach tomorrow's hearing with Dr. Ford and Judge Kavanaugh, I want to be very clear about how the Republican leadership has handled these incredibly serious and credible allegations of sexual assault. The Republican leadership has handled them poorly, unfairly, and disrespectfully.

Leader MCCONNELL has called this entire issue a "smear campaign" cooked up by Democrats. That is a blatant falsehood that demeans the women who have courageously come forward. They came forward, not Democrats. They did it on their own, not Democrats. And when Leader MCCONNELL says that it is a smear campaign, he is demeaning these women. As I have said before—but we have yet to hear—Leader MCCONNELL owes Dr. Ford an apology for what he has said.

After Republicans on the Judiciary Committee learned of a second potential allegation against Judge

Kavanaugh, they renewed their request, of course, to accelerate—to speed up—the confirmation process.

Chairman GRASSLEY has prohibited witnesses in tomorrow's hearing, other than Dr. Ford and Judge Kavanaugh, including the one and only alleged eyewitness to the events in question. Chairman GRASSLEY and several of his colleagues on the other side have already proposed a final committee vote on Friday. They proposed the vote before the hearing occurs. Isn't that prejudgment? And they are acting, when they propose the vote before the hearing, as if the conclusion was foreordained and the hearing is just a nuisance to "plow through."

Most galling of all: Republican leadership and the White House have blocked the FBI from reopening an independent background check investigation into Judge Kavanaugh, a standard procedure for Federal nominees when new allegations arise. This isn't a new thing that Democrats are pulling out of a hat. This is something we do all the time—except in this case, no.

So this isn't a Democratic smear job, as the Leader so callously and disrespectfully suggested; this is a Republican rush job and, I might add, a rush job to avoid getting to the truth.

Here is the contradiction in Leader MCCONNELL's logic: Leader MCCONNELL keeps saying that the allegations by Dr. Ford and other women are "uncorroborated"—his word—while, at the same time, he is blockading the obvious avenues to corroborate them, and that would be an impartial FBI investigation calling on witnesses to testify. Senator MCCONNELL's assertion is wrong on its face because sworn statements corroborating Dr. Ford's account were submitted to the Judiciary Committee yesterday. If he doesn't believe those statements, it is simple: Have the FBI go interview those who submitted the statements, and then they would have to tell the truth under the penalty of perjury.

So right here and now, I challenge any Member of the Republican Senate to come to the floor and give one good reason why we shouldn't allow the FBI to follow up on its background investigation—one good reason. I haven't heard one. With all the rhetoric, all the screaming, all the name-calling, all the disrespecting of women who have come forward—something this Nation knows all too well these days—we haven't heard one actual reason why there shouldn't be an FBI investigation.

Will it slow it down? It will take only a few days.

I would remind Leader MCCONNELL that he slowed down a nomination to the Supreme Court for a year, and now a few days is too much? Give me a break.

Dr. Ford has asked for an FBI investigation. That shows the faith she has in her account. Editorial boards across the country have echoed her call for an FBI investigation. Anita Hill, treated

so unfairly in her day, said that an FBI investigation is essential. And I have to give some credit: A handful of fair-minded Republican Senators have said that an FBI investigation is warranted because they know it would get to the facts. They know it would keep politics out of it. They know it wouldn't cause much of a delay.

During Justice Thomas's confirmation process, an update to the FBI background check took 3 days—3 days. Leader MCCONNELL held a Supreme Court seat open for over 400 days. So why was that OK, and this is not OK?

Again, I say to my dear friend, Leader MCCONNELL: Give me one good reason—give the American people one good reason—why we shouldn't ask the FBI to investigate. If it is a smear job, as he claims, the FBI will find that out. But they also might find out that it is no smear job; it is the God's honest truth.

Now, another tactic: The Republican leader has just trotted out old quotes by Senator Biden pointing out that FBI investigations don't provide conclusions.

I would say to the leader: That is just the point. The purpose of the FBI investigation would not be to prove definitively who is right one way or the other. That is a judgment Senators are to make. The purpose of the FBI investigation is to provide the Senate with just the facts—that is what we want, just the facts—to make a more informed decision and one the American people could have some confidence in. Their confidence in Judge Kavanaugh and in the process is slipping daily, and with good reason. Isn't an impartial, fair, timely, and nondilatory FBI background check investigation fair to both Dr. Ford and Judge Kavanaugh, taking this out of the arena of politics and making it just about the facts? You bet it is.

Of course it is the right thing to do. But the Republican leaders and the White House have blocked it and scheduled a hearing for tomorrow anyway because, as Leader MCCONNELL promised last week, he is going to "plow right through" these allegations. And the motivation is clear: They want to put Judge Kavanaugh on the bench as quickly as possible because they know their nominee has a gigantic credibility problem, and every day that goes by, more and more Americans realize it.

Judge Kavanaugh has misled the Judiciary Committee on numerous occasions about his involvement in the ugliest Bush-era controversies, including on torture, on the confirmation of controversial judges William Pryor and Charles Pickering, on the sordid affair when Manny Miranda, a Republican operative, stole Democratic emails. Just today, Ranking Member FEINSTEIN said that Judge Kavanaugh misled the Judiciary Committee about an incident with a grand jury during his time working for Ken Starr.

Telling the truth, the whole truth, and nothing but the truth does not

seem to be Judge Kavanaugh's way, but that is what we need on the Supreme Court.

Earlier this week, the Nation watched Judge Kavanaugh swear on national television that he never had so much to drink that he forgot events. That characterization doesn't track with several descriptions given by many of his high school and college classmates and when he says "I can't recall this, that, and the other thing" about his youth.

So the question of credibility looms. Is Judge Kavanaugh willing to say anything to get confirmed? And are Republican leaders willing to do anything to get him confirmed? Unfortunately, signs are pointing to yes.

Most importantly, when the credibility of the nominee is so questionable, is that the kind of person we want on the Supreme Court? I don't care if it is a liberal, a conservative, or a moderate. When the question of credibility is so much in doubt, as it is now with Judge Kavanaugh, that person should not be sitting on the highest Court in the land, the arbiter of our laws and often the determiner of right and wrong. It would be a new lower standard for the Court and for America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### URGING THE RELEASE OF INFORMATION REGARDING THE SEPTEMBER 11, 2001, TERRORIST ATTACKS UPON THE UNITED STATES

Mr. BLUMENTHAL. Mr. President, shortly, I will move for unanimous consent to pass S. Res. 610, urging the release of information regarding the September 11 terrorist attacks upon the United States. It is a bipartisan resolution, and I thank the cosponsors who joined me in this historic effort: Senators CORNYN, SCHUMER, GILLIBRAND, MURPHY, MENENDEZ, GRASSLEY, MARKEY, BOOKER, RUBIO, and SANDERS. At a time of very deep division in our country and in this body, all of us are still able to come together to help the survivors and families of the horrific September 11 terrorist attack as they seek justice and fairness to deter additional and ongoing state sponsorship of terror.

Following our successful efforts in 2016 to enact the Justice Against Sponsors of Terrorism Act, also known as JASTA, the families of 9/11 victims who perished earned the right to have their day in court. We thought that day would come quickly and they would receive justice. We believe they also earned a right to the necessary