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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 5, 2018, at 9:30 a.m.

Senate

THURSDAY, OCTOBER 4, 2018

The Senate met at 11 a.m. and was called to order by the Honorable DAN SULLIVAN, a Senator from the State of Alaska.

PRAYER

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

Let us pray.

Eternal Spirit, giver of every good and perfect gift, we magnify Your Holy Name. Your righteousness endures forever.

Today, empower our lawmakers to do Your will. Give them insight that will make justice roll down like waters and righteousness like a mighty stream. May they remember that unless You build the house, they labor in vain who attempt to erect it. Provide our Senators with the wisdom to ask You for Your guidance and to follow Your counsel. Lord, incline them to so labor that Your will will be done on Earth even as it is done in Heaven. Subdue freedom's enemies, and provide a shield for liberty.

We pray in Your great 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 senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 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 DAN SULLIVAN, a Senator from the State of Alaska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SULLIVAN 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 to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.

RECOGNITION OF THE MAJORITY LEADER

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

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Mr. President, the Senate is considering the nomination of Judge Brett Kavanaugh to serve as an Associate Justice on the Supreme Court of the United States.

When the noise fades, when the uncorroborated mud washes away, what is left is the distinguished nominee who stands before us—an acclaimed judge whom peers and colleagues praise in the very strongest terms, a jurist whom the American Bar Association awarded its very highest rating unanimously—''well qualified.''

Here is what the ABA says it takes to earn that distinction:

To merit a rating of ''Well Qualified,'' the nominee must be at the top of the legal profession in his or her legal community; have outstanding legal ability, breadth of experience and the highest reputation for integrity; and demonstrate the capacity for sound judicial temperament.

This is the nonpartisan test that my friend the Democratic leader, among others, used to call the gold standard. Judge Kavanaugh passed that with flying colors.

To be clear, this seal of approval comes from the ABA's Standing Committee on the Federal Judiciary—an independent entity within the organization. Even after the ABA's President

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

tried to play politics with the nomination last week, the Standing Committee reaffirmed its rating yet again. Unanimously well qualified—that is Brett Kavanaugh.

So how did we end up where we are today? How did we get here? How did we get from a chorus of expert praise and professional respect to wild tales of violent gangs, sexual assault rings, fist fights on boats in Rhode Island harbors, and the possibility—get this—of an argument at a college bar?

Several weeks ago, a confidential allegation of misconduct from nearly 40 years ago was leaked to the press. Since then, other allegations have poured forth. Many were just patently ridiculous—a feeding frenzy of ridiculous accusations. While some cheered on the feeding frenzy for political purposes, Judiciary Chairman CHUCK GRASSLEY and his staff rolled up their sleeves and went to work. They promptly investigated the varied allegations that materialized at the last minute.

Chairman GRASSLEY reopened the public hearing so that Dr. Ford and Judge Kavanaugh could speak directly to those claims under oath. By the way, that was after he offered Dr. Ford the option to tell her story at any place of her choosing—either here or in California, either in public or in private, either with staff or with Members. It was an offer that, according to Dr. Ford's testimony, was seemingly never actually communicated to her by her lawyers despite a professional requirement to do so.

Now, of course, the FBI has completed a supplemental background investigation and delivered its results to us here in the Senate. This is now the seventh time the FBI has thoroughly reviewed Judge Kavanaugh's background—seven FBI investigations. So what have we learned? What do the facts and the evidence tell us after seven FBI investigations? The fact is, these allegations have not been corroborated. None of the allegations have been corroborated by the seven FBI investigations—not in the new FBI investigation, not anywhere. None of these last-minute allegations have been corroborated, as is confirmed by the seventh and latest FBI investigation.

As Chairman GRASSLEY stated this morning, ''Neither the Judiciary Committee nor the FBI can locate any third parties who can attest to any of these allegations.'' There is no backup from any witnesses, including those specifically named as eyewitnesses by the people who brought the allegations in the first place. Let me say that again. There is no backup from any witnesses, including those specifically named as eyewitnesses by the people who brought these allegations. In addition, one person has completely recanted their whole wild story. Another accuser went on television and backpedaled from many of their own ridiculous charges.

The facts do not support the allegations levied at Judge Kavanaugh's character. Instead, many of the facts actually support Judge Kavanaugh's strong, unequivocal denial, which he repeatedly stated to committee investigators under penalty of felony and which he firmly restated under oath last Thursday before the full committee and the American people, which aligns with the testimony of hundreds—literally hundreds—of character witnesses who have known him over the years.

For goodness' sake, this is the United States of America. Nobody is supposed to be guilty until proven innocent in this country. Nobody is supposed to be guilty until proven innocent in the United States of America. The Senate should not set a fundamentally un-American precedent here.

Judge Kavanaugh's right to basic fairness does not disappear just because some disagree with his judicial philosophy. Our society is not a place where uncorroborated allegations of misconduct from nearly 40 years ago—allegations which are vigorously disputed—can nullify someone's career or destroy their reputation. Is that what the Senate is going to be known for—your nomination comes up here, and we destroy your reputation? Is that what the Senate is going to participate in?

Above the partisan noise, beyond this shameful spectacle, which is an embarrassment to the Senate, what will endure are the actual facts before us—the actual facts. Upon reviewing them, only one question is left for us to answer: Is Judge Brett Kavanaugh qualified to serve on the U.S. Supreme Court?

There is a good reason the political opponents of this nomination have never wanted to litigate that issue. Oh, no. They don't want to talk about that. There is a good reason they let the politics of personal destruction run away ahead of the facts. It is in an effort to dodge that very good question because Brett Kavanaugh is stunningly and totally qualified for this job.

We already know this, but, for starters, his academic and legal credentials are second to none. He graduated from Yale with honors and went on to Yale Law School. Then came not one, not two, but three clerkships in our Nation's Federal courts, ending up with Justice Kennedy. His career continued with work in the Office of Independent Counsel and the Office of White House Counsel.

That was only the beginning. For the last 12 years, Brett Kavanaugh has served on what is widely considered the second highest court in our land, the DC Circuit Court of Appeals. He has written more than 300 judicial opinions. Several have formed the basis of later rulings by the Supreme Court itself.

The litany of accomplishments is a fact—a fact. It is a matter of public record.

Just as telling are all the accounts of Judge Brett Kavanaugh, the person, that have been volunteered by those who have known him every step of the way over the years. We have heard from literally hundreds of character witnesses who have heaped praise on the Brett Kavanaugh they know—the loyal friend and teammate; the standout student; the talented, hard-working colleague; the brilliant legal writer; the respected role model and mentor, particularly to women; and the devoted husband, father, and coach. These letters and recorded testimony were offered by men and women with nothing to gain for themselves; they were just glad to tell the truth about a nominee who they know possesses the character, temperament, and qualifications for this important job.

Judge Kavanaugh's professor and others who knew him at Yale describe ''a true intellectual,'' ''a leading thinker,'' and ''a wonderful mentor and teacher.'' One goes so far as saying: ''It is hard to name anyone with judicial credentials as strong as those of Judge Kavanaugh.''

His former law clerks, in full-throated support, say that Judge Kavanaugh's work ethic ''flows from a fundamental humility.'' They say that he gives ''unflinchingly honest advice'' and ''listens carefully to the views of his colleagues and clerks, even—indeed, especially—when they differ from his own.''

His legal peers here in Washington of all political persuasions haven't minced their words either. They deem him ''unquestionably qualified by his extraordinary intellect, experience, and temperament'' and warn the Senate not to miss this opportunity to put ''such a strong advocate for decency and civility on our Nation's highest court.''

Let's not lose sight of the opportunity before us. This process has been ruled by fear, anger, and underhanded gamesmanship for too long. It is time for us to stand up to this kind of thing. We owe it to the American people not to be intimidated by these tactics. We owe it to the American people to underscore that you are innocent until proven guilty.

It is the Senate that is on trial here. What kind of image will we convey to the public? Can we be scared by all these people rampaging through the halls, accosting Members at airports, and coming to their homes, trying to intimidate the Senate into defeating a good man? Are we going to allow this to happen in this country?

We will not pretend that partisan histrionics take away the basic fairness that every American deserves. We will not be hoodwinked by those who have tried hard to smear this good man and to drag him through the mud. And when that didn't work, they turned on the dime and started claiming his real sin was that he spoke up too forcefully in defense of his good name and his family, or they decided he didn't have a judicial temperament because he aggressively defended his good name

against this outrageous smear conducted in conjunction with Senate Democrats.

Who among us would not have been outraged by having a lifetime record drug through the mud with accusations that cannot be proven and a blatant attempt to decide—on the part of at least some Senate Democrats—that the presumption of innocence no longer applies in this country? What kind of person wouldn't have been upset about that?

They claim he spoke too forcefully in defense of himself after being accused of such outrageous behavior that cannot be proven. I admire him for standing up for himself and standing up for his family. I would be shocked if it were not done in an aggressive fashion, for goodness' sake.

Let's reclaim this moment for what it should be—a chance to elevate a stunningly talented and impressive jurist to an important office for which he is so well qualified, so completely and totally qualified. It is a golden opportunity to give our great Nation precisely the kind of brilliant, fairminded, and collegial Supreme Court Justice that the Court deserves. This is the good that Senators will have an opportunity to do. We have a chance to do good here and to underscore the basic tenet of fairness in our country.

I filed cloture on the nomination yesterday evening, and I will be proud to vote to advance this nomination tomorrow.

I suggest the absence of a quorum.

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

The 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 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.

Mr. SCHUMER. Mr. President, it is another morning in the Senate and another partisan diatribe coming from my good friend—and he is my good friend—the majority leader. Instead of looking at what happened—that a young woman came forward because she felt compelled to, knowing she would risk so much to herself, which, unfortunately, has happened—he seeks to blame somebody else; in this case, the Democrats.

Let's remember that Dr. Ford came forward before Judge Kavanaugh was even nominated. Dr. Ford came forward and called up two people before anyone even knew of her allegations, including, one, a hotline from the Washington Post, according to her testimony. Our colleague—my colleague here—has engaged in a giant Kabuki game. He knows how believable Dr. Ford is. He knows the majority of the American people believe Dr. Ford was telling the truth rather than Judge Kavanaugh. He knows any focus on Dr. Ford would bring more feelings that Judge Kavanaugh is the wrong person for the Supreme Court, but he can't attack Dr. Ford because of her credibility—greater than Judge Kavanaugh's—so he attacks ''Democrats,'' increasing the partisan rancor and basically the fundamental lack of getting to the truth in this Chamber.

I would like to ask the majority leader a few questions based on what he said a few minutes ago. He said this debate has been filled with partisan histrionics. Mr. Leader, are you accusing Dr. Ford of engaging in partisan histrionics when she came forward?

He said the politics of personal destruction is rampant. Again, Mr. Leader, are you accusing Dr. Ford of engaging in the politics of personal destruction?

He talked about people being intimidated. Again, Mr. Leader, are you accusing Dr. Ford of intimidating the Senate because she had the courage to come forward?

He talks over and over about the outrageous smear. Mr. Leader, it is about time you came forward and came clean. When you say ''outrageous smear,'' you are really referring to what Dr. Ford said, but you can't say so because everyone knows that kind of rhetoric would be outrageous.

It is her testimony that got this whole thing going; her testimony, required by one courageous Republican who said he wouldn't just rush things through, as Leader MCCONNELL attempted to do, and that is why there was a hearing, not any Democrats—none.

I said yesterday, the leader is telling one of the greatest mistruths I have heard on the floor; that Democrats have delayed. Again, Mr. Leader, what power do we have to delay? Isn't it true that you set the time and place of hearings—or your committee chairs do—and you set the time and place of when we vote, with no effect from the Democrats, no influence by Democrats. If you have delayed, Mr. Leader, it is because you have delayed. If there has been delay, Mr. Leader, it is because you have delayed.

Ultimately, Dr. Ford came forward and won America's heart, and our Republican colleagues were upset because that might derail their headlong rush to put Judge Kavanaugh on the Supreme Court. Led by Judge Kavanaugh at his return testimony and by President Trump and by Leader MCCONNELL, they have tried to misdirect the whole issue away from Dr. Ford, who is the cause—the reason—we are debating all of this, and toward other boogeymen, many of whom happen to be Democrats, coincidentally. It is wrong.

What our Republican friends are doing—what my dear friend, the leader, is doing—is demeaning to Dr. Ford, and demeaning is the last thing Dr. Ford and others who have gone through what she went through needs now or deserves now.

So I would say to the leader, if you are talking about partisan histrionics, if you are talking about politics of personal destruction, if you are talking about being intimidated, if you are talking about outrageous smears, you are really accusing Dr. Ford of all of those things, not anyone else, because she is the reason we are all here in this type of discussion, and no Democrat importuned her to come—no Democrat.

Senator FEINSTEIN tried to respect her wishes and not make it public. That was not a political instinct, that was a human instinct. As I understand it, Senator FEINSTEIN's staff called each week and said: Do you want to go public now? And Dr. Ford said no, and DIANNE FEINSTEIN respected that. Now, because she did that, our Republican friends are accusing her of manipulating. Manipulating what? Dr. Ford's desire to keep this private?

We heard what Dr. Ford said. She wrestled with deciding whether to go public. She knew the damage it would create for her family, for her life—her very life. She decided she had an obligation to come forward. She decided she had to come forward. I believe her. A large number of Americans believe her, but even if you don't believe her and you choose to believe Judge Kavanaugh, don't demean Dr. Ford, which is exactly what you are doing.

It is a shame. It is a low point in a headlong rush to get somebody whose views are out of touch with the American people, who would, in all likelihood, greatly limit women's healthcare and women's right to choose, who would gravely constrain healthcare, who would allow this overreaching President to overreach with no constraint.

Dr. Ford seems to be a casualty along the way in terms of the name-calling, the nastiness, and the viciousness. Now, they don't say it is Dr. Ford, but make no mistake about it, it is her they are talking about because it was only she who brought all of these things up—not Democrats. Democrats didn't put words in her mouth. Her words came from the heart.

Now, I will make three final points about the documents that were released late last night. First, we Democrats had many fears this would be an all-too-limited process that would constrain the FBI from getting the facts. Having received a thorough briefing a few minutes ago, our fears have been realized. Our fears have been realized.

This is not a thorough investigation. According to Dr. Ford's lawyers and Ms. Ramirez's lawyers, there were many, many witnesses they wished to have interviewed, and they said they were not interviewed. They should be. Why not? What limits were placed on the FBI so that they couldn't do a full and thorough investigation? The word is, it was the White House, importuned by some of the Republican Senate staffers here.

Well, the White House has two choices: They can admit it or, if they

deny it, they should at very minimum make the directive they sent to the FBI public. If the White House didn't limit what the FBI normally does when they do one of these background checks, it sure seems they did, given the limited number of witnesses or the so many witnesses who weren't called who should have been. Make it public. Let the American people see whether it was truly limited or not.

What else should be made public are these documents that we are allowed to look at. First, again, the idea that this should be full and thorough and open and available is once again belied by the pettiness on the Republican side and the White House. There is only one document for 100 Members to see in the course of a day. That is very hard to do, and there were a lot of documents. There is only one copy of these documents. Why weren't there 10 copies in that room? What the heck is going on here? It is just a pattern—a pattern of limiting access to facts, limiting access to truth, and limiting access to what the American people ought to know.

So I reiterate my call—particularly after receiving the briefing about what the documents contain—that they be made public. Obviously, there have to be appropriate redactions, and there should be, to protect the privacy of those who were interviewed. But there is no reason on God's green Earth that those documents can't be made public. Let the American people decide.

Leader MCCONNELL said from the very beginning to the effect that he was going to rush this through. Starting with not releasing documents, followed by constraints from our Senate Republican colleagues on what should be limitations on the FBI's ability to do the new background check, all the way to this morning with one document in that room, the White House and the Republican side here in the Senate have attempted to rush this through regardless of the facts. It is wrong. It jaundices relationships between the sides in this body—which we all want to be better—hurts the agencies involved, the reputation of the FBI, and, above all, this hurts the Supreme Court and the American people.

Make no mistake about it. Once again, had this process been open and fair, maybe the outcome would be different; maybe it wouldn't. Who could tell? But at least there would be some respect for the process. That hasn't happened, and that is very bad for this body, for the Supreme Court, and for these United States of America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, it seems like light years ago, but it was July 9 when President Trump nominated Brett Kavanaugh to be the next Justice on the Supreme Court of the United States. I want to recap to refresh everybody's memory of what has happened since July 9 and explain briefly why I will be voting for Judge Kavanaugh to be the next Associate Justice on the Supreme Court.

Most importantly, I want to make one point emphatically clear. The Senate should not be intimidated under the circus-like atmosphere that has unfortunately surrounded this entire confirmation process. We should not be intimidated, and we should not be complicit in the orchestrated attempt to assassinate one man's character and destroy his career and to further delay this confirmation vote.

When Judge Kavanaugh was nominated, it quickly became clear that we were dealing with somebody who was well qualified and well respected. He served for 12 years on the DC Circuit Court of Appeals. He was well known for his expertise and his talent and his experience. Former colleagues and judges said that. Lawyers who argued before him at the DC Circuit Court said that. His former law clerks said that. Legal scholars, including those who did not share his views on the law, said that as well.

What happened? I think opponents of this nomination knew they couldn't beat his nomination the old-fashioned way—on the merits—so they decided to throw in the kitchen sink. First came the trash talking. There are claims that supporters of Judge Kavanaugh's nomination would somehow be complicit with evil. That was a U.S. Senator who said that. Another said his confirmation could spell the destruction of the Constitution itself.

These are apocalyptic words and rhetoric. Most Americans can spot wild untruths and petty shaming when they see it. So that didn't work very well. Opponents had to move on to round 2.

They then argued that Judge Kavanaugh could not be fair and impartial on the bench because of his views on executive power or because of his experience in working on the terrorist detention policy following the attacks that devastated this country on September 11, 2001, when he worked at the White House. Thankfully, the fact checkers did their due diligence and spotted errors with each of these arguments. So opponents of the nomination moved on.

Next came the great paper chase—the insistence that more and more documents needed to be produced, including those that had traditionally been held back because of executive privilege, because these were not documents that Brett Kavanaugh owned. These were documents held by either the National Archives or the George W. Bush Library. Yet it is important to note that more documents about Judge Kavanaugh were produced for him than for all of the other past Supreme Court Justices combined—more paper on Judge Kavanaugh than all of the other Supreme Court Justices combined. Once again, that argument eventually ran out of gas.

Fourth, came the normally scheduled confirmation hearings, which Judge Kavanaugh sailed through with flying colors. Opponents couldn't lay a finger on him, but that is when things began to take a darker turn. I am talking about the accusations that our Democratic colleagues sat on for a month before seeing them leaked into the press, contrary to Dr. Ford's wishes and against her consent. These allegations, of course, regarded alleged high school misconduct on the part of Judge Kavanaugh, but the ranking member of the Judiciary Committee didn't share that with the FBI for 6 weeks or more and didn't share it with bipartisan Senate Judiciary Committee investigators, who were responsible for supplementing the investigation of the FBI and the background investigation. The ranking member didn't share it with the committee itself during a closed-door session during which sensitive material would not be made public and where Dr. Ford's identity, consistent with her request, could have remained confidential, as well, while that allegation was investigated. Of course, Judge Kavanaugh himself was never told of the allegation until sometime after his initial hearing.

Now, that includes when our friend and colleague, the senior Senator from California, met one-on-one with Brett Kavanaugh. Don't you think, if somebody had a question about an allegation being made against the nominee, that would be the perfect time to confront the nominee and say: I have this allegation. What do you have to say about it? But she said nothing.

By that point, we know she had already spoken to Dr. Ford. We know she had already recommended partisan lawyers to represent her. We knew there had been arrangements by her lawyers to conduct a polygraph examination. This is all during the time when the senior Senator from California had assured Dr. Ford that her name would be kept out of the press and out of the public limelight.

Once she was sent to these partisan lawyers, they were preparing for battle. They got a polygraph examination, plans were being made and hatched, but the ranking member of the Judiciary Committee, who sat on these allegations for 6 weeks, said nothing, including hiding the allegations from the very man whose name in the next few days would be tarnished when the full fury of our Democratic colleagues' wrath was unleashed.

These accusations are very serious. They are crimes. Judge Kavanaugh has been accused of multiple crimes.

I have said earlier that I wanted Dr. Ford to be treated the same way my own daughters or my wife or my mother would be treated in similar circumstances. That is the sort of respect

we owe any person making a serious allegation like this, but while we were doing everything we could to treat Dr. Ford with the dignity and respect she deserves, our Democratic colleagues did her a huge disservice, not only to her but any other woman across the country who believes they have been a victim of a sexual assault. I say that because of the way they handled Dr. Ford's accusations and hid them along the way.

We know Dr. Ford requested confidentiality, but our Democratic colleagues deprived her of that against her will. Her letter alleging misconduct on the part of Judge Kavanaugh was leaked to the press along the way, which is the way this sort of character assassination begins—anonymous reports to the press.

We know Dr. Ford is struggling to come to grips with difficult moments in her past, but eventually she summoned the courage to share her story. What she didn't fully appreciate is, she was simultaneously being used and deployed as a political weapon, a last-minute timebomb that was designed to destroy one man's reputation and blow up the confirmation process once and for all.

I would say to our colleagues across the aisle who claim to be acting in Dr. Ford's best interest: It sure doesn't look like it to me. We did everything we could, under the awful circumstances presented to us by our Democratic colleagues, to show respect for Dr. Ford and to accommodate her wishes for safety and privacy. The Judiciary Committee wanted to do what was best for her when it offered a bipartisan team of investigators to go to California and give her an opportunity to tell her story to them out of the limelight, with the TV cameras off, respectfully and privately.

One of the suspicious circumstances surrounding this whole event, the very lawyers the ranking member sent her to, these partisan lawyers, apparently didn't even tell Dr. Ford this option was available to her. That is what Dr. Ford said at the hearing.

We also brought in an experienced sexual assault investigator and lawyer from Arizona to help us elicit the facts of her claim. Throughout the hearing, we listened and tried to learn from what Dr. Ford was telling us. We took Dr. Ford's statements seriously.

Then it was Judge Kavanaugh's turn. Some of our colleagues now feign concern about Judge Kavanaugh's judicial temperament because of the way he forcefully defended himself at the hearing where he had been accused of multiple crimes and accused of lying under oath.

We know what Judge Kavanaugh's temperament is like on the bench because he spent 12 years on the DC Circuit Court of Appeals. That is why the American Bar Association gave him their very highest rating, not only for his experience but for his temperament as well. They interviewed hundreds of lawyers and people who had knowledge of Judge Kavanaugh's expertise and his temperament, and they all said it was deserving of the highest rating the American Bar Association could give.

I wonder how any of us would feel if we were accused of a crime we didn't commit and were forced into the public limelight to defend our good name and our honor and our reputation and to protect our family against the threats that were being made against them. I would be angry. I would do everything possible to push back against the false accusations, and that is what Judge Kavanaugh did. Along the way, he again offered his denial of any of the allegations of Dr. Ford under penalty of felony.

So the question is, How do we decide? Because we are going to be voting starting tomorrow on this nomination. Isn't it somebody's word against another's? Don't we either have to believe everything that one says or another? Do we know whom to trust, whose word to accept, when allegations are made about something that allegedly happened 35 years ago with gaps in the story, inconsistencies?

Well, I think the first thing we have to do is put these questions into the proper context, but here is the bottom line: This is not a case of he said, she said. It is a case of she said, they said. In other words, the allegations made by Dr. Ford are not confirmed or corroborated by any of the other people she said were present that day. One of those people she said was present was Leland Keyser, a female friend, one of her closest friends, who said not only does she not remember being involved in anything like this, she said she never even met Brett Kavanaugh.

This is not about believing women or believing men. That is a false choice. It is not about having to choose between a man and a woman when it comes to allegations of sexual assault. It is not about being for the #MeToo movement or against it because who, after all, could be against it—women coming forward and telling their story when they believe they have been assaulted.

No, what this is about is looking at the specific relevant evidence in this case in the proper framework. That evidence goes well beyond the impassioned and unequivocal denial by Judge Kavanaugh.

In this case, as I said, there were three eyewitnesses Dr. Ford said could confirm her story, and all of them directly refuted her story.

What is more, nothing like this ever came up in the context of six previous FBI background investigations conducted by the FBI during Judge Kavanaugh's long and very public career.

We have been told the FBI, during the course of these now seven background investigations, including the supplemental background investigation, has talked to 150 witnesses about Judge Kavanaugh. Don't you think somebody, somewhere, sometime would corroborate what Dr. Ford said if there were such a person?

We know these claims conflict with the accounts of many women who said they have known this nominee to behave honorably not only in high school and college toward them but the countless other women who have known and interacted with Judge Kavanaugh since. It just seems simply out of character for the Brett Kavanaugh we have come to know as a result of these hearings and these investigations.

Finally, the timing of these allegations seem awfully calculated and unusual, even politically motivated, and compound that with the fact that our Democratic colleagues chose not to act on the opportunity to investigate them either through the Judiciary Committee staff or the FBI when it was much more appropriate to do so.

Well, those are the facts I believe we should consider, and that is the evidence that suggested Judge Kavanaugh is telling the truth.

The counterarguments offered by our Democratic colleagues are not compelling, and I think deep down they realize it. That is why they keep changing their position, moving the goalpost, as you have heard. That is why they have finally resorted to talking about alleged ice-throwing incidents in college. Man, that is disqualifying, they say, apparently, or let's look at his high school yearbook. I would stipulate that teenage boys—well, I was one once. We are not that smart when we are teenage boys, and the dumb things that people say and do, I think, as the judge said, are cringeworthy sometimes.

Then we have seen conspiracy theories spun up involving his calendar from 1982. Now, I admit it is a little odd, I think, for anybody to have kept a daily calendar and still have it at age 53, but Judge Kavanaugh said that is what his dad did, and it was a combination calendar and diary. So it tells us some of what he was doing at the time we are concerned with.

I would suggest this whole enterprise has gotten so far afield from a search for the truth and become just a relentless, unhinged attempt to defeat the nomination, and in the process, chew up and spit out the reputation of a good man.

We know this play has been telegraphed. Our friends across the aisle made known their opposition would be equal parts merciless and relentless months ago when the minority leader said he was going to oppose Judge Kavanaugh's nomination with everything he has—everything.

Well, apparently ''everything'' includes last-minute, uncorroborated accusations made almost 40 years ago. ''Everything'' involves refusing to participate in the normal committee process, walking out of hearings, breaking the rules. It involves making loud, baiting statements designed to incite people. It includes seeing some of our colleagues get hangers sent to their offices, chasing Senators and their

spouses from restaurants or through airports, not to mention delays and obstructions at every step along the way.

Here is what I really think needs to be understood: Our colleagues across the aisle claim to be looking out for the victim. They claim to be on the side of empathy, but there is nothing empathetic about the cruelty they have shown Judge Kavanaugh, his wife, and their children. There is nothing empathetic about presuming that somebody is guilty without evidence, and there is nothing consistent about our colleagues who forget many of their standard refrains about our criminal justice system convicting too many people when the evidence is thin.

Some commentators have called this our Atticus Finch moment, recalling the famous novel ''To Kill a Mockingbird'' by Harper Lee. We all remember that Atticus Finch was a lawyer who did not believe that a mere accusation was synonymous with guilt. He represented an unpopular person who many people presumed was guilty of a heinous crime because of his race and his race alone. We could learn from Atticus Finch now, during this time when there has been such a vicious and unrelenting attack on the integrity and good name of this nominee.

What I find the most distressing is that our colleagues who have engaged in this relentless and vicious attack express no remorse over violating Dr. Ford's wishes regarding confidentiality. They make no act of contrition about thrusting her into the spotlight and using her for partisan purposes or for recommending partisan lawyers to shepherd her along and withholding information from the Judiciary Committee and the FBI for weeks on end.

I have spent much of my career in elected office fighting to make sure that victims of sexual assault and domestic violence and human trafficking are never ignored, but at the same time, I will never apologize for 1 second for believing in the constitutional presumption of innocence and due process of law—one of the bedrock principles of our justice system, and that is because those principles are grounded in basic fairness and fair play. The spirit of that principle and the concept of due process applies to Judge Kavanaugh just as much as it does to any defendant taking a stand in any courtroom across this country. He has, in fact, been accused of a crime—multiple crimes.

I believe we will remember last week's hearings for years to come, and I am sure history will ultimately judge all of us, but in the meantime, we need to act. We have had more than enough time to evaluate this nominee. The Senate must do its job, and we will not be intimidated. This is about the principles we stand up for and defend—yes, sometimes even when it is unpopular.

This vote that we will have beginning tomorrow is about upholding long-established constitutional principles and creating the right precedent, not establishing the wrong one. Can you imagine, if this orchestrated smear campaign and relentless effort to destroy this nominee is successful, what kind of precedent that would set in the future? Woe be to all of us and shame on all of us if we allow that to happen.

This vote is about validating years of public service and decades of honorable conduct. It is not about forgetting everything that a person has done, all that he is, and all that he has worked for at the drop of a hat based on unproven allegations. It is not about shifting with the turbulent political whims. It is about what is just, and not just what is popular in some circles.

The FBI has submitted its supplemental background investigation. Democrats and Republicans are in the process of being briefed on that. Having been briefed, I can tell you this: Nothing new. No witness can confirm any allegation against Judge Kavanaugh. As I said, Judge Kavanaugh has been investigated seven times now by the FBI through background investigations where they have talked to 150 witnesses.

It is time to vote. I hope my colleagues will join me in supporting Judge Kavanaugh's nomination starting with the cloture motion we will vote on tomorrow morning.

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.

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

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

Ms. DUCKWORTH. Madam President, by the time Dr. Ford was sharing her story last Thursday afternoon, I was heartbroken. Then, by the time Judge Kavanaugh was done speaking, just a few hours later, I was horrified.

Dr. Ford spent her time talking about the laughter she still hears ringing in her ears from that night—the night that an older, stronger, drunker boy forced her to learn what it was like to feel helpless. Her voice quivered, but she herself never wavered, steadfast in the truth—in the memory of those few moments that changed her life forever.

Judge Kavanaugh, meanwhile, spent his time interrupting and attacking the committee members, shouting over Senators and dressing them down—appearing belligerent and outraged that anyone would dare keep him from getting what he feels entitled to, as though he—or anyone—is entitled to a seat on the U.S. Supreme Court.

Time after time, he made brazenly political statements that should disqualify any candidate from serving as a Federal judge. Over and over again, he told what appeared to be blatant lies despite his being under oath. He seems to have lied about the meaning of his yearbook page, about when he learned of some of the recent accusations, about what he knew at age 53 and what he did at age 17.

Sadly, this was hardly even surprising. Kavanaugh has a habit of appearing to lie under oath, as we know from when he was questioned about his role in the Bush administration's torture policy back in 2006. This consistent dishonesty—this disregard, even distaste for the truth—should be unacceptable in any judicial nominee, let alone one nominated to serve on the highest Court of the land for a lifetime appointment.

Let's be clear: How Republicans went about restricting the FBI investigation this past week was questionable at best, sabotage at worst. Yet the reality is that that suspiciously limited background check was not even necessary to prove that he was unfit; it was his inappropriate public outbursts and his lack of candor that were so deeply troubling, that should be so obviously disqualifying.

This has nothing to do with his conservative beliefs. This has to do with the fact that the belligerent partisan operative who revealed himself last week is wholly unsuited for a job that demands a level-headed temperament. It is not just I who is saying that. It is a sentiment that some of Kavanaugh's own former law clerks have expressed in the wake of his hostile outbursts.

No one is entitled to a Supreme Court seat, not even someone who went to Yale College or Law School as he reminded us one, two, three, four times last Thursday. In this #MeToo moment we are living through, we need to recognize the bravery it took for these women—Dr. Ford but also Deborah Ramirez—to speak out and not deride them and shame them as some on the other side of the aisle and even the President are doing.

The other night, Trump stood in the middle of a political rally in Mississippi and told joke after joke about Dr. Ford and the worst moment of her life—mocking a survivor, making fun of her trauma, riling up thousands of people to laugh at her just as she says Brett Kavanaugh did in that bedroom that night. That makes me sick. It makes me furious. Donald Trump may sit in the Oval Office, but it is obvious he cannot live up to even the minimal standards of what we should expect of any President. He doesn't even understand or care how cruel it is to try to bully a survivor back into the shadows.

You know, I have two daughters. The younger, Maile, was just born this April. The older, Abigail, is nearly 4 years old now. Her drawings line the walls of my Senate office, and her smile is the first thing I see in the morning. Well, I just can't stop thinking about how Dr. Ford was also once that age. She too probably had her hair brushed and then braided by her mom. She too probably loved that too-big set of Crayola crayons and proudly took to her mom drawing after drawing like those my Abigail brings to me. I can't stop thinking about how that little

girl, just a decade later, found herself cornered and alone and scared—outnumbered and overpowered and terrified—in hearing that boy's laughter that she remembers all of these years later.

I am voting against Brett Kavanaugh because I believe Dr. Christine Blasey Ford, because I believe Deborah Ramirez, because we need a nominee who will not cover up, abet, and lie about torture, but also because I know the American people deserve a fair-minded Supreme Court Justice who actually cares about honesty and the truth. That is the bare minimum we should expect from a nominee to the Supreme Court, and Brett Kavanaugh can't even clear that low hurdle.

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

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

Mr. HATCH. Mr. President, nearly 3 months ago, I came to the Senate floor for the first time to support President Trump's nomination of Brett Kavanaugh to the U.S. Supreme Court. Here is what I had to say at that time:

> Judge Kavanaugh is among the most distinguished and most influential judges in the entire country. The Supreme Court has adopted the positions in his opinions no less than 11 times. He has authored multiple dissents that ultimately prevailed in the Supreme Court.
>
> He has taught courses at Harvard, Yale, and Georgetown.
>
> It bears mention, liberal and conservative justices alike have hired his former clerks, which shows the respect he has across the ideological spectrum.
>
> Truly, there is no one more qualified and more prepared to serve on the Supreme Court than Brett Kavanaugh.

A lot has transpired in the last 3 months. We have received and reviewed more documents for Judge Kavanaugh than for any other Supreme Court nominee in our Nation's history. We have had 5 days of public hearings. Judge Kavanaugh has answered more than 1,300 written questions—more questions than all previous Supreme Court nominees combined.

We have had protesters in halls and hearing rooms and elevators. We have even seen the miraculous return of Spartacus, and we have had the lowest, most vile, most dishonest attempt at character assassination I have ever seen in my whole 42 years of service in the Senate.

We may never know who leaked reports of Dr. Ford's allegations to the press. We do know it was someone in the Democratic orbit. This was followed by the most appalling smear campaign imaginable. No accusation was too heinous, no claim too farfetched.

My Democratic colleagues like to pretend that Judge Kavanaugh's understandable indignation at last week's hearing was a reaction only to Dr. Ford's allegations but, of course, that is not the case. In the days immediately preceding that hearing, Judge Kavanaugh was accused of drugging women, of sexual assault, and even of gang rape.

Judge Kavanaugh told the committee investigators it was like the twilight zone. I sure wish my Democratic colleagues would stop trying to rewrite history to excise the slew of garbage they unleashed on Judge Kavanaugh and the American people, and I hope they will start talking to their friends on the outside and start acting like Americans again and quit this kind of divisive activity.

I would like to say a word here about Dr. Ford. It is clear now that we will never know what happened 36 years ago. Dr. Ford offered a moving account of what she says happened between her and Judge Kavanaugh back when they were teenagers. Judge Kavanaugh, in turn, offered a forceful, impassioned rebuttal of her claims. Some have criticized Judge Kavanaugh for being too forceful in his response. My gosh, if that were me, I would be even more forceful than he was, to have false accusations like that, especially at this particular time in this process.

Interestingly, almost without exception, these critics had announced their opposition to Judge Kavanaugh even before Dr. Ford's allegations were leaked to the press. So let's not pretend these critics are neutral observers.

In any event, Judge Kavanaugh's indignation at what he clearly believes are false and unjust accusations was both understandable and, in my view, entirely proper.

Dr. Ford's allegations are serious. If true, they should disqualify Judge Kavanaugh from serving on the Supreme Court. But neither Dr. Ford nor her attorneys nor any member of news media has been able to provide any corroboration for her claims. To the contrary, every alleged eyewitness or partygoer she has named has either denied her allegations or failed to corroborate them. This includes her lifelong friend Leland Keyser, whom Dr. Ford says was present at the party that night. Ms. Keyser says that not only does she not remember such a gathering ever taking place but that she does not even know Judge Kavanaugh.

Questions have been raised in recent days about certain elements of Dr. Ford's testimony.

She says she first told others that Judge Kavanaugh had attacked her around the time of a house remodel to add a second front door to her home, but permit records show that the door was added 4 years prior to her first alleged mention of Judge Kavanaugh.

She testified that she had never given advice on how to take a polygraph test. A former boyfriend of hers, however, disputes that statement.

Dr. Ford has also offered inconsistent accounts of when the attack took place and how many people were present at that party.

There are other aspects of her story that are also confusing. She does not remember where or when the attack took place, but she remembers with crystal clarity how much alcohol she had consumed. This appears to be the only fact unrelated to the alleged attack that she is able to recall with certainty.

Dr. Ford also testified that after the attack, she ran out of the party. The location of the party had to be some distance from her home. She was too young to drive, so she would have had to have gotten a ride home, but she does not recall who drove her home. And given that this was long before the era of cell phones, it is unclear how she would have contacted someone to come pick her up after she ran out of the party.

Even more puzzling, her good friend, Ms. Keyser, apparently never asked Dr. Ford why she disappeared from the party.

Given that there is no corroborating evidence for Dr. Ford's claims, all we have to go on is her story. Although not dispositive, the questions and inconsistencies and puzzling aspects that I have just outlined call into question the reliability of her account. This is simply not enough to conclude that Judge Kavanaugh is guilty of the heinous act Dr. Ford alleges. It flies in the face of the life he has lived as a judge and how effective he has been as a judge on the second highest court in the land.

Against the thinness of Dr. Ford's accusations, we have an entire lifetime of good works and honorable public service by Judge Kavanaugh. We have received dozens of letters and hundreds of people attesting to Judge Kavanaugh's good character and unimpeachable credentials. His clerks, students, and former colleagues have all praised him as a man of the highest integrity. He has made the promotion and encouragement of women lawyers a focus of his time on the bench. He volunteers in his community and mentors young athletes. This is a good man. He is a very good man, and he does not deserve this kind of treatment or behavior. What Dr. Ford alleges is entirely out of character with the entire course of Judge Kavanaugh's life.

The recent sideshow stories about his drinking habits in high school—my gosh—and college over 30 years ago from people who never liked him in the first place are just a distraction. That this confirmation process has turned into a feeding frenzy about how nice Judge Kavanaugh was to his freshman roommate is an embarrassment.

That said, the Senate has taken these allegations seriously, as we should. We invited Dr. Ford and Judge Kavanaugh to testify, and they did so. Committee investigators spoke with numerous individuals who said they

had relevant information to share. The committee also took statements under penalty of felony from the alleged witnesses Dr. Ford named.

In addition, the FBI recently completed a supplemental background check of Judge Kavanaugh, and the FBI found no corroborating evidence for any of the recent allegations against Judge Kavanaugh. Let me repeat that. The FBI found no corroborating evidence for any of the recent allegations against him—not a single piece of corroborating evidence.

Now that the FBI has found no corroborating evidence, some of my Democratic colleagues shamefully have taken to calling into question the credibility of the FBI and its investigators. These attacks are irresponsible, to say the least. Indeed, contrary to what my Democratic colleagues have said, the FBI conducted a thorough, professional, and expeditious investigation. The FBI talked to the people it needed to talk to. What agents did not do is talk to someone who says he talked to someone more than 30 years ago who now doesn't remember seeing anything. They didn't investigate whether Judge Kavanaugh was, in fact, spotted near a punch bowl at a high school party, and they were right not to do so. An FBI investigation is not a wild goose chase.

Some of my Democratic colleagues are also complaining that the FBI did not interview Dr. Ford or Judge Kavanaugh during the supplemental investigation. Well, Dr. Ford testified in a public hearing for nearly 3 hours. She told the committee that she had given us all of the information she could remember. The FBI does not need to repeat questions that have already been asked and answered, particularly when a person has already said she shared everything she can remember.

Judge Kavanaugh, likewise, testified publicly at the hearing. He also spent several hours answering questions from committee investigators under penalty of felony on several different occasions. He has been thoroughly interrogated under oath in public and in private about these allegations.

Some of my Senate Judiciary Committee colleagues made the unfortunate choice last night to smear Judge Kavanaugh with yet another piece of innuendo. Eight members of the committee sent a letter in which they incorrectly implied that the six previous background checks on Judge Kavanaugh contained information concerning sexual improprieties or alcohol abuse. In so doing, they took advantage of rules that protect the confidentiality of witnesses to score cheap political points.

Although we should all be disquieted by my colleagues' unscrupulous conduct, the American people can rest assured that no such information exists. If it did, Democrats would have raised it before now. Of that, we can certainly be certain. Indeed, after weeks of nonstop mudslinging and attempted character assassination by Senate Democrats and their media allies, no one—no one—has been able to find any charge against Judge Kavanaugh that sticks. And you can believe they have tried. Boy, can you believe they have tried. This has been the worst example of the Washington smear machine that I have seen in all my 42 years of Senate service.

So we are left back where we were before this whole sordid saga began. Judge Kavanaugh is eminently qualified, unquestionably qualified, to serve on our Nation's highest Court. He is among the most distinguished, influential judges in the entire country. His opinions have received widespread acclaim and have won approval by the Supreme Court on multiple occasions—multiple occasions. The American Bar Association interviewed more than 100 fellow judges and lawyers who know Judge Kavanaugh and who have appeared before him, and they all spoke with virtual unanimity in praising his integrity, his work product, and his judicial temperament.

As somebody who tried cases in Federal court, I would have been happy to have had Judge Kavanaugh, who I know would give a fair shake to both sides. He is the kind of a judge I would have admired in every way, and I do, but I would have admired him in every way as a practicing trial lawyer who had quite significant experience.

I hold the highest rating, the ABA rating from Martindale-Hubbell, which is the rating service that rates attorneys without their knowledge by going to other top lawyers in their area. I have had that highest rating in two States—in Pennsylvania and in Utah. So I take these matters very seriously. I believe in the Federal courts. I think they do a terrific job in this country. I have nothing but admiration for them. There are very few exceptions. And I think it is just a terrible, ridiculous problem that has arisen here because people are playing politics with this judge and this judgeship.

I am sorry that Judge Kavanaugh has had to go through this ordeal. He did not deserve this. He is a good man. He spent decades building a reputation of decency and fairness. His opponents have attempted to destroy it with 3 weeks of smut and unsubstantiated allegations. It makes me sick to see this type of stuff. It certainly does when some of my colleagues buy into it, which they shouldn't. They should not.

I know Brett Kavanaugh. I know him well. He is a man of great resilience and firm conviction. He is going to be a great Justice—perhaps one of the greatest we have ever had. He will bring to the Supreme Court the integrity, honor, and intellectual rigor he has demonstrated throughout his entire career. And soon enough, he will have rebuilt his reputation. He will earn the respect of his colleagues and the American people through his writings and his decisions—of that, I have no doubt.

I will vote to confirm Judge Kavanaugh. He is unquestionably qualified. He has gone through the most thorough vetting process I have ever seen. It has been a miserable, retched process in some respects, but he has come through, and we all give him credit for that. Hundreds of thousands of documents produced. Five days of hearings. Seven FBI background checks. We know what we need to know. The American people know what they need to know.

It is time to vote. It is time to confirm this good man to the U.S. Supreme Court, and I hope this body will get to that decision-making process as soon as it can. It is time to end this charade. It is time to back this really good man. I predict he will make one of the great Justices on the U.S. Supreme Court.

I am grateful to my colleagues who have given him the benefit of the doubt and who know him and know these things are not true. I am grateful for the privilege of serving in the Senate. I sure hate to end my service with further smears to a good man like Judge Kavanaugh.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Maryland.

Mr. CARDIN. Mr. President, I have read the FBI report. I listened to the Judiciary Committee hearings, including the second hearing with Dr. Ford and Judge Kavanaugh. I reviewed Judge Kavanaugh's opinions as a judge and his public record during his tenure in the White House.

Based on his record, I cannot support his nomination for a lifetime appointment to the Supreme Court of the United States. I reached this conclusion before Dr. Ford's allegations were made based on his court opinions and White House record. That conclusion was reenforced by Judge Kavanaugh's testimony in response to Dr. Ford's powerful and compelling testimony, raising very serious issues concerning Judge Kavanaugh's conduct.

Judge Kavanaugh's response demonstrated his lack of impartiality and temperament, which is a critical qualification to serve as a judge. That view was reenforced by a letter written by over 1,000 law professors and legal scholars reaching the same conclusion I had drawn.

I was very disappointed by the process on Judge Kavanaugh's nomination that was dictated by the Republican leadership. For Senator MCCONNELL, 10 months was inadequate time for the Senate to consider President Obama's choice of Judge Merrick Garland to the Supreme Court of the United States. Yet Senator MCCONNELL had no difficulty in rushing the consideration of Judge Kavanaugh through the Senate in a fraction of that time.

The Republican leadership refused to demand a complete discovery of relevant documents concerning Judge Kavanaugh. I served on the Judiciary Committee during the consideration of

Justices Sotomayor and Kagan when the Republicans' request for complete discovery was honored and welcomed by the Democrats. Such was not the case in regard to the Republicans honoring reasonable requests for information concerning Judge Kavanaugh.

To make matters worse, the chairman of the Judiciary Committee inappropriately and unilaterally classified certain documents as confidential, preventing their public use during the confirmation process.

After Dr. Ford's allegations became public, the Republican leadership refused to allow the FBI to conduct a proper investigation before scheduling a rushed, inadequate, and incomplete hearing without any additional witnesses beyond Dr. Ford and Judge Kavanaugh. The Republican leadership refused to call before the committee eye witnesses to the allegation.

Prior to the first hearing and before I reached a conclusion on the nomination, I had requested an opportunity to meet one-on-one with Judge Kavanaugh, which is the Senate tradition on Supreme Court nominees. That request was denied by the White House.

I cannot support Judge Kavanaugh because of his judicial record, his partisan leanings, and lack of impartiality and judicial temperament.

I am concerned Judge Kavanaugh is inclined to turn back the clock on civil rights and civil liberties, voting rights, reproductive choice, equality, the Affordable Care Act, workers' rights, clean air and clean water, and protection of abuses from corporate and political power, including the President of the United States.

Our Constitution created the Supreme Court as an independent check and balance against both the executive and legislative branches of government. It should not be a rubberstamp for Presidential efforts to undermine the rule of law or independence of the Judiciary, self-pardon, or derail Special Counsel Mueller's investigation into Russia's interference in our 2016 elections.

The next Justice of the Supreme Court should not be predisposed to rich corporations at the expense of consumers or hollow out protections for Americans against abuse of power as Judge Kavanaugh's record as appellate judge reveals.

Judge Kavanaugh has advanced legal theories as part of an activist agenda to overturn longstanding precedent to diminish the power of Federal agencies to help people, and he has demonstrated an expansive view of Presidential power that includes his belief that Presidents should not be subject to civil suits or criminal actions.

Let me turn to some specific policies in Judge Kavanaugh's record that concerns me should he become Justice Kavanaugh. To point out what I just said, I look at the opinions and writings he has done.

There are concerns Judge Kavanaugh's nomination could present a conflict of interest on the ongoing investigations of the Russian interference in the 2016 Presidential elections as the Supreme Court could be asked to rule on whether Special Counsel Robert Mueller has the right to subpoena the President to testify. In his confirmation hearing, Judge Kavanaugh refused to say whether he would recuse himself from this case should it reach the Court.

I hope the Supreme Court would indeed compel President Trump to comply with any reasonable subpoena from the special counsel, citing the precedent of requiring President Richard Nixon to surrender tapes and other evidence during the Watergate investigations. The Supreme Court ultimately held that the President was not above the law. Some comments of Judge Kavanaugh suggest he believes the Nixon case was wrongly decided.

There are also concerns that a Justice Kavanaugh would defer criminal investigations and prosecutions of a President's misconduct until after President Trump leaves office. Ironically, his views on Presidential power have changed since he worked for Independent Counsel Kenneth Starr on the Whitewater investigation of President Bill Clinton. Indeed, Judge Kavanaugh wrote that a sitting President should have ''absolute discretion'' to determine whether and when to appoint or remove a special counsel.

It is clear Judge Kavanaugh holds a troubling record when it comes to Presidential power. In the case of Seven-Sky v. Holder, pertaining to our country's healthcare system, Judge Kavanaugh's opinion implied that he believes the President does not have to enforce laws if the President deems a statute to be unconstitutional, regardless of whether a court has already held it constitutional.

Judge Kavanaugh was asked in 2016 if he could overturn precedent in any one case, and he said he would ''put the final nail'' in Morrison v. Olson, which upheld the constitutionality of the independent counsel statute. It appears Judge Kavanaugh believes the President is above the law and the only remedy for Presidential misconduct in office is impeachment by Congress, as suggested in some of his writings in 2009. He wrote we ''should not burden a sitting President with civil suits, criminal investigations, or criminal prosecutions'' and that the ''country loses when the President's focus is distracted by burdens of civil litigation or criminal investigation and possible prosecution.''

No one is above the law, including the President of the United States. We know President Trump has deep disregard for the rule of law. He constantly criticizes his own Justice Department, including urging the Justice Department to prosecute or not prosecute certain individuals. He has criticized the special counsel investigation into Russia interference in our election as a ''witch hunt,'' notwithstanding the growing number of convictions and guilty pleas obtained by Mr. Mueller. He has explored whether he has the power to pardon himself, family members, and associates. The future status of Rod Rosenstein, the Deputy Attorney General who supervises the special counsel investigation, is in jeopardy as President Trump has made it known he would like Mr. Rosenstein to go.

We need a Supreme Court Justice who can stand up to the President, stand up for the rule of law, and stand up for the independence of the Judiciary. Based on his track record, I am not convinced a Justice Kavanaugh would do that.

While serving on the Court of Appeals for the DC Circuit, Judge Kavanaugh considered the constitutionality of the Affordable Care Act of 2011. The Court upheld the constitutionality of the Affordable Care Act by a 3-to-0 vote, and Judge Kavanaugh wrote a concurring opinion. His concurring opinion has been described as the roadmap challenging the constitutionality of the Affordable Care Act.

In his opinion, Judge Kavanaugh argued it was premature to hear the case before the individual mandate had taken effect. Judge Kavanaugh laid out the legal justifications for President Trump not enforcing the individual mandate and for a judicial challenge to the constitutionality for the Affordable Care Act.

A Justice Kavanaugh would raise significant concerns as to how he would rule on the protections of the Affordable Care Act against insurance companies discriminating on preexisting conditions, which could affect millions of Americans.

In June of this year, President Trump's Department of Justice broke with longstanding Department precedent and cited it would no longer defend the Affordable Care Act. In a brief filed by the Trump administration in Texas v. United States, the administration joined with 20 Republican-led States to argue that the Affordable Care Act protections for people with preexisting conditions should be invalidated. In their court filing, the administration argued that when the Republican tax bill eliminated the individual mandate, the taxless individual mandate became unconstitutional and therefore the law's protections for those with preexisting conditions, including guaranteed issue and community rating, should be unenforceable.

In 2017, Health and Human Services released a report stating that as many as 133 million nonelderly Americans have a preexisting condition. Every one of them would be at risk if this protection is held to be invalid by the Supreme Court. The Maryland Health Benefit Exchange estimates that in Maryland, there are approximately 2.5 million nonelderly Marylanders with preexisting conditions, including 320,000 children all at risk.

In addition to Texas v. United States, there are dozens of healthcare cases

pending in the lower courts which are likely to be appealed to the Supreme Court in the upcoming terms. The outcomes of these cases of the Supreme Court will directly impact access to healthcare for millions of American families, including the most vulnerable in our society.

In each of these cases, there is a question about whether the Affordable Care Act creates rights that individuals can enforce in courts. These cases deal with critical issues, such as the scope of healthcare coverage for nursing mothers, false advertising by health insurance companies, and whether employers are required to provide healthcare coverage to their employees.

Given Judge Kavanaugh's stated hostility to the Affordable Care Act, I fear that a Justice Kavanaugh would further restrict access to healthcare for many Americans, particularly in regard to women's healthcare, including birth control.

In Planned Parenthood v. Casey, the Supreme Court firmly established that the constitutional right to privacy protects women ''from unduly burdensome interference with her freedom to decide whether to terminate her pregnancy.'' This standard, known as the ''undue burden'' standard, prohibits government action that ''has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion on a nonviable fetus.''

Judge Kavanaugh wrote in the dissent in Garza v. Hargan in 2017, supporting the Trump administration's ongoing efforts to prohibit a pregnant immigrant teenager in government custody from exercising her constitutional right to make her own healthcare decisions. Judge Kavanaugh pays lip service to the undue burden standard articulated in Casey. He shuns longstanding precedent and chooses instead to impose his own moral standards on Jane Doe.

In a heated dissent in Priests for Life v. HHS, Judge Kavanaugh argued that the Affordable Care Act's existing accommodations for religious employers that wanted an exception from the contraception coverage policy still placed a substantial burden on the employers' beliefs. Multiple cases referring women's access to birth control are working their way through the courts. A Justice Kavanaugh could become a decisive vote on the Supreme Court limiting access to reproductive care.

Maryland is home to many rivers which are part of the vast Chesapeake Bay watershed. The land and waterways that supply our drinking water, support our native ecosystems, and contribute to our tourism and local economies are all at stake.

Whether allowing more toxins in our air or more nuclear waste in our backyards, Judge Kavanaugh has prioritized corporate America over the health of American citizens and our environment.

Justice Kennedy understood the values of Americans when weighing the costs and benefits of environmental protection. Judge Kavanaugh has not shown such concern for balancing values and interests.

The Clean Air Act, which dramatically reduced these toxins after its passage in 1970, has prevented over 400,000 premature deaths, 1 million bronchitis cases, 2 million asthma attacks, and over 40 million children's respiratory illnesses. Judge Kavanaugh heard several major cases about the EPA's authority under the Clean Air Act. In each of these cases, he opposed the Agency's position. These protections should be strengthened, not eroded.

As a lifelong Marylander and as a senior member of the Environment and Public Works Committee, I have prioritized the protection of the Chesapeake Bay; thus, I have worked to defend the EPA's clean water rule, which has come under attack by Republican legislators and opponents in this administration. There are 67 percent of Marylanders who get their drinking water from sources that rely on small streams that are protected under the Clean Water Act.

Partisan and shortsighted threats put our environment, economy, and public health in danger. If these attacks prove successful, protecting our citizens from the danger of water pollution will become far more difficult.

So we are left with even more uncertainty with Judge Kavanaugh's nomination. Would he support the clean water rule, which would protect the drinking water sources of 100 million Americans by making sure they are regulated under the Clean Water Act? We can all agree that few responsibilities of our government are more fundamental than clean, safe water, but I am not certain that Judge Kavanaugh would defend this duty on the Supreme Court.

As a member of the DC Circuit Court, Judge Kavanaugh has ruled in a number of high-profile cases to limit the EPA's protection on issues like climate change and air pollution and against Maryland's interests as a coastal, downwind State. He has consistently voted against environmental regulations and often in favor of corporate interests. Judge Kavanaugh's environmental jurisprudence is rife with double standards, as he has frequently attempted to insert cost considerations into environmental regulations where none exist in statute.

Furthermore, he places a very low burden of proof on businesses claiming injury from regulation, while at the same time asserting a much higher standard of proof for citizens arguing that pollution is sufficiently harmful to warrant regulation. The following cases involving Judge Kavanaugh document his support of powerful interests over public interests in the areas of public health and the environment.

In EME Homer City Generation, LP v. EPA, Judge Kavanaugh wrote an opinion overturning an EPA rule designed to lower smog-forming sulfur dioxide emissions by 73 percent and nitrogen oxide emissions by 54 percent. The Supreme Court later ruled in favor of the EPA and overruled Judge Kavanaugh's opinion. Nitrogen oxides account for two-thirds of the airborne nitrogen that ends up in the Chesapeake Bay.

In the case of the Coalition for Responsible Regulation v. EPA, Judge Kavanaugh dissented from a decision not to rehear a case which had found that the EPA had the ability to regulate emissions in order to slow climate change.

In the case of White Stallion Energy Center v. EPA, in a dissent, Judge Kavanaugh insisted that the EPA must take costs to business into account when judging regulation, attempting to argue that instead of determining what is best for public health, the EPA should determine what is the least costly to business.

In Clean Air Council v. Pruitt, Judge Kavanaugh dissented to a DC Circuit determination that the EPA was unreasonably delaying the implementation of a 2016 rule that curbed fossil fuel emissions of methane, smog-forming volatile organic compounds, and toxic air pollutants.

In Mexichem Fluor, Inc. v. EPA, Judge Kavanaugh sided with producers of hydrofluorocarbons, saying the EPA had no authority to regulate them.

In Mingo Logan Coal Co. v. EPA, Judge Kavanaugh dissented again and argued that the EPA must weigh the cost to business of revoking Clean Water Act permits.

In each of these cases, Judge Kavanaugh sided with corporate interests over public health. There is a clear record here.

My concerns about Judge Kavanaugh also include his lack of sensitivity to the protections of civil rights.

In the case of South Carolina v. Holder, Judge Kavanaugh ruled that South Carolina's voter ID law was not discriminatory and did not violate the Voting Rights Act. South Carolina residents are required to use driver's licenses, passports, military IDs, or voter registration cards to vote. Judge Kavanaugh disregards section 5 of the Voting Rights Act and impedes on the voting rights of minorities who are impacted by South Carolina's voting laws. We all know how difficult it is in minority communities when you have these ID laws. We know how difficult it is for older people to get to places to get their identification. This sends a dangerous signal about Judge Kavanaugh's views on voting rights and racial justice in America.

Judge Kavanaugh's ideological bias can also be seen in his rulings in employment discrimination cases, in which he has dissented and voted to dismiss claims that a majority of his DC Circuit colleagues have found to be meritorious.

In Howard v. Office of the Chief Administrative Officer of the U.S. House of Representatives, Judge Kavanaugh

dissented from a majority decision which held that under the Congressional Accountability Act, an African-American woman fired from her position as House of Representatives deputy budget director could pursue her claim of racial discrimination and retaliation in Federal court, giving her a right of action.

Judge Kavanaugh dissented from that. He argued that the speech and debate clause of the Constitution prohibited the employee from moving forward with her claims, and he would have dismissed the case. His interpretation of this constitutional provision would bar workers in congressional offices and throughout the legislative branch from pursuing most of their discrimination claims in Federal court, including many sexual harassment, discrimination, and retaliation claims, only leaving available an inadequate and secret remedy.

In Miller v. Clinton, the majority held that the State Department violated the Age Discrimination in Employment Act when it imposed a mandatory retirement age and fired an employee when he turned 65. The State Department argued that it was exempt from the statute in light of a separate Federal law that permits U.S. citizens who are employed abroad to be excepted from U.S. anti-discrimination laws.

The majority disagreed and held that there was nothing in the Basic Authorities Act that abrogates the broad proscription against personnel actions that discriminate on the basis of age and that the necessary consequences of the Department's position is that it is also free from any statutory bar against terminating an employee like Miller solely on account of his disability or race or religion or sex. Judge Kavanaugh dissented, arguing that the Basic Authorities Act overrides existing anti-discrimination laws. His willingness to embrace such a broad exemption from anti-discrimination laws is troubling.

Once again, we see a pattern in Judge Kavanaugh's rulings, favoring the powerful over individual rights.

In Rattigan v. Holder, Judge Kavanaugh dissented from a majority decision which ruled that an African-American FBI agent could pursue a case of improper retaliation for filing a discrimination claim, where the agency started a security investigation against him, as long as he did so without questioning unreviewable decisions by the FBI's Security Division. He stated that the entire claim must be dismissed despite the majority's warning that this was not required by precedent and that the courts should preserve ''to the maximum extent possible Title VII's important protections against workplace discrimination and retaliation.'' Judge Kavanaugh was in the minority on that opinion.

Judge Kavanaugh's dissents in these cases embrace positions that carve out Federal employees from the protections of Federal employment discrimination laws or limit their ability to enforce such rights.

Judge Kavanaugh has a pattern of ruling against workers and employees in other types of workplace cases as well, such as workplace safety, worker privacy, and union disputes. Let me cite a few examples.

In SeaWorld of Florida, LLC v. Perez, Judge Kavanaugh once again dissented from a majority opinion upholding a safety citation against SeaWorld following the death of a trainer who was working with a killer whale that had killed three trainers previously. While the majority deferred to the Occupational Safety and Health Review Commission's finding that SeaWorld had insufficiently limited the trainers' physical contact with the whales, Judge Kavanaugh strongly disagreed and questioned the role of government in determining the appropriate levels of risk for workers.

In National Labor Relations Board v. CNN America, Inc., Judge Kavanaugh dissented in part from Chief Judge Garland's majority opinion upholding a National Labor Relations Board's order that CNN recognize and bargain with a worker's union and finding that CNN violated the National Labor Relations Act by discriminating against union members in hiring. Judge Kavanaugh dissented from the finding that CNN was a successor employer, and his position would have completely absolved CNN of any liability for failing to abide by the collective bargaining agreement.

In National Federation of Federal Employees v. Vilsack, Judge Kavanaugh dissented from the DC Circuit majority's ruling that invalidated a random drug testing program for U.S. Forest Service employees at Job Corps Civilian Conservation Centers. The majority, which included another Republican-appointed judge, observed that there was no evidence of any difficulty maintaining a zero-tolerance drug policy during the 14 years before the random drug testing policy was adopted and that the primary administrator of the Job Corps, the Department of Labor, had no such policy. That didn't affect Judge Kavanaugh—he dissented and would have restricted employees' privacy rights.

In American Federation of Government Employees, AFL–CIO v. Gates, Judge Kavanaugh authored the majority opinion that reversed the lower court's partial blocking of Department of Defense regulations, which had found that many of the Pentagon's regulations would ''entirely eviscerate collective bargaining.'' Judge Kavanaugh disagreed. Judge Tatel dissented in part, noting that Judge Kavanaugh's majority opinion would allow the Secretary of Defense to ''abolish collective bargaining altogether—a position with which even the Secretary disagrees.''

In Heller v. District of Columbia, after the Supreme Court decided 5 to 4 in the 2008 case of District of Columbia v. Heller that the Second Amendment protects an individual's right to bear arms, Washington, DC, passed laws that prohibited assault weapons and high-capacity magazines and that required certain firearms to be registered. We know the Heller decision, and we know the importance of the Heller decision's extending individual rights under the Second Amendment. Yet, after the District passed a law involving assault weapons and high-capacity magazines, the same plaintiff, Richard Heller, argued that the new gun laws violated the Second Amendment.

In the 2011 case of Heller v. District of Columbia, a panel of three Republican-appointed judges ruled 2 to 1 that DC's ban on assault weapons and high-capacity magazines was constitutional. It happened to be three Republican-appointed judges. The ruling was 2 to 1. You guessed it—Judge Kavanaugh was the dissenter and would have held that the ban on assault weapons was unconstitutional. He wrote in that opinion that there was no difference between handguns and assault weapons in that regard. I find that very troubling if he does not see the difference between a handgun and an assault weapon.

A Justice Kavanaugh would worsen the problems caused by the Supreme Court's decision in Citizens United, which gave corporate speech First Amendment protection, increasing the flow of money into our elections. His record indicates he would continue opening the floodgates of dark and secret money into our political system. We have enough money already in the system, and we don't need more. A Justice Kavanaugh, to me, would mean an open season on more special interest money getting into our election system.

In the case of EMILY's List v. Federal Election Commission, Judge Kavanaugh wrote the opinion for a conservative three-judge panel that struck down FEC rules that were developed to address the influx of spending by outside groups and paved the way for the creation of super PACs.

Judge Kavanaugh has been critical of the Chevron deference. Under Chevron, which is named for a 1984 Supreme Court opinion, courts defer to reasonable agency interpretations when Congress has been silent or ambiguous on an issue.

In a 2017 speech at Notre Dame that honored Justice Scalia, Judge Kavanaugh said: ''The Chevron doctrine encourages agency aggressiveness on a large scale. Under the guise of ambiguity, agencies can stretch the meaning of statutes enacted by Congress to accommodate their preferred policy outcomes. I saw this firsthand when I worked in the White House, and I see it now as a judge.''

Judge Kavanaugh's proposed solutions to Chevron is to simply determine the best reading of the statutes, and courts would no longer defer to

agencies' interpretations of statutes. Such an interpretation would put environmental, public health, and consumer protection interests at great risk.

Judge Kavanaugh would have struck down the Consumer Financial Protection Bureau as unconstitutional when he wrote the majority opinion in a panel decision. An en banc panel of the DC Circuit ultimately vacated that and remanded Judge Kavanaugh's decision, upholding the constitutionality of the Dodd-Frank reforms, including the Consumer Financial Protection Bureau.

That is what is at risk with a Justice Kavanaugh—that type of decision-making that hinders consumer protection, public health, and environmental issues.

The purpose of the Chevron doctrine is to allow government agencies to carry out congressional intent, as our agencies are carrying out and interpreting increasingly complex statutes. Judicial review of such interpretations is governed by a two-step framework that was included in the Chevron case.

The Chevron framework of review usually applies if Congress has given an agency the general authority to make rules with the force of law. If Chevron applies, a court asks at step one whether Congress directly addressed the precise issue before the court, using traditional tools of statutory construction. If the statute is clear on its face, the court must effectuate congressional intent. However, if the court concludes instead that the statute is silent or ambiguous with respect to the specific issue, the court proceeds to Chevron's step two.

At step two, courts defer to the agency's reasonable interpretation of the statute. This is just common sense. Even the late conservative Justice Antonin Scalia defended the Chevron doctrine as an important rule-of-law principle.

As the Leadership Conference on Civil and Human Rights has stated, Federal agencies issue regulations addressing a wide array of civil and human rights issues, including environmental protection, immigration policy, healthcare protection, education laws, workplace safety, and consumer protections. A Justice Kavanaugh will put all of these protections at risk.

Judge Kavanaugh's performance at his hearing and his answers to questions for the record did not provide me any additional comfort about his nomination. Indeed, Judge Kavanaugh's testimony, judicial record, and legal career reveal a disturbing pattern.

I believe he would be a Justice with an activist, conservative agenda who could disregard precedent to reach a desired outcome. A Justice Kavanaugh could serve as a rubberstamp for the worst successes of the Trump administration.

Judge Kavanaugh had several opportunities to stand up for the independence of the judiciary and the rule of law. He has refused to condemn President Trump's attack on Justice Ginsburg or Judge Curiel due to his Mexican heritage. I recall by contrast, when we had Judge Gorsuch before us with his confirmation hearings, he said that ''when anyone criticizes the honesty or integrity, the motives of a Federal judge, well, I find that disheartening, I find that demoralizing, because I know the truth.'' Judge Kavanaugh wouldn't even go that far.

Judge Kavanaugh refused to comment on President Trump's repeated attempts to politicize criminal prosecutions at the Department of Justice.

His testimony following Dr. Ford's testimony is particularly troubling. His tirade against members of the Judiciary Committee, his partisan attacks, and his conspiracy theories reveal real concerns to me about his impartiality and judicial temperament and whether he would be a partisan on the Court. The American people want an independent voice on the Supreme Court to protect their individual rights against those in power, be it the President or powerful corporate interests.

Under our Constitution, the courts must act as an independent branch of government and as a check and balance against the abuse of power. The Supreme Court is the guardian of America's constitutional rights against the powerful. After reviewing Judge Kavanaugh's record, I believe he is not the right choice to safeguard these fundamental principles. I will vote no on his confirmation to the Supreme Court.

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. LEAHY. 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. LEAHY. Mr. President, it is extraordinary where we find ourselves today. We are on the verge of a cloture vote and possibly a confirmation vote for Judge Kavanaugh to join the Supreme Court. At the same time, we have credible allegations of sexual assault against a nominee, and they are not just lingering; they are developing.

The FBI investigation that we hoped would be full and fair has turned out to be neither after the Trump White House and Senate Republicans appear to have successfully imposed so many restrictions as to render it almost meaningless.

I am afraid that from the very beginning of this nomination, the vetting of Judge Kavanaugh has never been a genuine effort to discover the truth. Instead, at every turn, it has been a transparent and partisan attempt to keep the American people in the dark about the vulnerabilities of a controversial nominee who, if he is confirmed, is going to shape our lives for a generation.

From start to finish, at every step, this has been a unilateral effort by the Trump White House and Senate Republicans to protect their nominee instead of protecting the American people or—I might say—to protect the Supreme Court. They have been driven by the impulse to rush and to conceal.

I want to commend my friends Senator JEFF FLAKE and Senator CHRIS COONS for working together in good faith to demand more from this process. An investigation into the serious allegations of sexual misconduct by Judge Kavanaugh is the first step, but it should have happened weeks ago.

Until now, such investigations have been routine any time new, derogatory information surfaces about a nominee. Unfortunately, the investigation completed over the last few days falls short of any reasonable standard. I think it fell short by design.

We have already heard about many of its deficiencies from Dr. Ford, Ms. Ramirez, and numerous other witness who attempted unsuccessfully—attempted unsuccessfully—to share relevant information with the FBI.

The Senate Republican leadership and the Trump White House did everything in their power to assure that this investigation was not a search for truth but rather a search for cover.

A search for truth would have allowed the FBI to interview Dr. Ford's husband and her therapist, both of whom have stated that Dr. Ford mentioned Kavanaugh as her assaulter years ago.

A search for the truth would have allowed the FBI to interview numerous high school and college classmates who have come forward saying they could provide information about Judge Kavanaugh's conduct during those years that was consistent with the allegations and which contradict Judge Kavanaugh's sworn testimony.

A search for the truth would have allowed the FBI to interview a man who wrote a sworn statement asserting that he could help corroborate Ms. Ramirez's allegations or two women who contacted authorities with evidence that Judge Kavanaugh tried to head off Ms. Ramirez's story before it became public. That was an apparent contradiction—a total contradiction—with his testimony before the Judiciary Committee. In fact, a search for the truth would have allowed the FBI to at least speak with Julia Swetnick, a third accuser. A search for the truth would have allowed the FBI to speak with Mark Judge's ex-girlfriend, who recalled that Mr. Judge told her ''ashamedly'' about a sexual incident that eerily mirrors both Dr. Ford's and Ms. Swetnick's allegations.

There is no mistake here: This investigation was rigged by the White House and Senate Republicans.

Instead of calling on the FBI to take these basic investigatory steps, inexplicably, the Republican-controlled Judiciary Committee has solely tried to discredit these women. The committee released a statement from a former acquaintance of Ms. Swetnick's.

This individual had no knowledge of the alleged incident but instead salaciously described the alleged sexual interests of Ms. Swetnick's. According to the National Task Force to End Sexual and Domestic Violence—one of the most nonpartisan and respected voices on Capitol Hill—this shameless attempt to smear a victim violates the intent of the rape shield law. And to add to it, Ms. Swetnick was never even interviewed by the FBI. She was ignored. She was silenced. Then she was shamed. It is outrageous, the way she was treated.

Republicans have also claimed that the other individuals Dr. Ford identified at the gathering where she was assaulted have ''refuted'' her testimony. Well, that is just false. These individuals stated publicly that they do not recall the event. As Dr. Ford told the Judiciary Committee, that is not surprising, as ''it was a very unremarkable party . . . because nothing remarkable happened to them that evening.'' Yet one of these individuals has said publicly that she believes Dr. Ford.

After reviewing the FBI's report this morning, within minutes, Republican Senators claimed there is a lack of corroborating evidence for any of these allegations. Despite the numerous restrictions they placed on this investigation, that claim is simply not true. But a predicate fact for developing thorough corroborating evidence is a thorough investigation. That is basic. And this investigation false far short. It is a disservice to Dr. Ford, Ms. Ramirez, and Ms. Swetnick. I would go further to say that it is a disservice to survivors anywhere in this country.

Dr. Ford's credible and compelling testimony captivated the Nation and inspired survivors of sexual violence across the country. In a moment that I will never forget, when I asked her for her strongest memory, something from the incident she couldn't forget, she replied: ''Indelible in the hippocampus is the laughter, the uproarious laughter between the two'' as a teenage Brett Kavanaugh drunkenly pinned Dr. Ford down to the bed and attempted to sexually assault her. I believe what she said.

The reason that a thorough, independent investigation is so critical is not because we need additional proof that Judge Kavanaugh was not telling the truth about his high school drinking or the obvious misogyny in his yearbook or whether he is ''Bart O'Kavanaugh'' who passed out from drunkenness. All of us here know he wasn't telling the truth in his testimony about that. The reason we needed a thorough investigation is that these women have offered credible accusations, and they have identified potential corroborating witnesses and evidence, and the Senate needs to know all of the facts before it can place the accused on the Nation's highest Court for a lifetime appointment.

A thorough investigation is essential for another reason: We simply cannot take Judge Kavanaugh at his word. On issues big and small, anytime Judge Kavanaugh has been faced with questions that would place him in the middle of controversy, he has shown he cannot be trusted to tell the truth. Every single time he has testified before the Senate over the years, he has misled and dissembled. He misled the Senate about his role in a hacking scandal, in confirming controversial judicial nominees, and in shaping the legal justifications for some of the Bush administration's most extreme and now discredited policies.

His appearance before us last week was no different. He gave testimony that veered into a tirade. He angrily dismissed Dr. Ford's testimony as part of a smear campaign to ruin his name and sink his nomination. His conspiratorial ramblings—attributing the allegations to ''revenge on behalf of the Clintons''—were an insult to Dr. Ford, and they are an insult to survivors of sexual violence across the country. He evaded—as he always has when under oath—basic factual questions, choosing instead to show his disdain for members of the committee who had the audacity to ask him about his behavior during the time of the allegations.

In my 44 years in the Senate, I have voted for more Republican-appointed judges than almost all serving Republican Senators. That includes voting for Chief Justice Roberts. But I have never seen such a partisan performance by a nominee of either party to the Supreme Court or any other court. I have never seen a nominee so casually willing to evade and deny the truth in the service of his own raw ambition.

If truth under oath means anything at all, Judge Kavanaugh has disqualified himself over and over and over again. He has neither the veracity nor the temperament for a lifetime appointment to the highest Court in our Nation. The truth has an odd way of coming out, one way or another. To avoid risking permanent damage to the integrity and legitimacy of our Nation's highest Court, I urge Senators to join me in voting no on Judge Kavanaugh's nomination.

Mr. President, I do not see anyone else seeking the floor, so I will suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. 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. COONS. Mr. President, it was a week ago today that Members of the Senate Judiciary Committee, on which I serve, were riveted by the compelling and powerful testimony of Dr. Christine Blasey Ford. It was a week ago today that Judge Brett Kavanaugh delivered his forceful rejoinder and rebuttal.

Today I want to take a moment and share with Members of this Chamber and folks who may be watching something else that was happening during this entire hearing that I did not expect. It was powerful and unique and special in my experience as a public servant, and I have heard, as I have listened to other Senators of both parties who were present and with whom I talked to afterward, it was their experience as well:

This conversation is bigger. It is bigger, it is pressing, and, I would say, it is more important than the question of one Supreme Court seat and one current nominee. It is a question that we, as a country at the highest levels of power, believe victims and survivors of sexual assault and are willing to listen to them, to believe them, and to take action.

So what was it that happened last Thursday? As I tried to pay attention to the remarkable testimony of Dr. Ford, my phone was blowing up. I got texts, I got instant messages, I got phone calls, I got emails, I got Facebook posts—I got messages in more ways that you can connect with me than I knew was possible. These were stories—powerful stories—stories that friends of mine, people I have known for years or decades, people I barely know or people I hope to get to meet. They were sharing with me stories of assault. They were told by classmates, neighbors, friends, constituents, people who had carried these burdens alone for years.

These stories are difficult to hear, but it is important that they be heard. It is important to understanding why survivors stay silent, and it is important to understanding why we, as a body and a nation, must get this moment right. They are important to understanding why the President and others are wrong when they say that if a victim's allegations are true, she would have filed a report or come forward decades ago.

In response to the question, why didn't Dr. Christine Blasey Ford come forward earlier, I have just this experience to share. The texts and emails, the conversations in person and over the phone, with friends I have known for so long and friends I have just met, make it powerfully clear to me that the many ways in which assault and violation happens in our country between people have as many different reasons why they hide them, carry them, and keep them in darkness and quiet and in shame, and each one of those stories reminds me even more powerfully the reasons we must—we must—demonstrate that they are heard.

One friend from Delaware, a cancer survivor—someone I have spoken about on this floor before because of her survival of a nearly life-ending cancer—confided in me she was terrorized and raped as a small child. Living with the effects of that experience, she said, has been way harder than cancer. She said to me early childhood trauma can be murky and difficult to describe and

doesn't lend itself easily to a courtroom narrative understanding. She is right.

A male friend, someone I know from high school, shared with me an experience he had during a spring break trip. He shared how, on a biology field trip to Mexico, when he sought help from a trip organizer after snorkeling fins blistered his ankles, after administering first aid in the hotel room, he was assaulted. His comment was he was too shocked to call for help and did not tell anyone for over three decades.

He is right. She is right. They are not alone.

Today I want to share a few more stories shared over the last weeks by brave men and women who are shining a light on the challenges, the fear, the shame, and the anger surrounding sexual assault. This is under the hashtag ''Why I Didn't Report.'' I think it helps lend some understanding to the dynamics of surviving assault.

Under the hashtag ''Why I Didn't Report'': ''I had known him for years,'' one victim said.

Why I didn't report:

Because he was ''sorry.'' Because I was drunk. Because I was young and ashamed and felt like I had somehow asked for it even though I had said NO and STOP. . . . Because even typing this still makes me feel it all again.

Another, in response to this hashtag, said:

Because my counselor said they won't believe you because you're not a pretty girl.

Another said:

I blamed myself. I was humiliated and hurt. I thought they were my friends. I felt safe until I wasn't and then it was too late. I wanted to wash it away and never think about it again.

Another said:

Because I feel ashamed of what happened and didn't want to publicly ruin someone's life, even though they privately ruined mine.

Because:

He was my boyfriend and I was sleeping. He told me he had been accused of this before and it wasn't rape because we were dating.

Another victim posted:

My mom did report my 18 year old cousin when I was 9. I had to testify sitting across a table from him. I froze and cried, couldn't speak. All charges were dropped.

Earlier this week, at a townhall at the Delaware City Fire Company, someone I have known for decades got out of her car, came up to me, gave me a huge hug, and, weeping, said: I never told my husband, I never told my son, and today I have. In her voice, there was both heavy emotion and an enormous sense of relief—and, I have to say, for me, a sense of great pain that I was wishing I could do nothing except sit and listen, to honor her story, to provide some sense of comfort and support and recognition. Yet I had to move on to the townhall after a few moments.

At a dinner here in Washington just last night, someone shared with me an amazing story of her daughter's suffering. To hear a story of that power and pain in the midst of a social setting is both wonderful, in that they are trusting with a story they have held on to for so long, and terrible, in that it is a reminder of the ways in which we speak to each other of surviving assault in hushed tones and in dark corners and on the internet and anonymously.

Whatever comes out of this week, whatever comes out of the proceedings of this floor today, tomorrow, and this weekend, we must listen and recognize that hundreds of thousands of American women and men have been victims, are victims, and will be victims, of sexual assault—and, according to our Department of Justice, at least two-thirds have never reported it.

There is an ocean of pain in this Nation not yet fully heard, not yet appropriately resolved, not yet fully addressed. Everyone—everyone—everyone within earshot of my voice—the women and men in this Chamber, staff, journalists, colleagues, friends, members of the public, those who think Brett Kavanaugh should be a Supreme Court Justice and those who do not, those who have either themselves been victimized by assault or know someone, a loved one, a family member, a neighbor, a classmate, a fellow parishioner, a colleague, or a friend—we all—all—have an opportunity here, a moment, to make it clear that we welcome and will respect and listen to and act on stories that have been and will be shared with us and that we will act.

If I could make one request, it would be that we come out on the other side of these last few weeks with an awareness of those who are in silent, deep, and lonely pain—often right next to us, all around us, in our families, in our churches, in our workplaces, and in our communities—and that we give them the listening, the understanding, and the embrace to help them heal.

You know, in today's hyperpartisan environment, where we are quick to question motives of others and search for any excuse to discredit, devalue, and doubt, I also wanted to add one small but I think important point: Every victim who has spoken to me in the past week was not looking for anything. They were not looking for a settlement. They were not looking for some lawsuit. They were simply looking for acknowledgement. They were looking to share something they have carried too long alone. They just wanted to be heard.

Our country is watching. This is a moment where the Senate as an institution and the country as a whole need to show we can and will do better. I hope we will listen—that we will listen as we continue to move forward important legislation: the Violence Against Women Act, which my predecessor, then-Senator Biden, helped champion in a bipartisan way over several Congresses; the Victims of Child Abuse Act, which even now I am working with a bipartisan team to try to get through this Chamber to be reauthorized. There are many more things we can and should do to work to combat sexual abuse and sexual assault and to help prevent and heal.

What I most want to say today, to my friends and acquaintances, to my constituents and my community, to my Nation and the world that may well be watching this moment in the United States, to those whose stories I have just shared and whose stories I have just heard, I simply want to say this: You have touched my heart deeply. I hear you, and I thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MURPHY. 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. MURPHY. Mr. President, this is the first time I have come to the floor to speak on the nomination of Brett Kavanaugh since the events of the last several weeks. I want to say this at the outset in the most dispassionate way I can: I have come to the conclusion Brett Kavanaugh is perhaps the most dangerous nominee for the Supreme Court in my lifetime, and I am going to vote no tomorrow when the cloture vote comes before this Senate.

Let me be clear. I had decided to vote no before his confirmation hearing, before the allegations of sexual assault were levied against him, before his second confirmation hearing, before the FBI refreshed its background check investigation. That doesn't mean I wasn't willing to do my due diligence; it is simply that his judicial record, which I became familiar with as he was becoming known as one of the finalists for this selection, was enough for me to decide he wouldn't rule fairly on the questions before the Court that affect the millions of people I represent in Connecticut.

Every year, I take a walk across my State. It takes about 5 days. It is about 120 miles, give or take. It is a chance for me to conduct a weeklong running focus group where I get to talk to hundreds of voters who aren't plugged into politics on a daily basis. The people I meet at gas stations and auto body shops and folks who are out walking their dog in the morning are part of the 98 percent of Americans who don't watch Sean Hannity or Anderson Cooper or Rachel Maddow. Yet they have strong opinions about what is happening in this country just like everybody else, and I am glad they share them with me.

For the last 2 years, since President Trump took office, the No. 1 topic people talk to me about during the walk is healthcare. People in Connecticut are scared about what they see as a coordinated effort that is underway in Washington to take away their insurance coverage and the protections for people

in my State who have preexisting conditions.

Folks in Connecticut don't think the Affordable Care Act is perfect. They want us to work on making it better, but they don't want us to end it without a plan for what is going to come next. They were glad when the repeal plan was defeated last year. Now they are worried that President Trump is trying to use the courts to get done what he couldn't get done in the people's branch of government, the legislative branch.

Brett Kavanaugh was vetted by two conservative political groups whose chief legislative priority is repealing the Affordable Care Act come hell or high water. The head of one of those groups said on television it really didn't matter to him which of the names on the list Trump picked because they all shared their group's priorities. Trump himself told the American public he would never pick a judge like John Roberts, who voted to uphold the major parts of the Affordable Care Act.

Kavanaugh, in his judicial writing, has been hostile to the Affordable Care Act. Frankly, I will take the President's word for it. He picked Brett Kavanaugh to help him unwind judicially a law he couldn't unwind legislatively, and that will have huge consequences on folks in my State who need insurance coverage for things like cancer, addiction, or mental illness.

While Kavanaugh hasn't said a lot specifically on the ACA, his views on choice are pretty well known. As a lawyer in the Bush White House, Kavanaugh went out of his way to note that Roe v. Wade isn't settled law, that it would take just five Supreme Court Justices to get rid of it.

As a circuit court judge, he denied access to an abortion for a young immigrant girl, even though she met the legal criteria to receive the procedure. He uses rhetoric and terminology that is right out of the anti-choice dictionary when talking about reproductive healthcare. He talks about abortion on demand. He called birth control an abortion-inducing drug.

Kavanaugh, no doubt about it, is going to vote to overturn Roe v. Wade. Any Senators who have convinced themselves otherwise are living in a fantasy world.

The people I represent in Connecticut don't want the Supreme Court of the United States telling them what they can and cannot do with their bodies. The judicial doctrine of privacy comes from a Connecticut case, Griswold v. Connecticut, brought by a pioneering civil rights lawyer in New Haven. In my State, we prefer judges to stay out of our private business.

Finally, when I am walking across the State of Connecticut, I am talking an awful lot about the issue of gun violence. It is not just the murder of 20 little first graders in Sandy Hook that still hangs heavy over Connecticut; it is the murders in Hartford, New Haven, Bridgeport, and the suicides all over our State continue unabated.

Listen, it is not as though everybody I meet when I am walking across the State agrees with me on what we should do. When I walk east to west, I spend half of my time in Eastern Connecticut—a part of the State where people still love their guns, and I get into lots of spirited arguments about assault weapons and gun permits. What there is relative agreement on is that it is our choice on how we should regulate guns.

Here is where Judge Kavanaugh's views get outside of the mainstream. His testimony before the Judiciary Committee suggests that he is a Second Amendment radical, believing almost all restrictions on gun ownership are likely unconstitutional. Here is a for instance: He stated in his testimony, as long as a weapon is in regular commercial use, it can never ever be banned. That is a recipe for disaster because all you need then is a very short period of legalization of automatic weapons, followed by a few years of robust commercial sales, and then that gun has permanent constitutional protection forever. That is absurd, but that is Brett Kavanaugh's view on the Second Amendment.

What I am saying is this. I didn't need the tragic drama of the last few weeks to know how I felt about Brett Kavanaugh serving on the Supreme Court. I was an early ''no'' vote, and I don't apologize for coming to that conclusion months ago. Yet that doesn't mean I am not entitled to have a strong opinion on what has played out before the eyes of America during the month of September, and it doesn't mean I don't have the right to make the argument here that for those in the Senate who weren't as sure as I was, what happened in the last 30 days should be dispositive on the future of this nomination.

I said at the outset, I thought Brett Kavanaugh is the most dangerous nominee to the Court in my lifetime. That opinion is one I arrived at only after hearing his testimony before the committee last week.

I think it is really important for Senators to understand the Pandora's box they are opening by voting yes, endorsing his performance, his demeanor, and what I argue is maybe most important: his bias.

Let me say first, I don't believe any Democrat should defend the way in which Christine Blasey Ford's allegations were brought to light. I don't know who leaked the contents of that letter. I think it is fair to guess it was somebody who didn't want Brett Kavanaugh confirmed. Dr. Ford should have controlled her story or at least the ranking member of the committee to whom she entrusted it should have controlled that story. The timing of its release just sucked. Something that explosive, that serious, shouldn't be shoved into debate at the very last minute.

Here is the thing. The way in which the substance is revealed does not change the substance. Yet it may give you reason to be angry about the way in which it was made known. It may make you suspicious of the motivations of the person who did it, but the method doesn't alter the substance. The substance is Dr. Ford's very credible account of a sexual assault carried out against her by somebody who wants to be on the Supreme Court.

Let me be clear. There is no reason not to believe Dr. Ford. Plenty of Republicans admitted to this after she came before the committee. She disclosed the incident well before Kavanaugh was nominated. She was composed, credible, and thoughtful in her testimony. Why on Earth would she put herself and her family through this horror if not because she is telling the truth?

Though I believed Dr. Ford, you frankly don't even have to be sure she is telling the truth to decide the risk of nominating someone with these kinds of serious charges swirling around them is an unnecessary burden for this body or the judicial system to bear. If there is a chance he did these things, just move on to the next eligible conservative candidate.

These charges bother me greatly. What truly shook me about Kavanaugh's testimony and the speeches many of my Republican colleagues have delivered on this floor since is the idea proffered by Judge Kavanaugh that these charges are simply a result of a Clinton-connected liberal conspiracy theory.

Let me read for you what he actually said last Thursday.

> When I did at least okay enough at the hearing that it looked like I might actually get confirmed, a new tactic was needed. Some of you were lying in wait and had it ready.

He then went on to allege:

> The whole 2-week effort has been a calculated and orchestrated political hit, fueled with apparent pent-up anger about President Trump and the 2016 election, fear that had been stoked about my judicial record, revenge on behalf of the Clintons.

Come on. Listen, I am telling you that I don't like how this information was released to the press. I am not trying to be a blind partisan here, but to believe and then to publicly claim that this is some larger organized effort by Democrats who purposefully held back this allegation until the last minute is to reveal to America your true political bias.

There was no conspiracy. There was no orchestrated smear campaign. Listen, if that was our MO, why didn't we use it on Neil Gorsuch, when there was even more anger on our side because that was the seat that should have been Merrick Garland's. Why didn't we use fake allegations of sexual misconduct against the President's Cabinet nominees, who engendered much more grassroots anger in early 2017 than Brett Kavanaugh did in the summer and fall of 2018?

It just doesn't make sense because it is made up. There are zero facts behind it, and for a nominee to the Supreme Court to believe such a far-fetched story and then to angrily warn Democrats that ''what goes around comes around,'' is one of the most astonishing unveilings of political bias that I have ever witnessed from a nominee asking for the support of the Senate. That has serious long-term consequences for us as a republic, because it used to matter that in the midst of all of our political heated debates here, there were at least nine people in America whom Americans could credibly believe didn't care about our usually petty political partisan fights. There were nine people that Americans could believe were above it all.

Now we are on the verge of perhaps sending someone to the Supreme Court who called Democrats ''embarrassments'' and who warned his political opponents menacingly that we will reap what we sow. I don't really know what that means, but I am sure that I know that I don't want a nominee to the Supreme Court saying anything like that.

Now, the fight over the Kennedy seat was going to be controversial and contentious. There is no way around that, but it didn't need to go down like this. It didn't need to divide this country. It didn't need to marginalize victims and to politicize the Supreme Court, like this nomination has.

Add to the conspiratorial beliefs the hatred that was oozing from him toward Democrats that day and the likelihood that this nominee was also lying over and over about, at the very least, relatively small things for which he had really little reason not to tell the truth.

I am sorry. I know this sounds trivial, talking about things like a devil's triangle or boofing, but is it really not too much to ask, to expect that a nominee for the most important court in the world tell you the truth even about the small embarrassing stuff?

Even if you don't believe Dr. Ford, I just don't know why you would want to put somebody on the Supreme Court who has a habit of fibbing. This is the Supreme Court.

So I guess, for me, it comes down to this question, which I think is a really, really important one: Why did Republicans stick with Brett Kavanaugh, given all of this, when Republicans could have just sent him back to the President and brought before this body another really conservative judge who would have regularly sided with the right side of the Court?

This process isn't a trial. It is a job interview. Not a single one of us would hire someone into our office if credible allegations like this were attached to that person or if they conducted themselves in an in-person interview the way that Brett Kavanaugh did on Thursday. Seriously, think of that. Not a single Senator would willingly hire a person with these questions surrounding him or her, but we are here with a vote pending in a matter of hours.

Now, I just came from that secure briefing room where I was force-fed a half-baked FBI investigation that I was told I had to read and digest in no more than an hour. It was humiliating. I felt like I was 9 years old.

But that humiliation was sort of the capstone for me on explaining why we are still moving forward on Brett Kavanaugh. At least it helped me to fill out the details of my theory of the case, and I will end here.

Listen, I get it that it is really hard to be a Republican today, and I mean that sincerely. The things that the Republican Party used to stand for have been obliterated by this President. The Grand Old Party has become the party of Trump. There is only a thread of unifying ideology left between this administration and congressional Republicans. Republicans are much more so organized now around a kind of cult of personality. I know that many of my Republican colleagues are really uncomfortable about this.

Without this unifying set of ideas that can bind together the President and congressional Republicans, I fear that you are using this nomination to cling to the one thing left that you can agree on, and that is the methodical complete domination of your political opponents. On social media they call it ''owning the libs,'' because why else would you stick with this nominee other than just because you want to shove down the throats of Democrats this deeply flawed nominee? Why else would you try to railroad through his nomination without a background check, and then, when you are forced to do one, humiliate us all by giving us 60 minutes to review what turned out to be a product that raises more questions than it answered?

I wish the answer was that you all think that Brett Kavanaugh is worth it. He is just that important a jurist, that serious a thinker to do whatever it takes to get him on the Court, but I don't think that is what Republicans believe. So we are left searching for the real reason why we are having a vote tomorrow.

I don't hate my Republican colleagues. I don't have any interest in dominating them or getting my way just to get my way, and I wish I could explain this process, especially over the last few weeks, through any other prism than the desire by Republican leadership to simply bury Democrats into the ground.

I hate the way this has played out. I hate the lateness of the revelation. I hate the rush job of an investigation. I hate the inability to recognize that none of us, Democrats or Republicans, are obligated to stand by a nominee that has real questions about his history and his impartiality just because the President likes him.

This is not right. None of this is right, and the elevation of Brett Kavanaugh to the Supreme Court, filled with hatred toward Democrats and our allies, surrounded by legitimate questions about his fitness for office, is totally unnecessary, even to try to accomplish the political aims of my Republican friends in the majority. In the end, most importantly, the way in which this has been done is deeply, deeply hurtful to the unity of our great Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, last week, millions of people were glued to their screens as Dr. Christine Blasey Ford testified before the Senate Judiciary Committee. Dr. Ford's account of the most traumatic event of her life was harrowing. The pain of retelling this story was evident, and she did it for no personal gain whatsoever. In fact, her life has been turned upside down as a result of her decision to come forward. The courage she showed is remarkable. Dr. Ford's testimony was credible and compelling. I believe Dr. Ford.

Judge Kavanaugh's testimony was very different. He spent more than 40 minutes ranting, raving, and pedaling fact-free partisan conspiracy theories, and then he proceeded to insult Senators, to scream at the people who had the nerve to question him. He evaded some questions and gave obviously false answers to others. It was a performance that would have been right at home on talk radio or in a Republican primary campaign or at a Donald Trump rally, but it was delivered by a judge who is asking the Senate to confirm him to a lifetime appointment to a completely nonpolitical position as the swing vote on the U.S. Supreme Court.

It is the job of the Senate to decide whether or not to confirm Judge Kavanaugh. Senators must vote yes or vote no on elevating him to a lifetime appointment on the Federal bench. It is not a criminal trial. Nobody is entitled to a lifetime appointment on the Supreme Court. If he is not confirmed, Brett Kavanaugh would still be serving as a Federal judge on the second highest court in the United States, and the President, I am sure, will nominate another candidate for this job.

For these reasons, I believe that Dr. Ford's credible allegations and Judge Kavanaugh's partisan, venomous rants are sufficient reasons to vote no on his nomination.

Now, my colleagues on the other side of the aisle saw the same hearing. They watched Dr. Ford sit through hours of testimony. They heard her when she clearly and unequivocally said she was 100 percent sure that Brett Kavanaugh sexually assaulted her, and they watched Judge Kavanaugh demonstrate to the world that he lacks the temperament and the truthfulness to sit on the Nation's highest Court.

For those Senators who don't care that Judge Kavanaugh thinks the multiple sexual assault allegations he

faces must be ''revenge on behalf of the Clintons,'' who simply aren't sure whether those credible allegations are a sufficient reason to vote no, and who would like to see more evidence, the sensible course of action has always been obvious—a serious, nonpartisan FBI investigation to uncover the truth as best we can to make sure we are as informed as we can be before we have to vote. But that is not what has happened.

First, instead of taking Dr. Ford seriously, MITCH MCCONNELL scheduled a committee vote on Judge Kavanaugh's nomination the next day. He suspended the Senate vote only when it became clear that Republicans wouldn't have the votes they needed if they tried to ram the nomination through the Senate right at that moment.

Then the President offered the smallest fig leaf of an FBI investigation. Now, I have just come from the secure room where the summaries of FBI interviews and other FBI-generated documents were made available.

Senators have been muzzled. So I will now say three things that committee staff has explained are permissible to say without violating committee rules—statements that I have also independently verified as accurate.

One, this was not a full and fair investigation. It was sharply limited in scope and did not explore the relevant confirming facts.

Two, the available documents do not exonerate Mr. Kavanaugh.

Three, the available documents contradict statements Mr. Kavanaugh made under oath.

I would like to back up these three points with explicit statements from the FBI documents—explicit statements that should be available for the American people to see, but the Republicans have locked the documents behind closed doors with no plans to inform the American public of any new information about the Kavanaugh nomination.

The Kavanaugh nomination was a sham, and that is the President's fault because the President is the one who limited the scope of this investigation, who refused to allow it to continue for more than a few days, and who refused to ensure that the FBI completed a thorough investigation, including interviews with all relevant witnesses. The statements the President made about the scope of the investigation were false. If that wasn't bad enough, the President has viciously attacked Dr. Ford for bravely coming forward to tell her story. How could any Senator accept this sham?

It is clear the fix is in. Republicans want to confirm Judge Kavanaugh to the Supreme Court, and they will ignore, suppress, or shout down any inconvenient facts that might give the American people pause about this nomination. Republicans are playing politics with the Supreme Court, and they are willing to step on anyone, including the victim of a vicious sexual assault in order to advance their agenda.

Judge Brett Kavanaugh's nomination to the highest Court in our country is the results of a decades-long assault of our Judiciary, launched by billionaires and giant corporations who want to control every branch of government. For years, those wealthy and well-connected people have invested massive sums of money into shaping our courts to fit their liking. Working in partnership with their Republican buddies in Congress, they have executed a two-part campaign to capture our courts.

Part 1: Stop fair-minded, mainstream judges from getting confirmed to serve on the Federal courts.

Part 2: Flood Federal courts with narrow-minded, pro-corporate individuals who will tilt the courts in favor of the rich and powerful and against women, workers, people of color, low-income Americans, LGBTQ individuals, people with disabilities, Native Americans, students, and everyone who doesn't have money or power right here in Washington.

With Trump in the White House and Congress controlled by Republicans, the wealthy and well-connected have a once-in-a-lifetime opportunity to control our courts for the next generation.

During his Presidential campaign, President Trump made it clear that rightwing, pro-corporate groups would not only have a voice in selecting Supreme Court Justices, they would get to handpick their favorites. So those groups handed him a list of their top picks for the Supreme Court, and President Trump has picked judges exclusively from that list.

His most recent selection is Judge Brett Kavanaugh. There are a lot of reasons to oppose Judge Kavanaugh's nomination. I want to discuss three of them: His record, the broken and biased confirmation process, and the allegations of sexual assault.

Let's start with Judge Kavanaugh's record. Judge Kavanaugh has spent 12 years on the DC Circuit Court. His rulings demonstrate why radical, rightwing groups and their friends in the Senate are so eager to give him a seat on the Supreme Court. Pick an issue—almost any issue—and there is ample reason to be alarmed.

One is a woman's right to make her own healthcare decisions. When the Trump administration sought to block a young immigrant woman's right to access abortion care, Judge Kavanaugh sided with the government, claiming that allowing the woman, who had done everything necessary to obtain access to an abortion, should be further delayed in obtaining that care—a delay that would likely have prevented her from obtaining an abortion.

When religious organizations challenged the contraceptive care requirement of the Affordable Care Act, Judge Kavanaugh again opposed access to reproductive care, arguing that requiring religious nonprofits to submit a simple form allowing them to opt out of providing comprehensive contraceptive coverage but ensuring that the employees had access to that care was unconstitutional.

On consumer protection, Judge Kavanaugh ruled that the Consumer Financial Protection Bureau, the agency that stands up for Americans cheated by corporate criminals, is unconstitutional.

On environmental safety, he has ruled to overturn the rules that help keep dangerous toxins out of the air we breathe and the water we drink.

On voting rights, he upheld South Carolina's discriminatory voter ID laws.

On gun safety, he dissented from an opinion upholding an assault weapons ban and a gun registration requirement. In speeches on gun safety, he admitted that most lower court judges disagree with his extreme position on the Second Amendment.

On money in politics, he wrote an opinion that would permit foreign individuals to spend unlimited sums of money on issue ads in the U.S. elections.

Oh, and when it comes to Presidential power and the rule of law, Judge Kavanaugh believes that sitting Presidents shouldn't be subjected to personal, civil, or criminal investigations while they are in office. That is very convenient for the current occupant of the Oval Office.

That is just the part of Judge Kavanaugh's record that we know about, and that raises the second reason Judge Kavanaugh should not be confirmed to the Supreme Court: the secretive process that Republicans have used to advance his nomination. From the moment President Trump announced Judge Kavanaugh's nomination, Republicans have worked overtime to get him on the Supreme Court without giving Senators—or the American people—a meaningful opportunity to examine his full record.

Senate Republicans have played an elaborate game of ''hide the ball'' at every step of this process. Judge Kavanaugh spent many years in government, but the Republicans have refused even to request hundreds of thousands of documents from his time in service. They have designated other documents as ''committee confidential'' to hide them from the public. To top it off, just days before Judge Kavanaugh was scheduled to come before the Senate Judiciary Committee, a Bush White House attorney announced that over 100,000 documents from Judge Kavanaugh's time in the White House Counsel's Office would be withheld on the basis of constitutional privilege.

A few years ago, President Obama nominated Elena Kagan to the Supreme Court. Like Judge Kavanaugh, she had served in public office. Unlike the Kavanaugh confirmation process, the Kagan process included the release of nearly every document related to her time in service. In fact, no one has found an example of so much of a nominee's record in government being hidden from the Senate and hidden from

the public as in Judge Kavanaugh's case.

The rushed and secretive process that has characterized Judge Kavanaugh's nomination raises this question: What is he hiding? Why doesn't he insist that his record be made public? Why doesn't he want a full investigation of the sexual assault claims made against him? Why won't Republicans insist on transparency and a meaningful investigation?

Evidently, neither Judge Kavanaugh nor the Senate Republicans care about the facts.

Judge Kavanaugh has been accused of sexually assaulting multiple women. Dr. Christine Blasey Ford and Deborah Ramirez shared their stories of sexual assault at the hands of Judge Kavanaugh and risked their safety and the safety of their families to do so.

Instead of making sure that these allegations are thoroughly investigated so the Senators and the public can make judgments based on facts, Republicans launched a campaign to attack and discredit these courageous women. Donald Trump openly mocked Dr. Ford at a political rally, and the Republicans have made clear that their one and only goal is to get Judge Kavanaugh on the Supreme Court. In fact, just last week, MITCH MCCONNELL told a group of conservatives: ''Don't get rattled by all of this. We're going to plow right through it.''

Plow right through it? Really?

Americans are tired of the powerful plowing right through everyone else to get what they want. There is a reason that so many women and men have come out in droves to support Dr. Ford and Ms. Ramirez. It is because people are tired of being ignored and silenced.

Judge Kavanaugh and his Republican sponsors don't want to talk about the facts in this case. But let's talk about a few other facts. Over 80 percent of women and 40 percent of men have experienced sexual harassment or assault; 7 out of 10 sexual assaults are committed by someone the victim knows.

The vast majority of sexual assaults—about two out of three—are never reported to the police. Why? Because survivors fear retaliation or they believe that the police will not or can't do anything to help or they think it is a personal matter or they confide in someone other than the police or they believe it is not serious enough to report or they don't want to get the perpetrator in trouble.

Last week, as Dr. Ford testified before Congress, the National Sexual Assault Hotline saw a 147-percent increase in calls from people seeking help. We have a problem of sexual harassment and sexual violence in America. The problem isn't that too many victims are coming forward with fabricated stories to destroy someone's life; it is that too many survivors are afraid to come forward at all.

They believe they will not be heard or taken seriously or they think more about the impact on the perpetrator than their own safety and well-being or they think that people with power—the ones who can actually do something—will instead ''plow right through'' them.

We never hear the stories of millions of sexual assault survivors. But some make the very difficult and very personal decision to come forward and tell their stories. They, like all survivors, are courageous, and they deserve to be heard and treated with respect—not dismissed, not attacked, not threatened.

The record, the process, the allegations—whichever way you slice this—should lead to only one result: Members of this Chamber should vote no on Judge Kavanaugh. Our country deserves better.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, first let me begin by saying this: I believe Dr. Christine Blasey Ford.

Her raw courage in coming forward will change the national culture and discussion. She has given voice to millions of women and men who are survivors of sexual assault, who are afraid to tell their stories, who felt powerless. Some of these women have contacted my office with their own stories. I have read them and they are heart-wrenching.

At its core, sexual assault is a crime of power. Dr. Ford has confronted some of the most powerful in our Nation and told the truth. I thank her for her courage in coming forward and for empowering other survivors to do the same.

At this point, with so much unknown, there are serious consequences to elevating Judge Kavanaugh to the Supreme Court.

We the Senate need to continue our search for the truth about this nominee, his background, and his record, and, hopefully, we can do that in a bipartisan way.

Yet everything about the nomination process for this nominee has been deeply flawed, from the President's outsourcing the nomination to the Federalist Society, to the majority leader's violating his own new rule to delay consideration of a Supreme Court nominee until after an upcoming election, to a highly partisan lawyer's screening Judge Kavanaugh's documents for public disclosure instead of the nonpartisan National Archives staff, to the Judiciary chair's rush to hearings, even though only 7 percent of Judge Kavanaugh's record is in the public domain.

What are they trying to hide? I think we have a pretty good idea.

Finally, and most disturbing, are the President's and the majority's inexcusable treatment of the brave women who have come forward with allegations of sexual assault and misconduct against the nominee. The Republican leaders claim to want to hear the allegations of sexual assault has been nothing but a cynical show for public consumption.

The #MeToo movement forced them to open the floor to Dr. Ford, but her testimony was never really going to matter to President Trump and the Republican leadership. The majority leader made that clear when he bragged to an audience of the religious right before her hearing: ''In the very near future, Judge Kavanaugh will be on the U.S. Supreme Court.''

Republican leaders questioned why the allegations did not come forward sooner. Yet the reasons survivors of sexual assault often don't come forward are well documented and well understood, and they did everything they could to undermine getting to the truth of Dr. Ford's allegations—from refusing to honor her request for an FBI investigation prior to her hearing to severely limiting the Democrats' time for questions of Judge Kavanaugh before the Senate Judiciary Committee, to refusing to call other key witnesses, like Mark Judge, Deborah Ramirez, and others, and to put them under oath. It is absolutely stunning that all 11 Republicans on the committee abdicated their responsibilities and ducked public scrutiny by bringing in a female prosecutor to do their job and question Dr. Ford. It is just plain political cowardice, and women in New Mexico and around the country are watching.

Again, after hearing her testimony and reviewing the record, I believe Dr. Ford. It is worth noting that no Republican Senator has said she is not credible. Not a single one has said she is not credible. The majority whip stated: ''I found no reason to find her not credible.''

The President found her testimony ''very compelling'' and that she was a ''very credible witness.'' Although, true to form, the President changed political course and insulted and mocked her in front of a laughing crowd and television cameras—yet another shameful new low for the President's treatment of women.

Dr. Ford's testimony was all the more compelling because she was able to expertly explain how the memory of the assault was seared in her hippocampus by neurotransmitters that were released in response to the attack. Her memory of her assailant is fully intact. It insults Dr. Ford and survivors generally to say, like Republicans have, that they believe something happened to her but that it was not Brett Kavanaugh.

Dr. Ford is not mixed up, and contrary to what the Republicans would tell you, there is strong corroborating evidence behind her allegations. Years before this nomination, she had told her husband, a therapist, and friends of the attack, and her polygraph examination supports her truthfulness. Her story even matches an entry in Judge Kavanaugh's calendar in a number of ways, identifying the attendees she would have no reason to know.

There is a narrow window in which it is possible that both Dr. Ford and Judge Kavanaugh are telling the truth, and that is if Judge Kavanaugh does not remember it as a result of his consumption of alcohol that evening. Yet Judge Kavanaugh's performance during the supplemental hearing, while loud and angry, was not convincing. You can't find Dr. Ford's testimony credible and, at the same time, push to put Judge Kavanaugh on the Court.

The burden of proof for a lifetime appointment to our highest Court is not ''beyond a reasonable doubt.'' The Senate and the American people must have a high degree of certainty that there was no sexual assault and that the nominee didn't lie about it under oath. We have no certainty on either count.

The supplemental hearing brought Judge Kavanaugh's overall credibility even further into question. While he denied reports of heavy alcohol use during high school and college, there are abundant reports in the press and statements from many eyewitnesses to the contrary. Numerous acquaintances, even friends, have come forward with information that he often drank to excess during these years. His own yearbook quotes allude to—brag about—heavy drinking and exploits with girls. With all of these accounts of heavy drinking from an array of different credible sources who have nothing to gain by coming forward, it is hard to believe there is no truth to them.

Evidence of excessive drinking and inappropriate behavior as a teenager and young adult is not disqualifying in and of itself, but misleading Congress and the American people about it is. Most troubling is that there was already evidence before us that Judge Kavanaugh was not being fully truthful.

We know that when Judge Kavanaugh worked as a White House lawyer under George W. Bush, Senate Republican Judiciary staff stole confidential information from Democratic Senators and staff and gave some of that stolen information to him. Under oath, Judge Kavanaugh denied that he knew the information was stolen, but if you read the email correspondence, it is nearly impossible to believe a sophisticated political operative, like Brett Kavanaugh was, would not have understood that the information had been obtained surreptitiously.

There are also valid concerns that Judge Kavanaugh, during his 2004 confirmation hearing, misrepresented his involvement with the George W. Bush torture policy and with certain judicial nominations he handled as White House Counsel. His sworn testimony in 2004 and in the two recent hearings leaves me highly skeptical that Judge Kavanaugh has told the whole truth and nothing but the truth before Congress. I cannot support a nominee to the Supreme Court without there being a high degree of certainty that he or she has been 100-percent honest under oath. The integrity and reputation of the Supreme Court demand nothing less.

The rushed Judiciary hearing with Dr. Ford and Judge Kavanaugh was designed to appease and not to make sure the American people had all of the facts. Senator FLAKE was right to stop the process and call for an FBI investigation. He is right that this nomination is tearing the country apart. The American people needed to know the truth. All relevant evidence should have been gathered and put before us. Senator FLAKE is a friend, and I commend him for having stood up for what he thought was right, but an artificially limited FBI investigation will do nothing to bring this country back together. Justice could have only been served by having a full investigation, with the FBI being allowed to have done its job as it knows how to do it.

With the results in of the FBI investigation, it is clear that the President, with the Senate leadership in full support, imposed arbitrary limits on the scope and length of the investigation. Dr. Ford was not spoken to. Her corroborating witnesses were not contacted. Her corroborating documents were not reviewed. There was no meaningful inquiry as to whether Judge Kavanaugh misrepresented his past alcohol use, which also corroborates Dr. Ford's story. Up to 40 witnesses tried to come forward, but FBI agents did not contact or interview them. While we can all read their statements in the newspapers, their information will not form part of the FBI's investigation record.

There was no bipartisan briefing at which Senators could ask FBI leaders about the adequacy of the investigation. The FBI's investigation was not allowed to be a real investigation. Given what is in the public record but was kept away from the FBI, it by no means exonerates Judge Kavanaugh. Without having had a real investigation, the cloud of credible allegations remains. The President and Republican leaders were, simply, not on a search for the truth, only on a mad dash to get Judge Kavanaugh confirmed at any cost to the country.

Folks, it is 2018. We are 27 years beyond Clarence Thomas' hearings. Yet credible claims of sexual assault against a nominee to the Supreme Court are not taken seriously by the President of the United States or by the Republicans in the U.S. Senate. The roughshod process orchestrated by the Senate majority and the President delegitimizes the claims of a woman who has been subject to sexual harassment and sexual assault, and it only serves to drive survivors underground. The kangaroo court-type process orchestrated by the Senate majority and the President delegitimizes the Supreme Court and will for decades to come.

During the supplemental hearing, Judge Kavanaugh showed himself as partisan, belligerent, even paranoid, and lacking in judicial temperament. He rudely shot back at Senators, asking them about their drinking habits. He accused Members of the minority of misdeeds for which he had no evidence. He blamed ''revenge'' by the Clintons for the predicament he was in. He lacked self-control, dignity, and the temperament of a Supreme Court Justice. His partisanship and lack of political independence were on full display.

I have never seen a nominee to a Federal court, let alone the Supreme Court, behave in such an injudicious manner before the Senate. Under pressure, Judge Kavanaugh did not show himself worthy to appointment to the highest Court.

This is not a partisan conspiracy as Judge Kavanaugh claimed. We saw no such allegations for Judge Gorsuch's nomination—a judicial candidate who shared a similar judicial philosophy to Judge Kavanaugh's and who, coincidentally, went to the same high school. There were no unsavory allegations against Judge Scalia or Judge Alito—two judges whom most Democrats vociferously opposed based on their right-wing, pro-dark money ideology.

Elevation to the Supreme Court for a lifetime appointment is not a right. It is a privilege. While the Republicans take great umbrage that Judge Kavanaugh's reputation is at stake, the fact is we have before us credible allegations of sexual assault and sexual misconduct, and justice demands that he be called to answer to those allegations. He should not get a pass.

I have reviewed Judge Kavanaugh's decisions, writings, speeches, all of his testimony before the Senate Judiciary Committee, and the meager set of documents made available when he served as a White House lawyer and as part of Independent Counsel Kenneth Starr's investigation. On the merits, this nominee simply does not represent mainstream judicial thought. He is on the extreme edge. The American people want a Justice whose judicial philosophy falls within established parameters, a Justice who is not on the far end of the ideological spectrum and who will not put his or her personal beliefs before the text of the statute or the constitutional provision at issue.

Even before the allegations of sexual assault and misconduct, the American people opposed this nomination in unprecedented numbers. I, like the American people, have no confidence that this nominee will uphold our rights of privacy, a woman's right to choose, and each individual's right to marry whomever he or she wants. I have no confidence that this nominee will uphold Americans' rights to healthcare, consumers' rights to a fair deal, or laws that protect our environment and combat climate change.

I have no confidence that this nominee will protect minorities' rights and the rights of Native peoples, in particular, or will uphold voting rights, will strike down gerrymandered voting districts, which undermine the principle of ''one person, one vote,'' or will

rein in dark money, which erodes our democracy, all while the Nation faces the distinct possibility that Special Counsel Robert Mueller's investigation will find evidence that the President or his campaign conspired with Russia to undermine the 2016 Presidential election, evidence that the President obstructed the Special Counsel's investigation, or evidence of other crimes. I have absolutely no confidence that this nomination will hold the President to account if called to do so.

Judge Kavanaugh is on record saying that, as a matter of policy, he believes a sitting President should be immune from criminal investigation while in office, no matter the crime. He has refused to tell the Senate and the American people whether he believes that, as a matter of constitutional law, a sitting President may be investigated and indicted.

I, for one, believe that under the Constitution, if a President commits a crime, the rule of law still stands and that the Constitution gives no immunity to a President who is a criminal.

This nomination will shape the course of the Supreme Court—and American law and lives—for decades. We must have a nominee who has been fully vetted, who does not stand credibly accused of sexual assault, whose honesty before the Senate and the American people cannot be questioned, whose judicial record fits within mainstream jurisprudence, and who believes that no one—not even the President—is above the law.

Judge Kavanaugh is not that nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, this is the first time I have had the opportunity to address my colleagues on the Senate floor since I was appointed to fill the seat of our late friend and colleague John McCain.

I appreciate the opportunity to speak on a matter of great importance, both to this body and to the people of the United States of America; namely, the confirmation of Judge Brett Kavanaugh as Associate Justice to the U.S. Supreme Court.

I would like to address this in five general areas, beginning with a couple of preliminary areas of discussion.

The first concerns my work right after I came to the Senate in 1995 to try to adopt a constitutional amendment for the victims of crimes. We called it a crime victims' rights amendment. I had become acutely aware of the problems crime victims faced, especially those who have suffered some kind of sexual assault. Through personal interviews and discussions with victims, victims' rights groups, with prosecutors and others, with research and a great deal of reading and hearing from victims' groups, law enforcement, and others, I became convinced that the only way we could guarantee the rights of these victims and bring justice to them would be through the adoption of the constitutional amendment doing so.

I worked with Senator DIANNE FEINSTEIN. The two of us joined together in this effort, and we spent countless hours and many months trying to persuade our colleagues that this was the way to proceed.

Eventually, we were able to get legislation through the Senate, which established a Federal law rather than a constitutional amendment. This Federal law—which is now embodied in 18 U.S.C. 3771—has provided some support to victims of Federal crime and, as importantly, a template for States to develop their own statutes and constitutional amendments to provide rights to victims.

As a result of all of this, I am well aware of the issues like the delay or nonreporting of assaults by crime victims, and I very much appreciate the need to be lenient in evaluating the testimony of such victims.

Rights, like the need to attend proceedings and to address the court at the time of sentencing and to be notified of these rights, were included in the statute we got adopted. Those rights are now part of a majority of the States in the Union, either in statute or the Constitution.

The recognition of the rightful role of victims in our criminal justice system cannot only help provide courage and closure to victims of sexual assault, it thereby also helps prosecutors gain critical testimony for their cases so that more of the perpetrators could be brought to justice.

There are some insensitive people who are not aware of the difficulties faced by victims of sexual abuse, and you have heard some of them speak publicly. What is not true is that all men are ignorant of the problem.

Senator FEINSTEIN and I met many men in the victims' rights movement who are extraordinarily helpful and understanding. I don't ask anyone to establish their bona fides to speak to any of these issues, and I would hope none would question mine.

To the second point, some have asked me about my time in helping Judge Kavanaugh as a so-called sherpa. This was part of the early process of his confirmation process, where he was interviewed by a majority of the Senators and tried to answer their questions and to also respond to requests for information and the like.

Just before his nomination was announced by the President, Don McGahn, the White House Counsel, called me in Arizona and asked if I would serve as the sherpa for the nominee—a person to get him around the Senate, introduce him to the Senators, follow up on any questions, and so on. I agreed to do that, and I also participated in some of the hearing preparation. This all occurred in about a 5-week period of time.

During this time, I was employed part time at a Washington, DC, law firm. I want to be clear that my assistance to Judge Kavanaugh was on my own time, free of charge, and in no way connected to the firm or any client of the firm. It was not a pro bono matter because I actually didn't represent Judge Kavanaugh. It was simply to help him prepare for his hearing and to get him around the Senate to meet the Senators and to talk to them.

After about 5 weeks of this, roughly, I was appointed by Arizona's Governor to Senator McCain's seat in the Senate, and I immediately resigned from the firm and all other remunerative positions and ceased working with Judge Kavanaugh. I should also mention that during this time, I performed no lobbying work for my law firm or for any clients of the firm, and I so notified the Secretary of the Senate and the Clerk of the House.

Finally, at no time during my work with Judge Kavanaugh did any allegation of sexual impropriety arise. The Ford allegation came after, and nothing like that was discussed in my presence during my work with him.

As I said, some have asked me questions about this. I hope that satisfies their inquiries.

I also want to conclude this part of the presentation by saying that having sat through over 50 interviews, hearing the questions asked of him and his responses—many of them repetitious—and helping him to prepare for his hearing, I really believe I have a very good idea of how he would conduct himself as an Associate Justice on the U.S. Supreme Court. After all, that is the most important question before us.

The third area of inquiry gets to Judge Kavanaugh as Justice Kavanaugh. The first thing to do is to examine his qualifications and his experience. Ordinarily, this is where we begin in our inquiry to provide advice and consent to the President after a person has been nominated.

He is a graduate of Yale Law School, had clerkships on both the Ninth Circuit Court of Appeals and the U.S. Supreme Court under Justice Kennedy. He has been described as ''wicked smart'' and extraordinarily hard-working. He went over this on numerous occasions, discussing his early service on the Court of Appeals, where he wanted to emulate Judge Merrick Garland, whom he had heard something about.

Merrick Garland is a prodigious worker by reputation, and Judge Kavanaugh saw that and tried his best to follow in Judge Garland's footsteps in that regard.

He has had a huge output in cases. I believe he has 312 written opinions over his 12 years on the bench. In addition to that, outside of the court, he wrote law review articles, speeches, and gave many presentations to groups. He also lectures at the Harvard Law School.

Regarding his previous experience, it also includes, as we know, previous experience on the executive branch, both as a lawyer and as an assistant to the President. All of this, by the way, he

was required to undergo six separate FBI checks.

His qualifications have been reviewed by the American Bar Association, which is just one entity that looks at judicial nominees and is generally deemed to be an organization that studies records. It goes into depth interviewing people, and they concluded he had the top rating, ''well qualified,'' to serve on the Supreme Court.

As some have described, he is a judge's judge. He is a real standout on the bench. People would have been surprised if he were not someday nominated to serve on the U.S. Supreme Court.

He has also been recommended by law professors, students, former clerks, and hundreds of people who have written letters on his behalf. I note that many of these are liberals or Democrats. They are not necessarily conservatives or Republicans. He is well regarded by virtually everyone who has had connection with him either in his professional or as a member of the Bench.

The next question we go to in evaluating a nominee to a court is their judicial philosophy—how do they approach the job of judging? How will they decide cases?

I first want to say what Judge Kavanaugh is not, and he made this crystal clear in the many meetings in which I sat with him talking with the Senators. He is not a results-oriented judge. When parties come before the court, he doesn't decide whom he wants to win and then figure out a way to help that party win the case. That is not the right way to evaluate a case before the court, and he is not that kind of judge.

He is a judge who wants to apply the law in the right way and to reach the decision the law requires based upon precedent, based upon the way the Constitution or—if appropriate—statutes are to be interpreted in order to reach the right result in the case.

One of my colleagues on the Judiciary Committee I think got us off on the wrong foot or tried to get us off on the wrong foot in this regard. He came to one of the hearings with a presentation on how many times Judge Kavanaugh allegedly ruled for corporations over individuals and concluded this was an important factor in determining whether Judge Kavanaugh should sit on the Supreme Court. I think this illustrates the mindset of many: Whom did you rule for, rather than how did you rule in the case? This is totally wrong, and it is irrelevant to the way judges should decide cases.

Theoretically, if 10 plaintiffs bring 10 spurious lawsuits against 10 different corporations and the courts rule for the corporations in those cases, it proves exactly nothing. That is why we shouldn't focus on who wins the cases but rather on whether they were decided based upon proper legal principles, on precedent, and on the way courts are supposed to approach cases—on facts and the law.

In the meetings that I sat in on, Judge Kavanaugh went to great pains to describe how he approaches a case. He begins by looking at the text of the Constitution for any relevant statutes. He begins applying the law, as judges are supposed to do, in interpreting those constitutional provisions and statutes. In the process of doing this, he uses the same principles other judges do. In just a moment, I will mention what some of those principles are.

I mentioned the fact that some of my colleagues have focused on whom he has ruled for in cases. Bear in mind that as a member of the U.S. Court of Appeals, he sits with two other judges, so the three judges decide the cases, not just one—although, a case can be decided by a 2-to-1 vote. Some of my colleagues have said, well, they are concerned that because he served in an administration for a President and because of something he once wrote for a law review article, they fear he would want to rule for the President and against other parties if a lawsuit involved the question of Executive power—how much authority does the President of the United States enjoy. I think that is wrong, based upon his explanation of all of his decisions and what he has written on the subject. I think it is very clear that he has no predilections in this regard, and that he believes strongly in the separation of powers as set forth in the U.S. Constitution; he holds no special place for the President above the other two branches of government.

One of the cases he cites to demonstrate this fact is a case that didn't please me, and the outcome certainly didn't please his old boss, President Bush, because he ruled against President Bush. Instead, he ruled for Osama bin Laden's assistant and driver. The reason he did that is that individual—as bad as he may be, as evil as he may be—was not accorded proper constitutional rights as guaranteed under our Constitution, and he had to reach the result he did because of that. As I said, I didn't like the outcome, and I am sure his previous boss, President Bush, didn't either. But it illustrates the fact that he is not going to blindly rule for the President, even in a case where the equities would seem to favor what the President was trying to do in this case; that is, to ensure that Osama bin Laden's colleagues were held to account for their misdeeds.

So the bottom line here is that it is not who wins and loses that matters; it is whether the law is applied fairly and correctly.

Now, how do we know whether it is correctly applied? Obviously, judges will differ sometimes, and each case is going to be decided on its own merits. The question of how one judges is really the key to this. I said I would get to this.

Here is just a little bit of a discussion of how cases should be decided, how judges should approach these decisions, and how I believe Judge Kavanaugh will. It is based on legal rules and principles that have been long established and written up and followed by courts throughout the ages. The law is literally full of these rules—basically, the ''how to'' for judges to decide difficult cases. Most judges know and apply these rules fairly and systematically. They don't try to make up new rules or deliberately fudge the facts or twist the rules in order to reach a desired result.

I kind of liken it to the instructions that come with those dreaded packages that say ''some assembly required.'' That is always a sign that I need to get my wife involved rather than for me to do it myself because I don't follow directions very well. But failure to follow the steps in that case can lead to some pretty bad results, as a couple of lawn chairs I put together will attest to.

The question here is, a judge should have a clear view of how he approaches each case, the steps that he follows to decide them. But sometimes cases provide ambiguities and difficult decisions that make it especially difficult to apply the usual rules. In these cases, the question is whether a judge will be tempted to guess what the right procedure is or to try to reach an outcome that he has predetermined he wants to reach, as opposed to applying other commonsense principles.

It is true that sometimes laws are ambiguous, and they require some interpretation. I have seen Judge Kavanaugh address this precise question and go over decision after decision that he has made, showing how he approaches cases like this. I can tell you, first of all, he tries to get his colleagues to agree, if a reading of a statute is not really all that ambiguous, to say: Look, if you find my reading of the statute persuasive, then that should be it. We can end the inquiry. We don't have to find ambiguity in every single thing because when ambiguity is found, obviously, judges are not as tethered to the law as they would otherwise be. He is very aware of this, and he has tried very hard, I think, to reach the right conclusion based upon the proper application of the law.

I am not going to go into all of those judicial rules; we have heard precedent and statutory interpretation and the like. But I will say that having heard him describe his approach to numerous cases, I am convinced that he will, as a Justice on the Supreme Court, apply the law in the same way that he has during his 12 years as a member of the court of appeals.

He describes his approach to judging in a way that some have called strict construction or textualism, which I think is really not much more than giving a preference to the written text of either the Constitution in cases where constitutional interpretation is the question or statutes in cases where statutes have to be interpreted. This

approach to judging is the methodology that is used more and more today by judges, and it tries to avoid substituting the judge's notions of how things should come out and substituting the judge's discretion as opposed to carefully reading the text of the Constitution or the statute as either the Founding Fathers or the Congress, in the case of a statute, has written it.

As I said, during his many interviews and hearing him explain his approach, I believe he has given us a very good idea as to how he would approach cases in the future. As I said, while there are one or two areas that some of my colleagues have raised questions about, I have no doubt at all that he is an extraordinarily knowledgeable and very wise judge who will do what he is supposed to do on the Supreme Court to apply the law fairly and correctly.

I also believe something else. I believe that he is going to work very hard to find consensus on the Court. We all hear about 5-to-4 decisions, and they don't make us feel good because it illustrates how judges can differ, and sometimes it demonstrates an ideological division on the Court, which we would hope to avoid. He would like to work with his colleagues to try to come to more consensus decisions than to have these kinds of split decisions. He really loves the law, and you know that when you talk to him, and he is really committed to making it work.

Another critical factor for a judge—and we frequently refer to it, as it has been referred to on the floor here—is what we call judicial temperament. This is especially important in district court judges where they appear before juries and where trials are actually held. You want the jurors in the case to understand the case well, to feel good about being there as jurors judging their fellow citizens, so judicial temperament is very important for the judges in those cases. But even on the court of appeals, one must have a judicial temperament that demonstrates to the parties and to the litigants that the judge is fair, that demonstrates to the lawyers involved that he can be respectful of them and fair to all of them, and that he can be congenial with his fellow judges on the court with whom he has to work every day and decide these cases.

Until the second hearing for Judge Kavanaugh, following Professor Ford's testimony, I don't believe anybody really questioned Judge Kavanaugh's judicial temperament. His 12 years on the Court of Appeals for the District of Columbia revealed a very careful and courteous and engaged judge—fair to the parties, reasonable to the lawyers, and collegial to his colleagues. It was only when responding to the attacks on his character that he even showed much emotion. I believe that most honest observers would allow him some slack for that in view of the nature of the allegations against him.

Much like the need to show some lenience in evaluating the testimony of a victim of sexual assault, I think we can appreciate the role of emotion in his testimony. He apologized to the one Senator to whom he was rude. In my view, the best evidence of his temperament as a judge is his temperament as a judge for the last 12 years.

So as to judicial temperament, knowledge of the law, an approach to deciding cases, I believe few would doubt his qualifications to sit on the U.S. Supreme Court.

That brings us to the fourth part of my presentation: the allegations of sexual misconduct against him. Do they amount to something that should disqualify him for serving on the Supreme Court? I don't think I need to detail here every allegation and every witness statement that has been involved in the investigation of these allegations.

In the recent hearing at which both Professor Ford and Judge Kavanaugh testified, I believe most observers saw both as presenting credible testimony, and I agree with that. That their recollections differ does not necessarily mean that either of them knowingly lied. We should neither automatically believe one over the other—she, because her testimony was that she had been sexually abused, nor he, because he is a sitting Federal judge. As I said, each deserve some deference for the reasons that I have stated. But, if both are believable, we must still find a way to analyze the evidence to help us reach a conclusion on the issue before us: Should Judge Kavanaugh be confirmed?

Well, the best way to verify the allegations is through corroboration—evidence that backs up the accusations that have been made. While both Professor Ford and Deborah Ramirez have named individuals who they believe were present during the incidents of which they complained, none of those individuals would corroborate the accusations. Some denied them; others had no recollection of such incidents. Some said, even so, they believe Judge Kavanaugh; at least one says the same as to Professor Ford. There does not appear to be any corroborative evidence.

Professor Ford's telling of her story later to others is not corroboration, but it does go to her credibility. That she did not report her incident earlier is not dispositive. Victims in similar situations frequently do not report for a number of reasons. The fact that her very good friend, allegedly at the party in question, and the only other girl present, according to Professor Ford, did not become aware of the accusations that night, does raise some questions. And that particular witness, despite her obvious friendship with Professor Ford, has continued to insist that she has no recollection of the party in question or of Brett Kavanaugh.

I have either read all of the FBI notes or have had them read to me, and I have been briefed by the committee staff on all of the FBI and committee contacts. This includes the second round of FBI interviews. Contrary to what some have said, this process was not constrained. The FBI was not told not to interview certain people; they were, in fact, told to follow the leads, and I believe that they interviewed not just 4 witnesses but a total of 10 witnesses in this latest round of their interviews.

After reading what I have read and being briefed on the remainder by committee staff, I find nothing to verify the accusations against Judge Kavanaugh. He has unequivocally denied them, and having gotten to know him as I have, I conclude that he is not the proper subject of the accusations.

Some have suggested that he must prove that he did not engage in the conduct alleged. It would be totally unfair to place upon him the burden of proving a negative. This is ordinarily impossible. When you neither know the time nor place of the event alleged, you can't disprove that you were there then—there, wherever it was—or then, whenever that was. In this particular case, for example, unless he can somehow show that he was in Europe the entire 3 months of the summer allegedly involved here or in some similar circumstance, there is no way that he could prove a negative; namely, that he wasn't there.

It is true that the presumption of innocence applies in our courts, but the same notion of fair play applies in other aspects of our civic and social life. If a mere allegation of wrongdoing is enough to deny an applicant a job or otherwise discredit an individual for the rest of that person's life, our society would be torn apart. This is why we have Constitutional rights, which embody our notions of fair play in life generally.

While this is not really a job interview as it has been described, even if it were and we were the prospective employers, we would want to evaluate the qualifications—in this case of Judge Kavanaugh—including accusations of against him, and those accusations would not just be taken at face value, particularly as serious as they are and given the fact that he has unequivocally denied them.

So I conclude that, under all of the circumstances, including the nature of the evidence brought forward and how that evidence would be proven to us, including how he has lived his adult life, and after seven FBI investigations now, it is more probable than not that the accusations against him are not true and therefore disqualifying for his nomination.

That brings me to the fifth and final point of my discussion: lifelong considerations of suitability to serve.

I noted the qualifications for judges, their judicial temperament, the way they approach judging cases, their record of writing opinions, what they have said and how they have said it—that is the first thing we look at, but

we also look at the whole person, and that is an appropriate thing to do. So let's look at Judge Kavanaugh's whole person.

First of all, I would like to note some things that I think are not relevant to his competence to serve on the Supreme Court but which we have heard a lot about. Not relevant are Judge Bork, Justice Thomas, Judge Garland, or arguments about who started the unseemly process we are in now.

By the way, let me just as an aside here note that in one of the interviews with a Senator, the interview started as follows: Judge Kavanaugh, glad you came in today, but I can tell you that this is going to be very, very hard because of what happened to Judge Garland. Well, you can have your views as to whether Judge Garland was treated fairly or not, but that should have no bearing on the qualifications of Judge Kavanaugh to be confirmed to the U.S. Supreme Court.

Other not relevant things are comments from the President of the United States, including unfair comments about Professor Ford. Also not relevant is the outcome of this debate on elections or on President Trump's future. Nor is this about punishing Judge Kavanaugh because some crime victims have not previously received justice. The most recent claim here now is about process. I think his qualifications having been well established, now they are claiming that the process is lacking and is not fair. Obviously, what this is not about is whether the FBI was allowed to do its work, as I believe it was.

The vote we will be casting tomorrow should not be a surrogate for some other agenda; it should be simply our judgment of Judge Kavanaugh's fitness to serve on the Supreme Court, our advice on and potential consent to his nomination by the President.

As I said, having been with him in interviews, the majority of my colleagues have otherwise gotten to know him. Having witnessed and learned of the esteem in which he is held by colleagues, former law clerks, students, and professional friends, and being aware of his contributions to his community, his country, his church, and his family, I conclude that he is imminently qualified to serve on the Supreme Court and will serve the Nation well in the position of Associate Justice.

As I said, the best evidence of how he would perform as a Justice is how he has performed over the dozen years he has been a judge on the U.S. Court of Appeals for the District of Columbia. I urge my colleagues to focus on the question at hand, and I urge them to support Judge Brett Kavanaugh's nomination to the Supreme Court.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Hawaii.

Ms. HIRONO. Mr. President, tomorrow we will cast a very important vote on whether to end debate on the nomination of Brett Kavanaugh to be an Associate Justice of the Supreme Court of the United States.

Should he be confirmed to this position of awesome responsibility, Judge Kavanaugh would be just one of nine people with the power to change the American Government and the American way of life for at least a generation. He would be hearing and deciding cases that touch all facets of our lives, including the healthcare we receive when the Texas case involving the Affordable Care Act's individual mandate makes its way to the Supreme Court. This particular case is very important because if Texas wins, that means the ACA's protections for those with preexisting conditions—one out of four people in this country—would be done away with.

The Supreme Court will also probably get a lot of immigration cases and many cases about DACA, sanctuary sites, temporary protective status, and family separation that are pending in the lower courts, and also abortion, as courts weigh the burden imposed on a woman's right to choose by laws limiting abortion in States like Texas, Iowa, and Louisiana. It doesn't really matter? Of course it matters whether Roe v. Wade is overturned, but even if Roe v. Wade is not overturned, with Judge Kavanaugh's record, all of these limiting laws by States that I just talked about will probably be supported by him, and at some point, the right to an abortion that we have under Roe v. Wade will be pretty much a nullity.

The Supreme Court will also be faced with cases that will address the right of workers to bargain collectively with their employers, as litigation comes up to the High Court in the wake of the Janus decision, and many other important topics, including voting rights, gerrymandering, the census, race-conscious college admissions, and environmental laws.

The Supreme Court's decisions touch every aspect of American life. With so much at stake, the Senate has an obligation to closely scrutinize every nominee to the Supreme Court. We need to know that they have the qualifications for the job. Do they have the proper education? Do they have the necessary breadth of experience? Will they treat everyone in the Court—including Court employees, law clerks, and lawyers—with an even temperament? Can they keep their cool under pressure and make reasoned decisions when the stakes are high? Can they listen to the facts and apply the law without fear or favor, or will they let the experiences they bring with them override objective judgment? Will they insert their personal preferences where they don't belong? We need to know if they can rule fairly. Will they give every litigant who comes before the Court a fair hearing? Will they acknowledge and put aside their biases, inherent and otherwise? These last two considerations are especially important because the Trump administration outsourced the vetting of Supreme Court nominees to the Federalist Society and the Heritage Foundation. These ultra-rightwing groups have spent decades supporting people like Brett Kavanaugh and their ideological, outcome-driven jurisprudence.

After months of scrutinizing Judge Kavanaugh's record and evaluating his performance before the Judiciary Committee in two hearings, it is clear that the answer to most of these questions is no. His judicial record is deeply ideological and outcome-driven, he remains a fierce political partisan operative, and he holds troubling legal views on Native Hawaiians, Native Americans, and Alaska Natives.

These patterns were clear based on the weeks I spent reviewing Judge Kavanaugh's writings, his judicial decisions, and the small fraction of his records made available from his time as a key White House aide to President George W. Bush. I became even more certain of my decision to oppose his nomination after his first hearing in the Judiciary Committee and after reading the mostly dismissive non-answers he gave to our followup written questions.

There are plenty of substantive reasons to oppose Brett Kavanaugh's nomination, and I will continue speaking out about many of these reasons in the coming days, but over the past 2½ weeks, we have learned new information that underscored my concern that Brett Kavanaugh lacks the character, candor, credibility, and temperament to serve on the Supreme Court.

Last week, the Senate Judiciary Committee heard testimony from Dr. Christine Blasey Ford and Brett Kavanaugh about Dr. Ford's account of an attack on her by the nominee and a friend when they were all teenagers. Dr. Ford conducted herself with grace and courage, recounting the terrifying experience that has had a lasting effect on her life.

In his testimony, Judge Kavanaugh dropped the polite veneer he presented at his first hearing, during which he complimented all the Senators he had met with and told the committee that ''[t]he Supreme Court must never be viewed as a partisan institution.'' That was then, but last Thursday, he launched into a partisan political screed that contradicted everything he has ever professed to believe about the way judges should behave. He said: ''This whole two-week effort has been a calculated and orchestrated political hit, fueled with apparent pent-up anger about President Trump and the 2016 election, fear that has been unfairly stoked about my judicial record, revenge on behalf of the Clintons and millions of dollars in money from outside left-wing opposition groups.''

I have to say, sitting there listening to him be so totally partisan was bizarre. What he said was bizarre. He was angry, he was belligerent, he was partisan, he went on the attack, and he argued with Senators. He forgot who was

there to ask the questions and who was there to answer them. These are not qualities to look for in a Supreme Court Justice.

More than 1,700 law professors across the country agree, including Dean Avi Soifer and 6 other professors from the University of Hawaii and 21 professors from Georgetown University Law Center, both my alma maters. I want to quote what a law professor said:

We have differing views about the other qualifications of Judge Kavanaugh. But we are united, as professors of law and scholars of judicial institutions, in believing that Judge Kavanaugh did not display the impartiality and judicial temperament requisite to sit on the highest court of our land.

Mr. President, I ask unanimous consent that a copy of this letter from the law professors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, October 3, 2018]

OPINION—THE SENATE SHOULD NOT CONFIRM KAVANAUGH

The following letter will be presented to the United States Senate on Oct. 4. It will be updated as more signatures are received.

Judicial temperament is one of the most important qualities of a judge. As the Congressional Research Service explains, a judge requires ''a personality that is even-handed, unbiased, impartial, courteous yet firm, and dedicated to a process, not a result.'' The concern for judicial temperament dates back to our founding; in Federalist 78, titled ''Judges as Guardians of the Constitution,'' Alexander Hamilton expressed the need for ''the integrity and moderation of the judiciary.''

We are law professors who teach, research and write about the judicial institutions of this country. Many of us appear in state and federal court, and our work means that we will continue to do so, including before the United States Supreme Court. We regret that we feel compelled to write to you, our Senators, to provide our views that at the Senate hearings on Sept. 27, Judge Brett Kavanaugh displayed a lack of judicial temperament that would be disqualifying for any court, and certainly for elevation to the highest court of this land.

The question at issue was of course painful for anyone. But Judge Kavanaugh exhibited a lack of commitment to judicious inquiry. Instead of being open to the necessary search for accuracy, Judge Kavanaugh was repeatedly aggressive with questioners. Even in his prepared remarks, Judge Kavanaugh described the hearing as partisan, referring to it as ''a calculated and orchestrated political hit,'' rather than acknowledging the need for the Senate, faced with new information, to try to understand what had transpired. Instead of trying to sort out with reason and care the allegations that were raised, Judge Kavanaugh responded in an intemperate, inflammatory and partial manner, as he interrupted and, at times, was discourteous to senators.

As you know, under two statutes governing bias and recusal, judges must step aside if they are at risk of being perceived as or of being unfair. As Congress has previously put it, a judge or justice ''shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.'' These statutes are part of a myriad of legal commitments to the impartiality of the judiciary, which is the cornerstone of the courts.

We have differing views about the other qualifications of Judge Kavanaugh. But we are united, as professors of law and scholars of judicial institutions, in believing that he did not display the impartiality and judicial temperament requisite to sit on the highest court of our land.

Ms. HIRONO. Judge Kavanaugh also tried to convince us that while he ''liked beer,'' he was basically a choir boy—interested in nothing more than sports, school, and service projects. This carefully painted image has been directly contradicted by Judge Kavanaugh's own words in his yearbook and by many of his high school and college classmates over the past weeks.

These inconsistencies and contradictions were part of the reason I joined many of my colleagues in calling for a full FBI investigation of allegations against Judge Kavanaugh. I wanted the FBI to examine inconsistencies and contradictions between his testimony and that of others who knew him in high school, college, and beyond.

Last Friday, Senators FLAKE and COONS brokered an agreement to hold off on a floor vote for at least a week while a supplemental background investigation could be completed to look into these allegations. But I was disappointed that as the days went by, it became more and more clear that the White House rigged the investigation. The President claimed to want the FBI to do a comprehensive investigation, but that did not happen.

Our ranking member, Senator FEINSTEIN, wrote to White House Counsel Don McGahn and FBI Director Christopher Wray the day after the investigation began to request a copy of the written directive sent by the White House to the FBI. She got no response. The following day, many other members of the committee also wrote to Mr. McGahn and Director Wray about the supplemental investigation.

In addition to repeating the ranking member's request for an explanation of the scope of the investigation, we also asked that it be comprehensive. We wanted all serious allegations against the nominee to be investigated. Of course, we would expect, in a comprehensive investigation, that all appropriate witnesses would be questioned. We asked that the FBI ''perform all logical steps related to these allegations, including interviewing other individuals who might have relevant information and gathering evidence related to the truthfulness of statements made in relation to these allegations.'' We got no response.

Just yesterday, I joined a letter with many of my committee colleagues asking Chairman GRASSLEY to prevent public mischaracterization or selective leaks of the results of the FBI's previous work. We urged him to ''call for a full Senate briefing by the FBI . . . so that all Senators hear the same information and have the same opportunity to question the FBI before any floor vote on the Kavanaugh nomination.'' These are requests having to do with the most recent FBI investigation. We asked for a meeting between the chairman and the minority members ''to establish bipartisan ground rules for public discussion of the information provided by the FBI'' and this most recent, totally truncated and inadequate investigation—those last were my words—but both requests were rejected.

I had hoped the FBI would exhaust all possible avenues of investigation relevant to whether Judge Kavanaugh had a pattern of drinking that resulted in aggression and belligerence toward women. I had hoped they would follow leads given to them by Dr. Ford and Ms. Ramirez. I had hoped they would be permitted by the White House to do the job we know they can do—the job former Director James Comey said they could do. Instead, as we now know, they were only allowed to do the bare minimum.

As we know from news reports, there are dozens of people with relevant information, some of whom say they have corroborating evidence, who need to be interviewed, but they were not.

It is simply impossible, after seeing the results of the FBI's supplemental work—and I hesitate to call it an investigation—that anybody could think it was in any way, shape, or form the comprehensive investigation the President promised. This so-called investigation is a sham. It is a fig leaf for the Republicans to hide behind. It is a talking point for their continued and predictable criticism of Democrats. They will say: See? You wanted an FBI investigation, and you got one. But now it isn't good enough for you.

Who are they kidding? This is a sham investigation. This so-called investigation wasn't good enough for me, and it shouldn't be good enough to satisfy the American people. Judge Kavanaugh has a burden—not a burden of proof like in a court but the burden to show us he has not just the credentials for the job but the temperament and the character necessary for this lifetime appointment.

I have said many times that Democrats didn't need to manufacture reasons to oppose Judge Kavanaugh's elevation to the Supreme Court. Based on his record, his opinions and his dissents, his academic writings and speeches, I had concluded before these new reports came forward that he would not be fair and objective on the Supreme Court. His views on reproductive rights, Native rights, legal protections for workers, consumers, and the environment are all of deep concern to me, not to mention his expansive views on Executive power, including protecting a sitting President from criminal or civil proceedings.

Now that we have heard Dr. Ford's account and seen Judge Kavanaugh's angry and combative reaction, it is evident that he should not serve on and should not be confirmed to the Supreme Court for a lifetime, decades of making decisions that will impact our

lives on all of these areas on which he has a very troubling record. We can do better, and the American people deserve better.

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.

The PRESIDING OFFICER. The Senator from Washington.

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

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

Mrs. MURRAY. Mr. President, I come to the floor to join in opposition to Judge Kavanaugh and call on my colleagues to join me in voting against this mad dash to jam through a lifetime appointment to the Supreme Court.

Last week, Democrats and Republicans stood together to ask Republican leaders to allow the bare minimum—an FBI investigation into the new allegations that have come in. This wasn't an unreasonable request. It happens all the time with nominees and for far less important positions than a lifetime seat on the Supreme Court. It is the very least that should be done when serious allegations like these remain, to make sure we are hearing from all relevant witnesses and bringing all relevant information in for consideration, but this simply has not happened.

This morning, I went in for a briefing on the new FBI investigation, and it was very clear to anyone who reviewed the material that Senate Republican leaders and President Trump cut the FBI off and refused to allow them to conduct the comprehensive and thorough investigation that was promised to Democrats and Republicans.

Instead, this was rigged from the start to protect Judge Kavanaugh because here is what we know, and this has been reported in the press: Dr. Ford was not interviewed despite her repeated requests. We know Judge Kavanaugh was not questioned. We have heard from so many other witnesses who were desperate to talk to the FBI—desperate—because they had relevant information they wanted to share in confidence. As far as we know, they were never even contacted, and now Senators had to line up to read a single copy of a limited FBI report over the course of today. We are not allowed to share what we saw or take notes out of the room, and we are not permitted to ask the FBI agents who actually conducted the investigation any questions.

Although I am not permitted to share what I heard and read in the briefing, I can say absolutely nothing I saw makes me believe Dr. Ford any less, and, in fact, based on what I saw, I am even more concerned about the veracity of some of what we heard from Judge Kavanaugh.

Even more important than anything we saw was how much we were not able to see because the investigation was limited. Once again, the voices of women and their experiences have been silenced and pushed aside.

So the questions everyone should be asking right now are, What are Republican leaders so afraid the FBI would find if they were allowed to take the full week to truly conduct a thorough investigation and talk to all of the relevant witnesses? What are they trying to hide, and why will they not allow this to be done right when we are talking about a nomination to the highest Court in the land?

So I come to the floor to make three points to urge my colleagues to vote no and stop this mad dash to a rushed confirmation.

First, I am going to talk about what we know about the serious and credible allegations against Judge Kavanaugh by Dr. Ford and others; second, I am going to run through, once again, the serious credibility problems that have been raised regarding Judge Kavanaugh; and finally, I will highlight, once again, the real temperament concerns so many of us have based on what we saw from Judge Kavanaugh at the last hearing.

First and foremost, I believe Dr. Ford. She has absolutely no reason to lie, and she had no interest in making this public before she was compelled to, citing her civic duty. We all saw her at the hearing, and like so many people across the country, I was riveted, and I watched with tears in my eyes. Dr. Ford was so brave and compelling. She was so real. The memories she recounted were heartbreaking; the fear she felt when she was being attacked; the relief she felt when she finally made it out of the house; the laughter between Brett Kavanaugh and Mark Judge she will never forget; the fact that she is 100 percent sure it was Brett Kavanaugh who attacked her.

Millions of people watched her, and so many women and survivors were inspired by her bravery. Dr. Ford made a credible allegation of a serious offense that needs to be taken seriously.

We have also heard from other women—Ms. Ramirez, Ms. Swetnick—with their own experiences to share. They should be listened to. They should be heard. We should presume they are telling the truth, and Republican leaders should allow a full investigation into their allegations because, in the end, despite what some Republicans tried to claim, this is not a trial. We are not supposed to weigh evidence and make judgment about innocence or guilt. Our job as Senators is to weigh what we know, weigh what we hear, weigh what we learn, and use our own judgment to determine whether a nominee deserves a promotion to the highest Court in the land. Based on everything I know about the allegations made against Judge Kavanaugh, he should not be confirmed, and he should not be in a position to make decisions on the Supreme Court that impact women and families and the future of our country, which takes me to my second point: Judge Kavanaugh's serious credibility issues.

I went through this in some detail on the floor yesterday. I will not go through all of it again, but time and again, in his initial hearing and then even further in his second hearing, Judge Kavanaugh made it clear he has serious issues with the truth.

He testified under oath directly to Senators and made claims that simply defy belief on issues big and small. Again and again, he made claims that were contradicted either through emails that were uncovered or from others who felt compelled to come forward after hearing what he said that simply did not align with what they knew to be true.

If we can't trust what he has said to us on those issues, if we know some of what he said is simply false, how can we trust him on so many other issues? Surely, the least we can expect from someone nominated to serve on our Nation's highest Court has a basic commitment to honesty and truth, especially while under oath. This shouldn't be a partisan issue. It is just common sense, which brings me to the third point I want to make.

Like so many people watching last week's hearing, I was shocked by Judge Kavanaugh's raw anger, his rage, disrespect, sense of entitlement, and sneering condescension; from his apparent bafflement that he even had to respond to credible allegations against him to his attempt to throw questions back at Senators, asking them instead of actually answering them himself, to his open partisanship, his bitterness, to his rage and anger, and so much more.

I cannot imagine any Senator seeing what we saw in that hearing, watching a nominee make a display like that and thinking this person is fit to serve as an impartial judge on our Nation's highest Court.

I know President Trump loved Judge Kavanaugh's performance. It seemed to inspire him to move from calling Dr. Ford a credible witness to openly mocking and attacking her, and it sounds like it has galvanized him to fight even harder for the man whose anger and defensiveness he clearly identifies so closely with.

I thought it was truly awful. It was not the kind of temperament we should want on the Supreme Court, and I can only hope enough of our colleagues agree.

Once again, I believe Dr. Ford, and, to me, Judge Kavanaugh has shown so clearly he does not have the temperament or credibility to serve on the Supreme Court, but for any of my colleagues who may not be persuaded and have bravely stood up to ask for more information and a thorough investigation and for all of us who believe the Senate should do its job and get this right, we can't rush this to a finish line.

A truly thorough investigation must be completed, as promised, so Senators hear from all the relevant witnesses and gather all the relevant information before we cast a vote on this confirmation. It can be done quickly, but it has to be done right because if this does end up being jammed through, as apparently currently Republican leaders intend to do, it will completely undermine the public's trust and the credibility of the Supreme Court as information continues to come out from investigations that will continue whether or not he is confirmed. It will eliminate any remaining trust people have in Senate Republican leaders to allow us to fulfill our constitutional advice and consent role and not just be a rubberstamp for the President, and it will cause tremendous anger and backlash across the country from those who are shocked to see the voices of women and survivors ignored like this.

I ran for the Senate after I saw what happened to Anita Hill in 1991. Based on everything I am seeing and hearing across the country, all the anger and energy and focus, I am confident that if women and their voices are attacked, undermined, and disrespected once again, we are going to see a wave of anger and frustration and activism that makes 1992 look like a ripple. We still have time to do this right. We still have time to do better than the Senate did in 1991. We still have time to restore the public's faith that women will be listened to.

I urge my colleagues to join me, vote no tomorrow, and end this mad dash to confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

Mr. HEINRICH. Mr. President, I am deeply saddened that the words I am about to deliver even need to be said in the first place, but I have to ask: How can we possibly continue to move forward or, as in the majority leader's own words, ''plow right through'' to confirm a lifetime appointment on our Nation's Supreme Court in the wake of both credible allegations of sexual misconduct leveled against the nominee Brett Kavanaugh and serious questions concerning his judicial temperament?

Republicans are ignoring very real questions about his credibility and are intent on hiding his record. Even worse, they are in such a rush that most of them did not even want the FBI to reopen Judge Kavanaugh's background check to help us get to the bottom of this, and when the FBI did reopen the investigation, the White House limited its scope so much it did not follow multiple credible leads.

Now we as Senators have barely 24 hours to review their findings before scrambling to a vote.

As the whole Nation watches, what message is the U.S. Senate sending to our children, to women, to victims of sexual assault about the values we stand for? Do they not matter? Is this the society that we want our sons and daughters to grow up in? We all know full well the weight of who fills this deciding vote on our Nation's highest Court.

Whomever we confirm as our next Supreme Court Justice will decide major cases that shape the daily lives of Americans for decades to come, but this is not a time for simply thinking about the judicial philosophies that we believe should shape opinions on the bench. I have made it clear that I oppose Judge Kavanaugh's nomination based on the substance of his views and the broken process being used to rush this nomination through the Senate on a partisan basis.

From the very start, Republicans have pushed this nomination through at a breakneck pace, hiding from the public Judge Kavanaugh's record and the dangerous consequences of his extreme views on many important issues. That willful blindness, the absence of a thorough vetting process, and the mad dash to hastily confirm their nominee at all costs before this fall's election has led us to the crisis that we face today.

This has now become an even more fundamental test of how seriously we as Senators take our duty of advice and consent on enormously consequential Presidential appointments.

Multiple women have come forward publicly to accuse Brett Kavanaugh of sexual misconduct. While we will never be able to adjudicate these allegations in the same way as a criminal proceeding, we have an obligation to weigh these accusations carefully and seriously as we consider Judge Kavanaugh's fitness to serve on the Supreme Court.

I, for one, after reviewing all of the information that we have and after listening to the testimony last week before the Judiciary Committee, have to say clearly and forcefully that I believe Dr. Ford. When a victim of sexual assault comes forward to make a harrowing allegation like this, it takes tremendous courage, and it shouldn't be dismissed. Under incredible duress and at a great personal cost, Dr. Ford came forward to share the painful details of how Brett Kavanaugh assaulted her while she was in high school. I don't know how anyone watching her testimony could question her sincerity or the seriousness of her experience, but some Republicans seem to be following President Trump's lead here and are choosing to jeer and dismiss Dr. Ford rather than take her testimony seriously. As I have said before, all of the sexual assault allegations made against Judge Kavanaugh deserve a thorough professional investigation by the FBI before proceeding with any vote on his nomination to the highest Court in the land.

I was relieved to see my colleague Senator FLAKE of Arizona speak up and call for a delay to seek a more thorough FBI investigation. Unfortunately, once again, the rush to get a predetermined outcome has undermined the integrity of the process.

Dr. Ford told us that she was absolutely willing to participate in an FBI investigation to get to the bottom of Judge Kavanaugh's alleged assault, but according to her, she was not even interviewed by the FBI as part of this reopened investigation. The FBI did interview another accuser, Deborah Ramirez, who has alleged that Judge Kavanaugh exposed himself to her during her freshman year at Yale. However, dozens of others sought to bring evidence forward and the FBI ignored their willingness to offer testimony. Again, key witnesses, including Judge Kavanaugh and Dr. Ford, were not even interviewed by the FBI. The FBI was so constrained by the White House in this matter that I would not call this an investigation.

This is unjust. This sends a harrowing message to women and girls all around the Nation who have been victims of sexual violence. We must not toss aside a fair and impartial process in favor of a hurried political endgame. Before we take one of the most consequential votes that any of us will ever take, shouldn't we want to get to the bottom of this?

Even beyond what we could learn from a real investigation, there is already reason to doubt Judge Kavanaugh's credibility and his candor.

Despite the fact that the White House tried to limit the scope of the FBI's work so drastically that I wouldn't characterize it as an investigation, the FBI's report still manages to raise very serious questions about Judge Kavanaugh's truthfulness. During his confirmation process, Judge Kavanaugh began by misleading the Senate on small things. He misled the Senate on consequential questions about his time in the Bush White House. Last week, when faced with serious questions about the sexual assault allegations and questions about his character, Judge Kavanaugh dodged, dismissed and ranted. He was not able to refute the serious accusations leveled against him, and neither did the FBI report. Based on what we have heard since from people who knew him at the time, there is substantial reason to believe that he was not being truthful about his conduct.

If Dr. Ford's testimony is the truth—and I believe it is—then Judge Kavanaugh should be disqualified from serving on the Supreme Court.

Once again, I fully acknowledge the stakes of this nomination. I understand how much my Republican colleagues want to appoint someone they agree with on important issues that may come before this Court, but we cannot—we should not—rush to confirm a man to a lifetime appointment to the highest Court in the land under such a dark cloud of credible allegations—not

to such a critical seat at such a critical time.

Last week's hearing should have been the beginning of looking into this serious allegation, not the end. If there is nothing to hide and if there is information that would exonerate Judge Kavanaugh from the accusations that have been leveled against him, then a real indepth investigation would help us reach those conclusions. Instead, Republicans continue to rush this process and press forward with a predetermined set of conclusions. It makes one wonder if my Republican colleagues actually want to know the truth.

We cannot allow these allegations to be swept under the rug. The message that would send to victims of sexual assault and abuse would be devastating. It would effectively state to them that even if they come forward, there will be no justice; that they will be ignored or, worse yet, mocked, in the case of the President. All people regardless of gender, sexual orientation, or ethnic background should have the same right to live free from domestic and sexual violence.

I am truly stunned that we are moving forward with this confirmation vote. If we can't pause to make sure we get this right, the institution of the Supreme Court will lose the public's faith as an embodiment of justice. So I will ask one more time: What are we doing here? Can we not do better than this?

I think we must. The integrity of the highest Court in the land hangs in the balance. What we stand for as a nation hangs in the balance.

The PRESIDING OFFICER. The Senator from North Carolina.

CALLING FOR THE RELEASE OF PASTOR ANDREW BRUNSON

Mr. TILLIS. Mr. President, I know that the Presiding Officer has been present in the Chair a few times when I have given this speech. It is not a prepared speech. It is an update on a travesty of justice that is continuing in Turkey.

Today is October 4. On October 7, 2016, a man named Andrew Brunson, a Presbyterian minister from my State of North Carolina, up near Black Mountain, was arrested by Turkish authorities.

Pastor Brunson has been a missionary in Turkey for about 20 years. In 2016, there was an illegal coup attempt. The people associated with it should go to prison because there should not be violent changes of power in nations. They have an election process, and they should honor it. I have no problem when there is evidence of people who have been associated with an illegal coup going to prison, but I have a real problem with a man who for the last 2 years has been in a Turkish prison and went 19 months without an indictment. He was held without charges for 19 months. Over the last couple of months, we finally got him into house arrest.

Then they put together an indictment that is truly something that I don't think could keep someone in an American jail overnight. I read it and felt so strongly about it that I decided to go to Turkey and be in the courtroom for 16 hours when he sat through his nearly 12-hour hearing.

I was in that courtroom for the whole time, a courtroom just outside of Izmir. It was the second time I was there. I was there 2 months earlier to visit him in prison and to let him know that the U.S. Senate and the U.S. Congress knows he is there and we are not going to forget him. We had nearly 70 Senators sign on to a letter to that effect.

The reason I do this speech is to remind the American people about Pastor Brunson and to remind them about other Americans and Turkish-Americans who are in prison, suggesting that they were a part of trying to overthrow President Erdogan's government.

It will be 2 years on the 7th of this month. That is 727 days that he has been held in prison.

But what I want to talk about is kind of related to a subject we are discussing on the floor in another matter, and that is unsubstantiated allegations. This man has over 11 unsubstantiated allegations. What does that mean?

Somebody says: I saw somebody do this.

Yet they produce nobody else that can actually corroborate it, in other words, saying: Yes, I remember that happening; I agree with that testimony.

There were 11 different allegations. Many of the people who testified wouldn't even show their faces. They were on a video screen with digital blocking and with their voices hidden. Some of them we now know are in Turkish prisons themselves.

None of the allegations have been corroborated by a single person. Yet this American, this man who was bringing the word of God to the people who wanted to hear it—he wasn't forcing it on them; he was asking them into the church if they wanted to sit through a service on a Sunday or during the week—was put in prison. He was put in prison for allegations.

One person who is also in prison said that one night they saw a light on up in the upstairs part of this very small church. It only fits about 100 people, and there is a little office upstairs. There was a light on for 4 hours, and, therefore, something bad must have been happening in there.

There is another real problem with that allegation. It turns out that when I went to Izmir and to that church, there is no window in that upstairs room. Yet that is an unsubstantiated allegation that has landed this man in prison and subjected him to a possible 35-year prison sentence in Turkey.

Another was a media post by his daughter, who ate a meal that the Turkish authorities said is a meal that is commonly eaten by terrorist organizations and so, therefore, she must be associated with that organization. That is the level of the allegation. In fact, it is one the more popular dishes enjoyed by many people—Kurds, Turks, and a number of people in the Middle East—but those are the unsubstantiated allegations that have kept this man in prison for 2 years and could potentially keep him in prison for 35 years.

He is coming up on his final court date, where they will either release him or imprison him.

I want to thank President Trump for making this a priority. I want to thank Secretary of State Pompeo for making this a priority. I want to thank my colleagues, including the Presiding Officer, who voted on a provision in the National Defense Authorization Act that says: Turkey, if you go down this path, there will be consequences. If you go down this path, you may not see the F–35 Joint Strike Fighter ever on Turkish territory. We may have to rethink the supply chain that runs through Turkey to build the F–35. We may actually have to take additional measures.

I am watching them. Right now, I am trying to show them respect and hope that they do the right thing, but I want Pastor Brunson and his wife Norine and all of the people who belong to his church—the same church that the Reverend Billy Graham was associated with—to know that if justice is not served, then, we will continue to put the pressure on Turkey in any way that I can for as long as I am a U.S. Senator.

Tonight I would just ask anybody watching this on C-Span and all of my colleagues to just pray for Pastor Brunson, to pray for his release. I hope that I don't have to come to you for additional support to remind Turkey that our American justice system would never put a Turkish person in prison and our NATO ally should understand that we want him treated with respect and their very strong partner, the United States of America, treated with respect.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, a long and arduous process is finally drawing to a close. In the next couple of days, we will vote on Judge Kavanaugh's confirmation to the U.S. Supreme Court. I will be voting yes.

Last week, Dr. Christine Blasey Ford testified before the Senate Judiciary Committee about an allegation she made about Judge Kavanaugh. Dr. Ford deserved to be heard, and she was. Her claims deserved to be investigated, and they were, thoroughly, by the Senate Judiciary Committee. Then they were investigated again by the FBI.

Here is what we have learned after seven FBI background investigations, more than 2 weeks of committee investigations, and a day-long hearing in which both sides were heard: There is not one scrap of corroborating evidence

to back up her claims against Judge Kavanaugh.

Person after person after person has given testimony of Judge Kavanaugh's good character, both in high school and in his adult life. Sixty-five women who knew Judge Kavanaugh in high school sent a letter to the Senate Judiciary Committee noting that he always treated women with ''decency and respect.''

It has become clear that for many of my Democratic colleagues, zero evidence was never going to be enough. Innocent until proven guilty doesn't seem to be a concept that my Democratic colleagues understand. Instead, my Democratic colleagues seem to be putting forth a new standard: Guilty no matter what, even with evidence to the contrary, which is scary because innocent until proven guilty is a pretty foundational principle of our system of government, and it is a powerful safeguard against destroying the lives of innocent people with false accusations.

The truth is, to many of our Democratic colleagues, Judge Kavanaugh has been guilty since the moment he was nominated. He is guilty of being a Republican. He is guilty of being nominated by a Republican President. He is guilty of pledging his allegiance to the law instead of to Democrats' preferred judicial outcomes. So any means of defeating him became fair game, no matter how unjust, no matter how outlandish.

Dr. Ford certainly deserved to have her claims heard and investigated, but Democrats didn't stop there. They gave credence to almost every accusation that was thrown out, no matter how ridiculous or uncorroborated. It didn't matter if no less a paper than the New York Times had declined to publish an accusation for lack of any corroboration. If it would slow down Judge Kavanaugh's confirmation, they grabbed onto it.

At least one Democratic Senator suggested that we needed an FBI investigation because Judge Kavanaugh had thrown ice at someone in college. Apparently, throwing ice in college is now grounds for an FBI investigation. What is next—an FBI investigation because Judge Kavanaugh stole another kid's toy in preschool or because he didn't share his swing on the playground during recess?

The confirmation process for Judge Kavanaugh has gotten particularly ugly in the last couple of weeks, but the truth is, it was ugly from the beginning. Long before Dr. Ford had made any accusations, one Democratic Senator on the Judiciary Committee said that those who supported Judge Kavanaugh would be complicit in evil.

For starters, let's point out that Judge Kavanaugh is a mainstream judge. During his time on the DC Circuit, Judge Kavanaugh's Democrat-appointed colleagues have been just as likely to join his majority opinions as his Republican-appointed colleagues.

Judge Kavanaugh has won admiration from across the political spectrum for his intellect, his fairness, and his dedication to the law.

Former Obama Acting Solicitor General Neal Katyal noted this about Judge Kavanaugh:

> I think it's very hard for anyone who's worked with him, appeared before him, to, frankly, say a bad word about him.
>
> In my practice we basically have a rule: If there's a Kavanaugh clerk who applies, we hire that person.

Thirty-four of Judge Kavanaugh's law clerks wrote a letter on his nomination which said, in part:

> Our views on politics, on many of the important legal issues faced by the Supreme Court, and on judicial philosophy, are diverse. Our ranks include Republicans, Democrats, and Independents. But we are united in this: Our admiration and fondness for Judge Kavanaugh run deep. For each of us . . . it was a tremendous stroke of luck to work for and be mentored by a person of his strength of character, generosity of spirit, intellectual capacity, and unwavering care for his family, friends, colleagues, and us, his law clerks.

Supreme Court Justice Elena Kagan—certainly not someone Democrats think of as either evil or an extremist—hired Judge Kavanaugh to teach at Harvard Law School, where he has served as the Williston Lecturer on Law.

Both inside and outside his profession, those who know him praise his character.

Eighty-four women who worked with him in the Bush administration sent a letter praising him as ''a man of the highest integrity.''

A self-described liberal Democrat and feminist lawyer who knows Judge Kavanaugh and knows him well wrote the following in an op-ed for Politico:

> My standard is whether the nominee is unquestionably well-qualified, brilliant, has integrity, and is within the mainstream of legal thought. Kavanaugh easily meets those criteria.
>
> Just as a Democratic nominee with similar credentials and mainstream legal views deserves to be confirmed, so, too, does Kavanaugh—not because he will come out the way I want in each case and even most cases, but because he will do the job with dignity, intelligence, empathy, and integrity.

That is from a liberal lawyer. This is the man that the junior Democrat from New Jersey said it would be ''evil'' to support.

I frequently disagree with my Democratic colleagues on policy issues, oftentimes quite strongly, but I don't go around calling my colleagues ''evil'' because we disagree. I know that word should be reserved for people who have truly malicious motivations or who have done truly terrible things—not people who, like me, want to do what is best for our country but have different opinions about how to get there.

What kind of an example does the Senator from New Jersey's rhetoric set for our children—that civil disagreement is impossible; that anyone whose opinion differs from our own should not be tolerated; that our fellow Americans are not just our political opponents but our enemies?

Democrats like to accuse the President of using irresponsible rhetoric. I might suggest they take a long hard look in the mirror.

But it is not just the Democrats' rhetoric that has been extreme and irresponsible throughout this process, so has their handling of Dr. Ford's allegation. The ranking member on the Senate Judiciary Committee, the senior Senator from California, sat on Dr. Ford's allegation for 6 weeks without sharing the allegation with Republicans.

During that time, she never once questioned Judge Kavanaugh about the accusation, despite having multiple chances to do so, both in public and in private. If the ranking member thought this accusation was credible, she had an absolute responsibility to disclose it to the committee or to the FBI immediately. She also had an obligation to ask Judge Kavanaugh about it. She did neither.

If, on the other hand, she thought it was false—which is the only excuse for her silence—then the Democrats' decision to exploit this accusation for political gain is appalling. In either case, Democrats have behaved with a total lack of responsibility throughout this process.

Not only have they shown not the slightest concern about the possibility of tarnishing a good man's name, they also displayed no real concern for Dr. Ford. Clearly, they had no particular interest in giving her or her allegation a hearing until it became politically expedient to do so. If they had really cared about her accusation, they would have brought it up immediately and questioned Judge Kavanaugh about it immediately. Instead, they held it in reserve, apparently to be deployed in the event that they needed it to delay the confirmation process.

It is shameful but not surprising. As I said earlier, Democrats made clear from the beginning that they would do anything they could to defeat Judge Kavanaugh's nomination. Throughout this process, they have grasped any straw that appeared: too few documents, too many documents, an unrelated investigation, outlandish accusations.

Then, after last week's hearing, when it became clear there was no evidence against Judge Kavanaugh, they jumped on his demeanor at the hearing. Now he was unqualified because he passionately defended his good name in front of the committee. Apparently, it is not OK to be angry when your good name has been dragged through the mud and your family has been threatened.

Today, of course, now that we have gotten the results of the FBI investigation, which Democrats requested, by the way, Democrats are now saying that Judge Kavanaugh shouldn't be confirmed because the FBI investigation wasn't long enough or thorough enough.

I would like to ask: Does anyone here think there is any FBI investigation

that would have satisfied my Democratic colleagues? After all, we know Democrats have been opposed to Judge Kavanaugh from the very beginning. A number of them announced their opposition before the ink was even dry on his nomination. Are we really supposed to believe they were going to change their minds after yet another FBI investigation?

Despite the well-coordinated intimidation tactics of the far left, we are moving forward. We are about to vote on Judge Kavanaugh's nomination, as we should be. But I can't help but reflect on the process of getting here.

I would like to ask my Democratic colleagues if this is what they think the process should look like going forward. Do they really think that Supreme Court confirmations should be characterized by intense partisanship and unsubstantiated character attacks? Do they really want to do away with the presumption of innocence and allow innuendo—the substitute for evidence? Do they really think it is OK to stop at nothing to tank a nomination?

Tomorrow and Saturday, I will be casting my vote for Judge Kavanaugh. I will be voting for him because he is supremely qualified. We all know that. The Democrats know that. I will be voting for him because he is a man of character and integrity, and I will be voting for him because I know that he can be relied on to uphold the rule of law and the Constitution. I invite not just my Republican but my independent-thinking Democratic colleagues to join me. It is not too late to say no to the politics of personal destruction. It is not too late to say no to unchecked partisanship. It is not too late to put this eminently qualified nominee on the Supreme Court.

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.

Mr. LANKFORD. 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. LANKFORD. Mr. President, the American people have walked through Supreme Court nominations many times. There is a normal process of walking through Supreme Court nominations.

They are nominated by the President. There are background checks that are done. It is extensive. They then meet with every single Senator or whoever wants to meet with them privately. They turn in documents so that everyone can read through their backgrounds and their writings. They get details, and they get interviews. Anything they have ever written, whether it was writing for their law school journals or writing articles for a sports magazine, is turned in. Everyone goes back through that.

Once they go through all 100 Senators or whoever wants to meet with them, the Judiciary Committee meets with them. They do a week of hearings. They do extensive work and talk through everything. Outside witnesses will come in and will talk about their lives.

There is a confidential meeting that happens with all the Senators in which they sit down and say there were some private accusations that might have been made or some issues about your finances or things that we saw in your background report that we want to ask you about confidentially.

After all of that is done, there is time for questions for the record, and anyone who still has questions can submit them to the nominee. Then it is time for a vote.

That is how it is typically done. Quite frankly, that doesn't look like how it was being done this time with Judge Brett Kavanaugh.

He was nominated by the President. He turned over documents. Boy, did he turn over documents. There was an enormous number of documents turned over by him that were requested and continue to be requested. Brett Kavanaugh ended up having 480,000 pages of documents turned over to the committee. It was more than the past five Supreme Court nominees combined turned over.

There were 57 days from the time he was nominated until the time the first hearing actually began with the Judiciary Committee. That is a longer period of time than it was for Justice Gorsuch, Justice Kagan, or Justice Sotomayor. It was a long period of time between when he was nominated and when he actually came, and there were more documents that were turned over than for any other person. He went through the hearings for 5 days. He went through all of the confidential meetings and those private meetings. He went through every private meeting with every Senator who wanted to meet privately.

Then it was time for questions for the record. There were 1,300 questions for the record that were given to him as followup for the hearing. Those are more questions for the record than for all of the Supreme Court Justices combined in the history of the country.

After all of that was done, a bombshell was dropped. You see, a month and a half before the end of the hearing, a lady named Dr. Ford had sent a letter to one of the other Senators here, to the ranking member of the Judiciary Committee, saying: I have a concern from a memory that I have from high school time. That letter was turned over on July 30, early in the process, while Judge Kavanaugh was still meeting individually with Senators—before the hearings, before the classified meetings, before any of the questions for the record, before any of that. It was turned over early.

Apparently, the ranking member's staff reached out to her then and had a phone call, and the ranking member had a phone call. Then that information was held. Apparently, from her own testimony—from Dr. Ford—she was then advised by the ranking member's staff: You need to hire an attorney and prepare yourself. Then nothing was said for a month. Suddenly, 2 days before the hearing, a leak comes out of the Judiciary Committee—from somewhere—and there was a story in the newspaper about this accuser. Then everything began to break loose.

What is interesting is that accusations like these are made for a lot of different nominees of all different types and have been for years and years and years. So there is a process by which to handle this. When an accusation is made like that, you give it to the FBI early. It includes it in its background check so as to walk through it early. You sit down in confidential meetings so that accusers don't have to go through all of the public scrutiny. You resolve it in a private setting and bring as many witnesses as you want to talk through it, but you don't want accusers to have to be public, because they don't like to be public. This is something very private and personal to them.

Yet that is not what happened with Dr. Ford. It was saved. She was just told: Get an attorney. You are going to need it. Then her story was plopped out into the news, forcing her out, making her sit in front of the American people and dragging the American people through an exceptionally painful season in our country's history.

At the end of that, there was a hearing. Many Americans watched. It was riveting to try to figure out who was credible. How do I follow the story? All of this testimony came out from Brett Kavanaugh who adamantly—forcefully—denied anything like this had ever been done with Dr. Ford or any other person. It was unequivocal. Dr. Ford said: I 100 percent remember this, and here are the three people who will also corroborate my story. They were there.

There was a push from my Democratic colleagues to say that this investigation had been done by the committee, and they want the investigation done by the FBI, with the unequivocal statement that during the Anita Hill hearings in 1991, the FBI took 3 days to do all of the investigation. We want 3 days. Give the FBI 3 days to do this. Then they came back later: Give them a week. That is all it would take. So a decision was made to pause and give the FBI time to do it.

Here were the instructions to the FBI: Research any credible accusation—no boundaries, no limitations on them. Research a credible current accusation. It was not just ''keep adding forever.'' If there were new accusations that were to come in, there would have to be a new conversation. By that time, they had started rolling in. So the FBI was told to just go look at them all, and they were given instructions. No one from the House or the Senate, of either party, was tracking them. They just let the FBI do their task.

They have now come back several days later with the report that a lot of American people now know is stored downstairs, and every Senator has the opportunity to go through it.

There are pages and pages of testimony. They went through all of the individuals who were claiming to have any kind of alleged firsthand knowledge, all of the individuals Dr. Ford had stated. Those three individuals were there to say they could testify on his behalf.

Then there was the list from Brett Kavanaugh's calendar, saying: Here are all of the individuals who went to these parties. The FBI went through and interviewed them all.

The FBI also went to Ms. Ramirez, saying: We will take a look at this, even though the New York Times wouldn't take that story when it was offered to them. The New York Times spent a week researching it, calling around, as they said, to dozens of people to find anyone who could corroborate Ms. Ramirez's story, and they couldn't find anyone. So the New York Times walked away from it, but a different periodical printed it anyway.

The FBI went to Ms. Ramirez, interviewed her and interviewed anyone she said could corroborate her story. At the end of that investigation, all of those reports came in. We have now read through them, and every single one of those individuals reported back: I don't remember anything like what they are describing. Not only do I not remember anything like what they are describing, I know Brett Kavanaugh, and I can't even imagine that he would do something like that.

Instead of agreeing with their story, with the accusation, person after person after person actually agreed with Brett Kavanaugh.

What is interesting is Brett Kavanaugh has been through six different FBI background checks in the past. He has now had 150 people in his life who have been interviewed. Interestingly enough, of all 150 people in his life who have been interviewed—even before this time, one of the questions the FBI asks everyone when they are doing a background check is this: Do you know of any issues this person has with alcohol or drug use that would be a problem for them? Do they have a problem with drug or alcohol use? Every single one of those people, from two decades of background checks, six different times in his life—all of them reported: No, he does not have a problem with drugs or alcohol.

Over the last couple of weeks, there has been an aggressive move to transform a person into a monster. In fact, some of my colleagues on this floor have labeled him as evil, and anyone who supports him is evil. It is the transformation of a person's reputation for political gain.

The other accusations I have seen in the media have been fascinating to me. For the past several weeks, the media has been reporting there is another accuser. The big story will come out that there is another accuser, but the next day they don't ever seem to print when that accuser recanted, as many of them have.

A story breaks out one day saying, ''Here is the story I remember,'' and they tell this whole sexually explicit story. The committee then contacts the individual of the story and says, ''Under penalty of perjury, would you be willing to testify in front of us and tell us your story?'' Instead of saying, ''Yes, I would agree to tell my story,'' the response that came back to them was, ''I made a crazy mistake. I apologize. I will recant my story rather than face perjury and testify.''

There was an accusation that came from an anonymous person in Colorado, who said, ''I know I saw Brett Kavanaugh in this year, at this time, slam his girlfriend against the wall in this public place,'' except the problem was the girlfriend that he had at the time came out publicly and said that never ever happened, and she can't imagine Brett Kavanaugh doing that.

My favorite one is the accusation that was printed in which another accuser, who ended up being a person who had written in a tip, said: There was a really salacious frat party at Brett Kavanaugh's fraternity after he left Yale. It was a really big party, and it was really out of control. I bet Brett Kavanaugh came back to that party after he was out of college. I bet he came back and went to that party and someone should check. That was the big tip.

This has really gotten out of control. This started with a serious accusation from an accuser whom we should take seriously—Dr. Ford. We should have been able to get to the facts and the information, but it suddenly spun out of control into random smear campaigns to try to destroy someone personally.

The information that has come out has not corroborated any of the accusations. In fact, it has done the opposite. This has done tremendous damage to a family and to the reputation of someone who has served our country admirably for a long time and who, up until the last 2 weeks, had a stellar reputation, which has now been trashed for political gain.

I grieve for the people who have experienced sexual assault in their lives. I have spent 22 years working with students in youth ministry, and I have met lots of families who have had lots of pain in their lives. How we deal with sexual assault in America is very important. People need to be believed, and things need to be taken seriously, but when the facts all come out, we also have to make decisions based on facts, not on accusations. This is a case where we have to be able to deal with the facts.

I will vote for Judge Brett Kavanaugh to be on the Supreme Court based on his record for decades, based on now seven FBI backgrounds checks on him, based on 65 ladies who have come forward, who knew him from high school and college and have said: This is the Brett Kavanaugh we knew, and he isn't anything like all of these accusations.

Based on 150 different people whom the FBI privately interviewed and asked about his alcohol use over the past 20 years—even reaching back to college, for instance—asking if he was ever out of control in his alcohol use, all of them say no. All of them say no. It is not based on a couple of recent accusations; it is over decades of history.

I get that there are people who will disagree on this for political reasons or they may not like Brett Kavanaugh's positions on legal issues. I get that, but let's not smear a man's reputation forever because we don't like his opinions on something.

Where do I think we go from here? I think there is something we can gain as a nation from this painful experience. If there is any one piece of advice that I could pass on to the country as a whole and to us as leaders, it is to encourage families to take care of their kids.

As I read all of these stories—and I have gone through all of them—all of them show some markers that I look at and say there is some need for conversation. I think moms and dads should sit down with their daughters and should lovingly say to them: If there is ever anything that happens to you, if any boy ever does something inappropriate to you, if he ever touches you in any way, we want you to know that we love you, we believe in you, and you can come to tell us right away because we want to make it right as soon as possible. Do not be afraid to talk to us about it. We will not blame you. We want to make it right. That conversation that moms and dads can have with their daughters could have great benefit for a lot of daughters for a long time.

There is a conversation that moms and dads need to have with their sons and daughters about alcohol use because in all of the stories that I have read, all of them involve teenage drinking—all of them.

Dr. Ford admitted drinking even at the party she described. All of them involved drinking and drug use. There is a conversation that moms and dads could have with their kids because, quite frankly, I have met way too many parents who have said: I know my children are going to drink. I just tell them not to drink and drive. If they are going to drink, I tell them just to stay over there or come to our house and drink, and that will be fine. Well, it is not fine.

There are an awful lot of 15- and 16-year-olds who do not have the maturity to drink alcohol, and when parents sign off on it and say that it is OK, they need to understand there are very real consequences.

I have not asked Judge Kavanaugh about it, but I bet he would love to take back some of his drinking when

he was in high school and college, to wait until he was more mature, because he was telling painful stories.

I would encourage parents to be parents and to step up and help protect their kids so that they can make better decisions. It may be a good lesson for us as a nation to be able to pass on to our kids.

One last lesson: We have to learn how to disagree about political issues without destroying someone personally for the sake of gain on anything in politics. We have to learn this lesson because in the days ahead, no matter what your political party is, no matter who is President, no matter who is nominated, we want the best and brightest of our country to step up. We want them all to be able to serve their country.

I have not met a perfect person. What has been interesting to me is the number of times that I have had Democratic colleagues say to me in the last week and a half, ''You know, I really hope they don't go through my high school record like we are going through Judge Kavanaugh's record'' or the number of times I have heard folks say, ''Do you know what I really want said at the committee hearing? I want someone to step up and say that he who is without sin should cast the first stone, but that hasn't been said.''

Maybe an ounce of compassion and a tremendous amount of affection for those who have suffered greatly from assault would be of great benefit to us as a nation, as a community, and as a Senate.

I yield back.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. 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.

TRIBUTE TO FRANK T. LIBBY

Mr. DURBIN. Mr. President, today I want to honor my friend Frank Libby for his extraordinary service to my home State of Illinois. Last month, after 42 years of service to the brothers and sisters of the Union Brotherhood of Carpenters, Frank Libby retired.

A decade after the Great Chicago Fire, in 1881, a group of 35 carpenter leaders met in a Chicago warehouse and hammered out an agreement to form a single, unified union. The United Brotherhood of Carpenters was born. Ever since, the Carpenters union has been a leader, building and growing communities by bringing countless skilled women and men to the construction industry.

Frank Libby is an outstanding part of that rich history. Throughout his career, Frank held a variety of positions. As a member of Local 10, he has served as warden, recording secretary, business representative, financial secretary-treasurer, and president for the past 24 years. In 2008, Frank became the 24th president/executive secretary-treasurer of the Chicago Regional Council of Carpenters, representing working families across 72 counties throughout Illinois and eastern Iowa.

Under Frank's leadership, the Chicago Regional Council of Carpenters flourished, becoming the largest building trades union in the State of Illinois with a membership in the tens of thousands. He fearlessly confronted the unprecedented challenges facing the union and had the courage to make the necessary decisions enabling the union to not only survive the great recession, but actually thrive.

If that wasn't enough, Frank Libby also served as a member of the executive board of the Chicago Regional Council of Carpenters and the Chicago Federation of Labor and as a trustee on the Carpenters' Welfare and Pension Fund and the Carpenters' Apprenticeship Training Fund. Frank also served on the Illinois State Council of Carpenters' executive board and as a past board member to the Chicago Convention and Tourism Bureau, but his legacy will be realized by the generations of carpenters who, because of his leadership and vision, will receive fair wages and healthcare for their family. Frank Libby has given the gift of peace of mind to countless future carpenters and their families, who can retire with dignity because of the benefits Frank fought to secure. They will know that Frank's hard work earned and ensured a safe work environment where carpenters return to their families at the end of each workday.

I want to congratulate Frank Libby on his distinguished career and thank him for his outstanding service to the people of Chicago. I especially want to thank Frank's wife Gail and their daughter Cynthia for sharing so much of their husband and father with our community. I wish him and his family all the best in their next chapter.

160TH ANNIVERSARY OF YWCA

Mr. DURBIN. Mr. President, this year, the Young Women's Christian Association, YWCA, celebrates its 160th anniversary in the United States. It is the world's oldest and largest multicultural women's organization, fighting at the forefront of the most critical social movements, from women's empowerment and civil rights to affordable housing, pay equity, violence prevention, and healthcare.

The YWCA traces its origins to the battlefields of the Crimean War in 1855. Formed in London, philanthropist Mary Jane Kinnaird and her friends, the organization helped nurses returning from the war find homes and improved the lives of those caught up in the Industrial Revolution. Women were working long hours in poor and unsafe conditions, and they had few opportunities for healthy activity. The YWCA's early hostels evolved to become the organization we know today.

By 1858, the year we are honoring, the YWCA crossed the Atlantic and created residences in New York and Boston. It opened its first U.S. boarding house for female students, teachers, and factory workers in 1860. Since forming in the United States, the YWCA has grown to include 2.6 million members and 300 local associations in the country.

Throughout history, the YWCA has been the vanguard for social change. In the 1870s, it held the first typewriting classes for women. Typewriting was considered a man's job at the time. During the same time, it also opened an employment bureau for women. Normal, IL, had the first YWCA student association in 1873. In 1877, the YWCA Chicago started providing medical services at the homes of the sick. This is the precursor to the Visiting Nurses Association.

In the 1890s, the first African-American YWCA branch opened in Dayton, OH. A YWCA opened for Native Americans in Oklahoma during the same time. The YWCA was helping immigrant women adapt to the United States in 1909 with bilingual instruction. These were revolutionary changes.

In 1919, the YWCA convened the first meeting of doctors, the International Conference of Women Physicians, with attendees coming from 32 countries to focus on women's health issues.

The YWCA Convention in 1920 was an early advocate for the 8-hour workday with no night work and the right of labor to organize.

The YWCA also fought on the frontlines of civil rights. In 1915, the YWCA held the first interracial conference in the South in Louisville, KY. In the 1930s, it worked toward desegregation and encouraged its members to speak out against the violence against African Americans. In 1946, the YWCA adopted its interracial charter, a full 8 years before the U.S. Supreme Court decided against segregation. The Charter declared, ''Wherever there is injustice on the basis of race, whether in the community, the nation, or the world, our protest must be clear and our labor for its removal, vigorous and steady.''

From opening Atlanta's first integrated public dining facility in 1960 to being a sponsor of Dr. Martin Luther King's March on Washington, the YWCA continued the fight for equality.

In 1970, the YWCA created 'One Imperative' to end racism wherever it exists.

The modern YWCA is just as committed to the same principles that it's always had and is needed more than ever in the times we live in right now.

The YWCA's annual Stand Against Racism campaign and its racial justice programs and services engage 140,000 people every year. It serves more than 122,000 women annually with economic empowerment programs, including job training, financial literacy, salary negotiation, and leadership development. And it continues to offer housing and childcare programs, helping build a supportive foundation for families.

More than 900,000 women and families participate in the YWCA health and safety programs and services, including domestic violence and sexual assault services, fitness programs, and health resources. These programs often are critically important to communities of color where high-quality health wellness programs are not readily available.

For twenty years, the YWCA has hosted a Week Without Violence to help end gender-based violence with workshops, community service opportunities, and public awareness events.

As we celebrate the YWCA's 160 years of work here in the United States, we are reminded daily that we need to continue the fight against racism, sexism, and economic inequality. And the YWCA is leading the way—just as it did 160 years ago.

FAA REAUTHORIZATION ACT

Mr. CARDIN. Mr. President, I rise today in support of H.R. 302, the Aviation, Transportation Safety, and Disaster Recovery Reforms and Reauthorization Act, a long-term, bipartisan reauthorization of the Federal Aviation Administration, FAA.

I am pleased that this bill includes multiple provisions designed to mitigate and alleviate community exposure to noise. Aircraft noise threatens the quality of life of Marylanders who live around Baltimore/Washington International Thurgood Marshall Airport, BWI, and Ronald Reagan Washington National Airport, DCA, robbing them of sleep, cardiovascular health, and their children's learning.

After anguished pleas from impacted constituents and concerned State and local elected officials, Senator VAN HOLLEN and I drafted multiple noise impact mitigation provisions which are included in H.R. 302. After this bill is enacted, airports will have to submit updated noise exposure maps to the FAA, the FAA will have to consider noise concerns from affected communities when proposing new departure procedures, the FAA will be required to examine the community engagement process, the FAA will study how aircraft approach and takeoff speeds impact communities surrounding airports, airport land use compatibility guidelines will have to be revised, the FAA will create a pilot program to mitigate the impacts of aircraft noise, and the FAA and NASA will study the impact of technologies on fuel efficiency, noise, and aircraft weight.

I am disappointed that my provision to require the FAA Administrator to implement new departure and arrival procedures to protect communities surrounding airports was not included in this bill, and I am determined to continue my efforts to improve the departure and arrival procedures.

Outside of the noise context, H.R. 302 will make the skies safer and more dignified for airline passengers and professionals alike. Airports will be required to provide lactation rooms to be eligible for airport development project grants.

Airline staff who have regular interaction with passengers will be required to have human trafficking identification training. The FAA must examine and improve response to onboard sexual assault allegations. The Attorney General of the United States will establish a process for individuals to report sexual misconduct on aircraft.

The FAA will issue regulations creating minimum dimensions for passenger seats—width, leg room, and pitch—and prohibiting airlines from involuntarily removing passengers from flights after they have cleared the boarding gate.

The bill makes aviation safer for first responders by directing the FAA to consider an airport's role in medical emergencies, medical evacuations, and community-related emergency or disaster preparedness when evaluating airport master plans.

The bill restores power to passengers by directing the U.S. Department of Transportation to examine whether carriers are being upfront with consumers about flight times and requires Secretary of Transportation to develop the Airline Passengers with Disabilities Bill of Rights, listing rights and protections granted to airline passengers.

The aviation industry is critical to the State of Maryland. According to the Alliance for Aviation Across America, Maryland is home to 25 repair stations, 15 FAA-approved pilot schools, 1,389 flight instructors, 2,566 student pilots, 514 active Air Line Pilots Association pilots, 110 National Air Traffic Controller Association air traffic controllers, an aviation maintenance training school, and nine general aviation airports. More than 17 million passengers flew through BWI Marshall Airport in 2017. In 2017, the FAA's Airport Improvement Program, AIP, provided $26,307,253 in grants to airport improvement projects in Maryland.

H.R. 302 balances the needs of Maryland residents, communities, airports and the aviation industry while ensuring continuity for the FAA programs which are vital to the safe operation and economic viability of Maryland's airports and aviation community. I support the bipartisan H.R. 302 which will modernize airport infrastructure, improve service for the flying public, enhance transportation safety and security, and boost aviation industry innovation.

Mr. VAN HOLLEN. Mr. President, the Senate finally completed its work on a new longterm FAA Reauthorization bill. This 5-year bill will give the aviation industry the certainty it needs in order to plan for future investments and service enhancements. This bill also gives the FAA the direction and tools necessary to address customer and community concerns that arise from those activities.

Stable funding for the Airport Improvement Program, AIP, is an essential program for both large and small airports. In this fiscal year, in my home State of Maryland, 13 airports received 16 separate grants to aid in construction related improvements. These are projects that likely would have been delayed or postponed if it were not for AIP.

This bill contains language that I supported to address the negative effects of airplane noise on homeowners. Directing the FAA to review how they work with communities impacted by airplane noise and study the health impacts of noise is a step in the right direction toward tackling the impacts of NextGen implementation. I look forward to working with the FAA to ensure the provisions in this bill are implemented and to strive for additional ways to address the perpetual problem of noise in our communities.

Reauthorizing the Essential Air Service Program and Small Community Air Service Development Program is important to make sure that the rural airports in our country, like Hagerstown Regional Airport in Maryland, receive the funding they need to maintain service in remote areas.

I am also pleased that the bill contains S. 2792, a bill to modernize training programs at aviation maintenance technician schools and S. 2506, a bill to establish an aviation maintenance workforce development pilot program. The Pittsburgh Institute of Aeronautics has a satellite campus at Hagerstown Regional Airport where they are training the next generation of aviation technicians. As our airplanes modernize, so too must aviation technician curriculum.

While the bill contains several provisions that seek to improve customer service including the language that I offered to the TICKETS Act that prevents the forcible removal of passengers after boarding, setting passenger seat size minimums, and improving accessibility for travelers with disabilities, I am disappointed that the bill does not include the Fair Fees Act. The Fair Fees Act would have protected consumers by prohibiting an air carrier from imposing fees for basic services like checking a bag or rescheduling a flight that are unreasonable or disproportional to the cost incurred by the air carrier.

In addition, I am concerned about the potential impact of sections 1602 and 1919 on privacy, press freedoms, and other civil liberties. I strongly urge the administration to implement these provisions in a manner consistent with the First and Fourth Amendments of the Constitution and other applicable provisions of Federal law. Providing for the security of the American people is one of our greatest responsibilities; however, we must equally ensure that we safeguard the individual liberties enshrined in our Constitution.

147TH ANNIVERSARY OF THE GREAT PESHTIGO FIRE

Ms. BALDWIN. Mr. President, today I wish to recognize a solemn occasion, the 147th anniversary of the Great Peshtigo Fire in Wisconsin. On October 8, 1871, Wisconsin's 10th largest city at the time was completely destroyed in what is still the largest fire in U.S. history.

The city of Peshtigo, WI, was first settled in 1838. The community is surrounded by dense Wisconsin forest and has long been sustained economically by lumber, shipping, and railroad interests. Located off the western shore of Green Bay in Marinette County, the area was home to Menominee and Ho-Chunk Native-Americans.

Historians and survivors of the fire theorize that the blaze was started by railroad workers who were cutting trees and burning debris outside of Peshtigo. A combination of a prolonged drought, a heavy reliance on wooden buildings, and 100-mph winds aligned to create a firestorm that reached 3 miles across and 1,000 feet high. Over the course of the night, the fire scorched over 1.2 million acres and caused an estimated $169 million in damages. Between 1,200 and 2,500 people lost their lives. The fire's complete destruction of local records prevented an accurate death toll. An estimated 350 victims lie in a mass grave in Peshtigo, victims who could not be identified because they were either burned beyond recognition or because those who could identify them perished too.

Although the Great Peshtigo Fire has been well documented, little has been written about the crucial role Native Americans played in preventing further loss of life among European settlers. One of the most compelling stories involves Abraham Place, who traveled on foot to Wisconsin from Vermont in 1837 to build a homestead in the Sugar Bush neighborhood just outside of Peshtigo. He married a Menominee woman, and together with their children, they tended one of the largest farms in the area. While marrying a Native-American woman was socially acceptable when Place first settled there, attitudes had changed by 1871, and he was scorned by his fellow settlers.

The Native Americans he regularly welcomed to his home warned him of the impending danger of fire after months of little to no rain and helped him create a 3-foot-deep firebreak around his farm. His European neighbors dismissed his precaution as the actions of a crazy man who had married a Native American. Mrs. Place's in-laws then spent hours placing dozens of wet blankets on the roof of their house to prevent its destruction. Their home was one of the few buildings still standing on the morning of October 9.

Many of the same neighbors who had ridiculed them ran to their house or died trying. Survivors found the bodies of 35 residents who never made it to the farm. The hundred or so refugees who arrived safely at the Place home found a makeshift hospital where they could nurse their wounds and recuperate. Some stayed for weeks, their earlier disdain cured by necessity.

In the days following the Peshtigo fire, survivors emerged from the Peshtigo River and other safe havens untouched by the flames to look for missing loved ones and to begin to rebuild their lives. As word of the devastation spread, donations of food, clothing, and money poured in from across the State, the Nation, and several foreign countries. This selfless, unified show of support empowered the people of Peshtigo to rebuild their homes and restore their community.

Occurring on the same night as the Great Chicago Fire, the Peshtigo fire has been largely forgotten, even though the Wisconsin death toll is estimated to be seven times that of the Chicago tragedy. That is why I join Peshtigo residents in remembering the time when prejudices that turned neighbors into enemies were set aside in the midst of unimaginable hardship. I applaud their efforts to pause this October 8 to remember this inconceivable catastrophe, commemorate its victims, and honor the resilience of those who worked so hard to rebuild this city from the ashes of total devastation into the tranquil community of today.

ADDITIONAL STATEMENTS

TRIBUTE TO EVELYN MOUNT

● Ms. CORTEZ MASTO. Mr. President, today I recognize a pillar of the community in Reno, NV: Evelyn Mount. For over 41 years, Evelyn has graciously provided Reno residents and families in times of need with the comfort of a holiday meal. This year marks the end of an era in community leadership in Reno, as Evelyn intends to step away from the role of organizing and coordinating her annual food drive.

Growing up in the small city of Tallulah, LA, Evelyn's family instilled in her the importance of the values of sacrifice and service. Those values have been at the core of how Evelyn has lived her life, putting the needs of others ahead of her own. It wasn't until 1976 that Evelyn and her husband Leon brought this selflessness to Reno, NV. Soon after her arrival, she began work as a telephone operator at the airport. Committed to assisting those in need, Evelyn started collecting food donations in her spare time. Her devotion to the Reno community did not go unnoticed, as employees from other departments quickly contributed to her food collection. To her credit, Evelyn was able to collect more than 200 bags of food to distribute amongst members of the northern Nevada community. Her success prompted the expansion of her operations, which now includes an outreach center and several volunteers.

Nevadans who know Evelyn have come to understand her sense of duty to community and affiliate the autumn season as ''Evelyn Mount food drive season.'' The sense of community, care, and inclusion that Evelyn has given Reno residents is perhaps her most important legacy. She has inspired countless volunteers to donate their time and money, while providing hope to families who are down on their luck. Because of her, a compassionate community of selfless volunteers has grown in northern Nevada, including some who were once on the receiving end of food donations. Recognizing Evelyn's profound commitment to our community, the city of Reno renamed a community center near Evelyn's home, titling it the Evelyn Mount Northeast Community Center. This center reminds us all of the difference just one person can make in the lives of many.

I ask my colleagues to join me in further recognizing Mrs. Evelyn Mount's legacy for a life of humanitarianism and service to her community, for her sense of responsibility to others, and for her fight against hunger in Reno, NV. Evelyn Mount is the epitome of a community leader, and I admire her unparalleled ability to inspire others to donate their time and energy to a cause greater than themselves.●

2018 IDAHO HOMETOWN HERO MEDALISTS

● Mr. CRAPO. Mr. President, today I wish to recognize the 2018 Idaho Hometown Hero Medalists.

Idahoans who are extraordinarily dedicated to hard work, self-improvement, and community service are honored each year since 2011 with the Idaho Hometown Hero Medal. Drs. Fahim and Naeem Rahim established this award to recognize outstanding Idahoans working for the betterment of our communities.

Ten Idahoans were selected to receive the award this year. They were honored at a celebration themed Lighting the Future, for those who are inspiring and leading the way for a better tomorrow. Liyah Babayan, a refugee from Azerbaijan living in Twin Falls, is being honored for her efforts to raise awareness and resources to address chronic posttraumatic stress disorder, PTSD, in refugees, especially children. Christian Colonel, of Pocatello, is a former Major League Baseball player honored for using his understanding of

alcoholism to reach out to area high school students about the severe impact of alcohol abuse and addiction. Russell Davies, of Chubbuck, who is president of PTSD Veteran Athletes, is being honored for his extraordinary commitment to veterans and the local community. Pocatello small business owner and former police officer Nicolas Garcia is being honored for his charitable activities in the community that include sponsoring a Thanksgiving dinner to provide food and fellowship to others, donating generously to Highland High School Hispanic Awareness Leadership Organization, support for local law enforcement, and many other community efforts.

Peggy Elliott Goldwyn, of Sun Valley, who is the founder of the Family of Woman Film Festival, is recognized for her mentorship of young women, using filmmaking to raise awareness about issues affecting women and children, and creating opportunities for other filmmakers and storytellers who stand up for women's rights. Thirteen-year-old Alexander Knoll, of Post Falls, is receiving the award for his human rights advocacy, international speaking and app invention, including an app to help people with disabilities navigate public spaces by providing information about wheelchair ramps, disabled parking, braille menus, and more. Carrie Madden, of Idaho Falls, who lost her daughter, McKenzie, to domestic violence, is being honored for turning the loss of McKenzie into a nationwide movement that brings recognition to this violent epidemic that impacts families nationwide.

Retired Lieutenant Colonel Reginald R. Reeves, an Idaho Falls attorney and executive director of the Sun Valley Charitable Foundation, Inc., is recognized for his service to others in many capacities, including his facilitation of donations of food and other goods to those in need and providing pro bono advocacy for Active military and veterans and service to others in other capacities. Lesli Schei, of Chubbuck, is being recognized for her outstanding leadership and tireless efforts in serving children across Idaho through the Parent Teacher Association, as well as serving abused, abandoned, and neglected children in southeastern Idaho. Bowen Toomey, an 11-year-old who was born in Serbia and lives in Eagle, has not let physical challenges hold him back and is being recognized for his energy, determination, and inspiration.

I thank the Rahims, the award's committee members, the cosponsors, volunteers, and other organizations supporting this honor for spotlighting great, caring work in our communities. I also thank these 10 honorees for their acts of kindness that, without a doubt, inspire others. I commend them for their leadership and representation of countless Idahoans who have not yet been honored who contribute each day to bettering our communities.

Congratulations to the 2018 Idaho Hometown Hero Award recipients on your achievements, and thank you for your exceptionalism in our communities.●

TRIBUTE TO LELAND CADE

● Mr. DAINES. Mr. President, this week I have the honor of recognizing Leland Paul Cade of Golden Valley County for his impact on the surrounding central Montana region.

Leland was born in 1925 on the Cade homestead just North of Lavina, MT. He was the third child of five. Leland often recalls the days of having no car and having to harness a team up to the wagon. Years later, he recalled what a challenge it was for a kid from a homestead that had no electricity or running water to learn to use flush toilets with paper on a roll and faucets with hot and cold water.

Leland graduated from Lavina High School in 1942. Directly after graduation, Leland enlisted in the Army, where his main job was to be a horse trainer. After being discharged from the Army, Leland attended Montana State College in Bozeman, graduating in 1950 with a degree in agriculture. He went on to work as an extension agent for the next 16 years. Later he went and worked as the editor for the Montana Farmer-Stockman, located in Billings. During this time, he continued his commitment to education and improving the farm and ranch economy throughout Montana and the West.

Leland has published 11 books on the homestead era. His recognition of the homesteaders on the eastern Montana plains has helped educated a great many people. Along with his publications, Leland also helped found the Museum of the Northern Great Plains in Fort Benton.

Leland Cade is truly a son of Montana, born and raised on that short grass prairie north of Billings, a testament to all that embodies Montana. I congratulate Leland on his lifelong commitment to agriculture and education.●

TRIBUTE TO CHARLOTTE WEBER

● Mr. RUBIO. Mr. President, today I recognize Charlotte Weber for being named the National Breeder of the Year by the Thoroughbred Owners and Breeders Association.

The Thoroughbred Owners and Breeders Association presented Charlotte with this award during the 33rd annual national awards dinner at the Woodford Reserve Club in Lexington, KY. She is the owner and sole operator of Live Oak Stud in Ocala, and for the first time, a broodmare based outside of Kentucky received this recognition.

Live Oak Stud is a 4,500-acre thoroughbred farm and commercial cattle operation that Charlotte has guided since 1995. Her breeding and racing operation's distinctive black, red, and white silks have become a nationally recognized racing symbol. Over the years, Live Oak Stud has seen its record of success grow. Charlotte's horse, Win Approval, dam of World Approval, was also named Broodmare of the Year by the Thoroughbred Owners and Breeders Association. This horse has become a central part of Live Oak Stud's success.

I extend my best wishes to Charlotte and look forward to hearing of Live Oak Stud's continued success as she brings prestige to Florida horse breeding.●

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3532. A bill to authorize the United States Postal Service to provide certain nonpostal property, products, and services on behalf of State, local, and tribal governments.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 4, 2018, she had presented to the President of the United States the following enrolled bill:

S. 2553. An act to amend title XVIII of the Social Security Act to prohibit Medicare part D plans from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6751. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2018 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6752. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Flumioxazin; Pesticide Tolerances'' (FRL No. 9984–01) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6753. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Entities to the Entity List, Revision of an Entry on the Entity List and Removal of an Entity from the Entity List'' (RIN0694–AH63) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC–6754. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities'' (RIN2590–AA45) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC–6755. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting,

pursuant to law, a report on appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–6756. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Illinois; Permit-by-Rule Provisions'' (FRL No. 9985–11–Region 5) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6757. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; Infrastructure SIP Requirements for the 2012 PM2.5 NAAQS; Multistate Transport'' (FRL No. 9985–12–Region 5) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6758. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Oregon; Lane County Permitting and General Rule Revisions'' (FRL No. 9984–78–Region 10) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6759. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; State of Iowa; Attainment Redesignation for 2008 Lead NAAQS and Associated Maintenance Plan'' (FRL No. 9984–64–Region 7) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6760. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Texas; Control of Air Pollution from Motor Vehicles with Mobile Source Incentive Programs'' (FRL No. 9983–93–Region 6) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6761. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides (NOx) Ozone Season Emissions Caps for Non-Trading Large NOx Units and Associated Revisions to General Administrative Provisions and Kraft Pulp Mill Regulation'' (FRL No. 9984–97–Region 3) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6762. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Interstate Transport Requirements for the 2012 Fine Particulate Matter Standard'' (FRL No. 9984–99–Region 3) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6763. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2018 Amendments to West Virginia's Ambient Air Quality Standards'' (FRL No. 9985–00–Region 3) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6764. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Interstate Transport Requirements for the 2012 Fine Particulate Matter Standard'' (FRL No. 9984–96–Region 3) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6765. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Minor New Source Review Permitting'' (FRL No. 9984–95–Region 3) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6766. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Approval of Kansas Air Quality State Implementation Plans; Construction Permits and Approvals Program'' (FRL No. 9984–66–Region 7) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6767. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Fees for the Administration of the Toxic Substances Control Act'' (FRL No. 9984–41) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6768. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9984–65) received in the Office of the President of the Senate on October 3, 2018; to the Committee on Environment and Public Works.

EC–6769. A communication from the Assistant Administrator of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Temporary Placement of N–Ethylpentylone in Schedule I'' ((21 CFR Part 1308) (Docket No. DEA–482)) received in the Office of the President of the Senate on October 3, 2018; to the Committee on the Judiciary.

EC–6770. A communication from the Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement in Schedule V of Certain FDA–Approved Drugs Containing Cannabidiol; Corresponding Change to Permit Requirements'' ((21 CFR Parts 1308, 1312) (Docket No. DEA–486)) received in the Office of the President of the Senate on October 3, 2018; to the Committee on the Judiciary.

EC–6771. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''National Plan of Integrated Airport Systems (NPIAS) 2019–2023''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3031. A bill to amend chapter 5 of title 40, United States Code, to improve the management of Federal personal property (Rept. No. 115–343).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself and Mr. CRUZ):

S. 3546. A bill to designate the facility of the United States Postal Service located at 901 N. Francisco Avenue in Mission, Texas, as the ''Mission Veterans Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself and Mr. CRUZ):

S. 3547. A bill to designate the facility of the United States Postal Service located at 122 W. Goodwin Street in Pleasanton, Texas, as the ''Pleasanton Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself and Mr. CRUZ):

S. 3548. A bill to designate the facility of the United States Postal Service located at 400 N. Main Street in Encinal, Texas, as the ''Encinal Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS (for himself, Mr. GRAHAM, Mr. KAINE, and Mr. GARDNER):

S. 3549. A bill to establish the Palestinian Partnership Fund to promote joint economic development and finance joint ventures between Palestinian entrepreneurs and companies in the United States, Israel, and countries in the Middle East to improve economic cooperation and people to people exchanges to further shared community building, peaceful coexistence, dialogue, and reconciliation between Israelis and Palestinians; to the Committee on Foreign Relations.

By Mr. HEINRICH (for himself and Mrs. CAPITO):

S. 3550. A bill to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER (for himself and Mr. BLUMENTHAL):

S. 3551. A bill to adopt a certain California flammability standard as a Federal flammability standard to protect against the risk of upholstered furniture flammability, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOOZMAN (for himself and Mr. INHOFE):

S. Res. 666. A resolution designating October 6, 2018, as ''National Coaches Day''; to the Committee on the Judiciary.

By Mr. PERDUE (for himself, Mr. KAINE, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Ms. BALDWIN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. GRASSLEY, Mr. DAINES, Mr. RUBIO, Mr. CRUZ, Mr. CORNYN, Mr. INHOFE, Mr. MORAN, Mr. ROUNDS, Ms. MURKOWSKI, and Mr. WYDEN):

S. Res. 667. A resolution condemning persecution of religious minorities in the People's Republic of China and any actions that limit their free expression and practice of faith; to the Committee on Foreign Relations.

By Mrs. SHAHEEN (for herself, Mr. PORTMAN, Ms. HASSAN, Mr. MANCHIN, Mr. COONS, Ms. STABENOW, Mr. WHITEHOUSE, Ms. COLLINS, Ms. CANTWELL, Mr. BENNET, Mr. MARKEY, Mr. WYDEN, Mr. BROWN, Ms. SMITH, Mr. WARNER, Ms. HIRONO, Mr. REED, Ms. MURKOWSKI, Mr. GARDNER, Mr. CRAPO, and Mr. HELLER):

S. Res. 668. A resolution designating October 5, 2018, as ''Energy Efficiency Day'' in celebration of the economic and environmental benefits that have been driven by private sector innovation and Federal energy policies; considered and agreed to.

By Mr. KING (for himself and Mrs. CAPITO):

S. Res. 669. A resolution supporting the designation of September 2018 as ''National Alcohol and Drug Addiction Recovery Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 796

At the request of Mr. WARNER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 998

At the request of Mr. DAINES, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 998, a bill to amend the Tariff Act of 1930 to protect personally identifiable information, and for other purposes.

S. 1158

At the request of Mr. CARDIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1158, a bill to help prevent acts of genocide and other atrocity crimes, which threaten national and international security, by enhancing United States Government capacities to prevent, mitigate, and respond to such crises.

S. 2060

At the request of Mr. CARDIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 2060, a bill to promote democracy and human rights in Burma, and for other purposes.

S. 2387

At the request of Mrs. CAPITO, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2387, a bill to provide better care and outcomes for Americans living with Alzheimer's disease and related dementias and their caregivers while accelerating progress toward prevention strategies, disease modifying treatments, and, ultimately, a cure.

S. 2432

At the request of Mr. YOUNG, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2432, a bill to amend the charter of the Future Farmers of America, and for other purposes.

S. 2827

At the request of Mr. HEINRICH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2827, a bill to amend the Morris K. Udall and Stewart L. Udall Foundation Act.

S. 2942

At the request of Mrs. HYDE-SMITH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2942, a bill to amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal closing date for duck hunting season and to establish special duck hunting days for youths, veterans, and active military personnel, and for other purposes.

S. 2957

At the request of Mr. CRAPO, the names of the Senator from Ohio (Mr. BROWN), the Senator from Michigan (Ms. STABENOW) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 2957, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

At the request of Mr. WARNER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2957, supra.

S. 2971

At the request of Mr. BOOKER, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2971, a bill to amend the Animal Welfare Act to prohibit animal fighting in the United States territories.

S. 3040

At the request of Mr. SCOTT, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 3040, a bill to amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive consumer credit information to consumer reporting agencies, and for other purposes.

S. 3049

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3049, a bill to amend the Help America Vote Act of 2002 to require paper ballots and risk-limiting audits in all Federal elections, and for other purposes.

S. 3063

At the request of Mr. BARRASSO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 3063, a bill to delay the reimposition of the annual fee on health insurance providers until after 2020.

S. 3177

At the request of Mr. SCOTT, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 3177, a bill to amend the Financial Stability Act of 2010 to include the State insurance commissioner as a voting member of the Financial Stability Oversight Council, and for other purposes.

S. 3338

At the request of Mr. CARPER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3338, a bill to direct the Secretary of Health and Human Services to finalize certain proposed provisions relating to the Programs of All-Inclusive Care for the Elderly (PACE) under the Medicare and Medicaid programs.

S. 3492

At the request of Ms. DUCKWORTH, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 3492, a bill to improve the removal of lead from drinking water in public housing.

S. 3530

At the request of Mr. REED, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 3530, a bill to reauthorize the Museum and Library Services Act.

S. 3540

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3540, a bill to provide a coordinated regional response to manage effectively the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras.

S.J. RES. 64

At the request of Mr. TESTER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Massachusetts (Mr. MARKEY), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Mexico (Mr. UDALL), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S.J. Res. 64, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to ''Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations''.

S. RES. 636

At the request of Mr. CASSIDY, the name of the Senator from Washington

(Mrs. MURRAY) was added as a cosponsor of S. Res. 636, a resolution recognizing suicide as a serious public health problem and expressing support for the designation of September as ''National Suicide Prevention Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. CRUZ):

S. 3546. A bill to designate the facility of the United States Postal Service located at 901 N. Francisco Avenue in Mission, Texas, as the ''Mission Veterans Post Office Building'' ; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MISSION VETERANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 901 N. Francisco Avenue in Mission, Texas, shall be known and designated as the ''Mission Veterans Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Mission Veterans Post Office Building''.

By Mr. CORNYN (for himself and Mr. CRUZ):

S. 3547. A bill to designate the facility of the United States Postal Service located at 122 W. Goodwin Street in Pleasanton, Texas, as the ''Pleasanton Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLEASANTON VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 W. Goodwin Street in Pleasanton, Texas, shall be known and designated as the ''Pleasanton Veterans Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Pleasanton Veterans Post Office''.

By Mr. CORNYN (for himself and Mr. CRUZ):

S. 3548. A bill to designate the facility of the United States Postal Service located at 400 N. Main Street in Encinal, Texas, as the ''Encinal Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENCINAL VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 400 N. Main Street in Encinal, Texas, shall be known and designated as the ''Encinal Veterans Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Encinal Veterans Post Office''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 666—DESIGNATING OCTOBER 6, 2018, AS ''NATIONAL COACHES DAY''

Mr. BOOZMAN (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 666

Whereas on August 29, 1972, the Senate passed a joint resolution authorizing and requesting President Richard Nixon to designate October 6, 1972, as National Coaches Day;

Whereas on September 19, 1972, President Richard Nixon issued Proclamation 4157, which—

(1) recognized that the athletic talent of men and women across the United States could not have grown without the leadership and encouragement of those people who coached them at every stage of development and progression; and

(2) proclaimed October 6, 1972, as National Coaches Day;

Whereas there are an estimated 20,000,000 coaches in the United States, including youth, junior high, travel, high school, college, and professional coaches;

Whereas 3 out of every 4 families in the United States with school-aged children have at least 1 child playing an organized sport, totalling approximately 45,000,000 children in the United States that play an organized sport;

Whereas in high school, an estimated 55 percent of students play a sport and need the support of a coach;

Whereas coaches represent stability, consistency, and direction in the lives of many athletes, despite the lives of coaches being fast-paced and high-stress;

Whereas the marriages, families, and personal health of coaches are often affected by the personal sacrifices made by coaches for the profession;

Whereas spouses and partners of coaches play a unique and supportive role in the lives of coaches;

Whereas a coach needs continuing support, encouragement, and resources to succeed both as a coach and at home;

Whereas coaches represent a source of strength and hope in the lives of millions of young athletes;

Whereas a coach is sometimes the only adult present in the life of a young athlete;

Whereas a coach is a friend, a counselor, a mentor, and an advocate that helps demonstrate to athletes teamwork, discipline, and a healthy attitude toward competition; and

Whereas the designation of October 6, 2018, as National Coaches Day will raise public awareness about the important and significant role that coaches play in the lives of millions of people in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the positive impact that coaches have on communities and players;

(2) designates October 6, 2018, as ''National Coaches Day''; and

(3) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 667—CONDEMNING PERSECUTION OF RELIGIOUS MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA AND ANY ACTIONS THAT LIMIT THEIR FREE EXPRESSION AND PRACTICE OF FAITH

Mr. PERDUE (for himself, Mr. KAINE, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Ms. BALDWIN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. GRASSLEY, Mr. DAINES, Mr. RUBIO, Mr. CRUZ, Mr. CORNYN, Mr. INHOFE, Mr. MORAN, Mr. ROUNDS, Ms. MURKOWSKI, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 667

Whereas Article 18 of the Universal Declaration of Human Rights states that ''everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'';

Whereas Article 36 of the Constitution of the People's Republic of China (PRC) of 1982 states, ''Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, any religion.'';

Whereas the United States Government estimates there are 658,000,000 religious believers in China, including 251,000,000 Buddhists, 70,000,000 Christians, 25,000,000 Muslims, 302,000,000 observers of folk religions, and 10,000,000 observers of other faiths, including Taoism;

Whereas many members of religious minority groups in China, including Uighurs, Hui, and Kazakh Muslims; Tibetan Buddhists; Catholics; Protestants; and Falun Gong, face severe repression and discrimination because of their beliefs;

Whereas Freedom House has labeled persecution of Protestants in the People's Republic of China as ''high'' on its spectrum of religious persecution;

Whereas government regulations in China require religious groups to register with the government through state-sanctioned patriotic religious associations, which regularly review sermons and require church leaders to attend education sessions with religious bureau officials;

Whereas authorities continue to arrest and harass Christians in Zhejiang Province, including by requiring Christian churches to install surveillance cameras to enable daily police monitoring of their activities;

Whereas there is an ongoing campaign by the Government of the People's Republic of China to remove crosses and demolish churches;

Whereas the Government of the People's Republic of China considers several Christian groups to be ''evil cults'';

Whereas the Government of the People's Republic of China restricts religious education in institutions across the country, including the ability of Muslims and Christians to speak about their faith among university students, as well as strictly banning meetings of student religious organizations;

Whereas national printing regulations restrict the publication and distribution of literature with religious content, allowing for religious texts published without authorization, including Bibles and Qurans, to be confiscated, and unauthorized publishing houses, closed;

Whereas the Government of the People's Republic of China limits distribution of Bibles to patriotic religious association entities, and because individuals cannot order Bibles directly from publishing houses, unregistered churches have reported that the supply and distribution of Bibles is inadequate;

Whereas authorities in China continue to limit the number of Christian titles that can be published annually, with draft manuscripts closely reviewed;

Whereas the Government of the People's Republic of China continues to cite concerns over the ''three evils'' of ''ethnic separatism, religious extremism, and violent terrorism'' as grounds to enact and enforce restrictions on religious practices of Muslims in the Xinjiang Uighur Autonomous Region (XUAR), including Uighurs, Kazakhs, Kyrgyz, Hui, and Tajiks;

Whereas it is estimated that hundreds of thousands of Uighur Muslims and members of other Muslim minority groups have been forcibly sent to reeducation centers, and extensive and invasive security and surveillance practices have been instituted by Chinese authorities against them;

Whereas the Government of the People's Republic of China has sought the forcible repatriation of Uighur Muslims from foreign countries and detained some of those who returned, leading many to seek asylum overseas on the grounds of religious persecution;

Whereas, as part of the ongoing ''Three Illegals and One Item'' campaign, international media has reported that authorities in Xinjiang continue to confiscate Qurans and prayer rugs as illegal religious items;

Whereas Tibetan Buddhists, including those outside the Tibet Autonomous Region (TAR), are prevented from worshiping the Dalai Lama openly, and authorities treat those seen as loyal to the Dalai Lama as a separatist threat;

Whereas authorities in China have evicted at least 11,500 monks and nuns from Tibetan Buddhist institutes at Larung Gar and Yachen Gar since 2016;

Whereas Uighur Muslims and Tibetan Buddhists have reported severe societal discrimination in employment, housing, and business opportunities;

Whereas the Chinese Communist Party maintains an extralegal, party-run security apparatus to eliminate the Falun Gong movement and other such organizations;

Whereas, in 2017, it was reported that Chinese authorities sentenced almost 1,000 practitioners to imprisonment for practicing Falun Dafa, and 42 practitioners died in custody or following release from prison due to injuries sustained while in custody;

Whereas the Government of the People's Republic of China does not recognize Judaism as belonging to 1 of 5 state-sanctioned patriotic religious associations, and therefore practitioners are not permitted to register with the government and legally hold worship services or other religious ceremonies and activities;

Whereas Congress unanimously passed the International Religious Freedom Act of 1998 (Public Law 105–292), making it the official policy of the United States ''to condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion'' and to ''[stand] for liberty and [stand] with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples'';

Whereas, under the International Religious Freedom Act, the United States Commission on International Religious Freedom has designated China as a ''country of particular concern'' every year since 1999;

Whereas Congress unanimously passed the Frank R. Wolf International Religious Freedom Act (Public Law 114–281) in 2016 to amend the International Religious Freedom Act of 1998 to enhance the capabilities of the United States to advance religious liberty globally through diplomacy, training, counterterrorism, and foreign assistance;

Whereas the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328), passed by Congress in 2016, gives authority to the President to impose targeted sanctions on individuals responsible for committing human rights violations; and

Whereas the United States must show strong international leadership when it comes to the advancement of religious freedoms, liberties, and protections: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the persecution of religious minorities in the People's Republic of China and any actions that limit their free expression and practice of faith;

(2) reaffirms the commitment of the United States in promoting religious freedom and tolerance around the world and helping to provide protection and relief to religious minorities facing persecution and violence;

(3) calls on the Government of the People's Republic of China to uphold the Chinese Constitution in addition to the internationally recognized human right to freedom from religious persecution and to end all forms of violence and discrimination against religious minorities;

(4) strongly condemns the use of reeducation centers, internment camps, and concentration camps as punishment for religious practice and expression;

(5) strongly condemns the restriction and censorship of religious materials like the Bible, the Quran, and any other religious articles or literature sacrosanct to religious practice or expression; and

(6) urges the President to take appropriate actions to promote religious freedom of religious minorities in the People's Republic of China, using the powers provided to the President under the International Religious Freedom Act of 1998 (Public Law 105–292), the Frank R. Wolf International Religious Freedom Act (Public Law 114–281), and the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328).

SENATE RESOLUTION 668—DESIGNATING OCTOBER 5, 2018, AS ''ENERGY EFFICIENCY DAY'' IN CELEBRATION OF THE ECONOMIC AND ENVIRONMENTAL BENEFITS THAT HAVE BEEN DRIVEN BY PRIVATE SECTOR INNOVATION AND FEDERAL ENERGY POLICIES

Mrs. SHAHEEN (for herself, Mr. PORTMAN, Ms. HASSAN, Mr. MANCHIN, Mr. COONS, Ms. STABENOW, Mr. WHITEHOUSE, Ms. COLLINS, Ms. CANTWELL, Mr. BENNET, Mr. MARKEY, Mr. WYDEN, Mr. BROWN, Ms. SMITH, Mr. WARNER, Ms. HIRONO, Mr. REED, Ms. MURKOWSKI, Mr. GARDNER, Mr. CRAPO, and Mr. HELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 668

Whereas October has been designated as ''National Energy Awareness Month'';

Whereas improvements in energy efficiency technologies and practices, along with policies of the United States enacted since the 1970s, have resulted in energy savings of more than 60,000,000,000,000,000 British thermal units and energy cost avoidance of more than $800,000,000,000 annually;

Whereas energy efficiency has enjoyed bipartisan support in Congress and in administrations of both parties for more than 40 years;

Whereas bipartisan legislation enacted since the 1970s to advance Federal energy efficiency policies includes—

(1) the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.);

(2) the National Appliance Energy Conservation Act of 1987 (Public Law 100–12; 101 Stat. 103);

(3) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(4) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.);

(5) the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.); and

(6) the Energy Efficiency Improvement Act of 2015 (Public Law 114–11; 129 Stat. 182);

Whereas energy efficiency has long been supported by a diverse coalition of businesses (including manufacturers, utilities, energy service companies, and technology firms), public-interest organizations, environmental and conservation groups, and State and local governments;

Whereas, since 1980, the United States has more than doubled its energy productivity, realizing twice the economic output per unit of energy consumed;

Whereas about 2,250,000 individuals in the United States are currently employed across the energy efficiency sector, as the United States has doubled its energy productivity and business and industry have become more innovative and competitive in global markets;

Whereas the Office of Energy Efficiency and Renewable Energy of the Department of Energy is the principal Federal agency responsible for renewable energy technologies and energy efficiency efforts;

Whereas cutting energy waste saves the consumers of the United States billions of dollars on utility bills annually; and

Whereas energy efficiency policies, financing innovations, and public-private partnerships have contributed to a reduction in energy intensity in Federal facilities and vehicle fleets by over 47 percent since the mid-1970s, which results in direct savings to United States taxpayers: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 5, 2018, as ''Energy Efficiency Day''; and

(2) calls on the people of the United States to observe Energy Efficiency Day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 669—SUPPORTING THE DESIGNATION OF SEPTEMBER 2018 AS ''NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH''

Mr. KING (for himself and Mrs. CAPITO) submitted the following resolution; which was considered and agreed to:

S. RES. 669

Whereas the theme for National Alcohol and Drug Addiction Recovery Month in 2018 is ''Join the Voices for Recovery: Invest in Health, Homes, Purpose, and Community'';

Whereas an estimated 72,000 people in the United States suffered a fatal overdose in 2017, with an average number of 197 fatal overdoses per day;

Whereas there are roughly 25,000,000 people in the United States in recovery from alcohol and drug addiction;

Whereas the total cost to the economy of prescription opioid misuse is $78,500,000,000 annually, and includes the cost of healthcare, lost productivity, addiction treatment, and involvement of the criminal justice system;

Whereas people with substance use disorder face stigma from health professionals as well as friends and family;

Whereas it has been demonstrated that that stigma is a major barrier for people with substance use disorder to access treatment and engage in recovery; and

Whereas peer-supported communities offer people with substance use disorder better success in recovery, address personal and emotional effects of addiction, and ease reintegration: Now, therefore, be it

Resolved, That the Senate joins the voices for recovery to invest in health, homes, purpose, and community in September 2018 and every month—

(1) in recognizing the importance of education and prevention of substance use disorder;

(2) in exploring how integrated care, community, and sense of purpose can lead to effective and sustainable treatment; and

(3) in showing appreciation and gratitude for family members, friends, and recovery allies who support individuals in recovery.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4045. Mr. MCCONNELL (for Mr. WHITEHOUSE) proposed an amendment to the resolution S. Res. 642, designating the week of September 15 through September 22, 2018, as ''National Estuaries Week''.

TEXT OF AMENDMENTS

SA 4045. Mr. MCCONNELL (for Mr. WHITEHOUSE) proposed an amendment to the resolution S. Res. 642, designating the week of September 15 through September 22, 2018, as ''National Estuaries Week''; as follows:

In the eighth whereas clause, strike ''estuaries along every coast and the Great Lakes'' and insert ''some estuaries''.

In the tenth whereas clause, strike ''the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)'' and insert ''section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330)''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. TILLIS. Mr. President, I have 4 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, October 4, 2018, at 10 a.m., to conduct a hearing entitled ''Broadband: Opportunities and Challenges in Rural America.''

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, October 4, 2018, at 10 a.m., to conduct a hearing entitled ''Combating Money Laundering and other Forms of Illicit Finance: Regulators and Law Enforcement Perspectives on Reform.''

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, October 4, 2018, at 11 a.m., to conduct a hearing on the following nominations: Earle D. Litzenberger, of California, to be Ambassador to the Republic of Azerbaijan, Eric George Nelson, of Texas, to be Ambassador to Bosnia and Herzegovina, Judith Gail Garber, of Virginia, to be Ambassador to the Republic of Cyprus, and Jeffrey Ross Gunter, of California, to be Ambassador to the Republic of Iceland, all of the Department of State.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, October 4, 2018, at 2 p.m., to conduct a closed briefing.

PRIVILEGES OF THE FLOOR

Mr. COONS. Mr. President, I ask unanimous consent that Hannah Smith be given floor privileges for the remainder of this Congress.

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

Mr. TILLIS. Mr. President, I ask unanimous consent that Jay Nathan, a fellow in Senator KENNEDY's office, be granted floor privileges for the day.

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

NATIONAL SUICIDE PREVENTION MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration and the Senate now proceed to S. Res. 636.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 636) recognizing suicide as a serious public health problem and expressing support for the designation of September as ''National Suicide Prevention Month.''

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 636) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 18, 2018, under ''Submitted Resolutions.'')

NATIONAL ESTUARIES WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 642 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 642) designating the week of September 15 through September 22, 2018, as ''National Estuaries Week.''

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, the Whitehouse amendment to the preamble be considered and agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 642) was agreed to.

The amendment (No. 4045) was agreed to, as follows:

(Purpose: To amend the preamble)

In the eighth whereas clause, strike ''estuaries along every coast and the Great Lakes'' and insert ''some estuaries''.

In the tenth whereas clause, strike ''the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)'' and insert ''section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330)''.

The preamble, as amended, was agreed to.

The resolution with its preamble, as amended, reads as follows:

S. RES. 642

Whereas estuary regions cover only 13 percent of land area in the continental United

States but contain nearly 43 percent of the population, 40 percent of jobs, and nearly 50 percent of the economic output of the United States;

Whereas the commercial and recreational fishing industries support over 1,600,000 jobs in the United States;

Whereas in 2016—

(1) commercial fish landings in the United States were valued at $5,300,000,000;

(2) 9,600,000 recreational anglers took nearly 63,000,000 saltwater fishing trips; and

(3) consumers in the United States spent $93,200,000,000 on fishery products;

Whereas estuaries provide vital habitats for—

(1) countless species of fish and wildlife, including more than 68 percent of the commercial fish catch in the United States by value and 80 percent of the recreational fish catch in the United States by weight; and

(2) many species that are listed as threatened or endangered species;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including through water filtration, flood control, shoreline stabilization, erosion prevention, and the protection of coastal communities during hurricanes, storms, and other extreme weather events;

Whereas by the 1980s the United States had already lost more than 50 percent of the wetlands that existed in the original 13 colonies;

Whereas some bays in the United States that were once filled with fish and oysters have become dead zones filled with excess nutrients, chemical waste, and marine debris;

Whereas harmful algal blooms are hurting fish, wildlife, and human health, and are causing serious ecological and economic harm to some estuaries;

Whereas changes in sea level can affect estuarine water quality and estuarine habitats;

Whereas section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) (commonly known as the ''Clean Water Act'') authorizes the development of comprehensive conservation and management plans to ensure that the designated uses of estuaries are protected and to restore and maintain—

(1) the chemical, physical, and biological integrity of estuaries;

(2) water quality;

(3) a balanced indigenous population of shellfish, fish, and wildlife; and

(4) recreational activities in estuaries;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) provides that the policy of the United States is to preserve, protect, develop, and, if possible, restore or enhance the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas 27 coastal and Great Lakes States and territories of the United States operate or contain a National Estuary Program or a National Estuarine Research Reserve;

Whereas scientific study leads to a better understanding of the benefits of estuaries to human and ecological communities;

Whereas the Federal Government, State, local, and Tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost-effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas the week of September 15 through September 22, 2018, is recognized as ''National Estuaries Week'' to increase awareness among all people of the United States, including Federal Government and State, local, and Tribal government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 15 through September 22, 2018, as ''National Estuaries Week'';

(2) supports the goals and ideals of National Estuaries Week;

(3) acknowledges the importance of estuaries to sustaining employment in the United States and the economic well-being and prosperity of the United States;

(4) recognizes that persistent threats undermine the health of estuaries;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) supports the scientific study, preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States.

ENERGY EFFICIENCY DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 668, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 668) designating October 5, 2018, as ''Energy Efficiency Day'' in celebration of the economic and environmental benefits that have been driven by private sector innovation and Federal energy policies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 668) was agreed to.

Mr. MCCONNELL. I ask unanimous consent that the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 669, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 669) supporting the designation of September 2018 as ''National Alcohol and Drug Addiction Recovery Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 669) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION EQUITABLE COMPENSATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 397, S. 995.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 995) to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of the land of the Spokane Tribe;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under

the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of revenue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in that land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the ''Indian Claims Commission Act'' (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the land of the Colville Tribes, a payment of $53,000,000; and

(B) for continued use of the land of the Colville Tribes, annual payments of $15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the 5-year statute of limitations under the Indian Claims Commission Act;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of the land of the respective tribes with the Commission prior to August 13, 1951, but both tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending the 1951 Claims Commission land claims to add the Grand Coulee claim of the Colville Tribes;

(13) the Spokane Tribe had no such claim to amend, having settled the Claims Commission land claims of the Spokane Tribe with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and delegation made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and delegation made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam.

SEC. 3. PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of the land of the Spokane Tribe for the generation of hydropower by the Grand Coulee Dam.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) COLVILLE SETTLEMENT AGREEMENT.—The term ''Colville Settlement Agreement'' means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181–D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) COLVILLE TRIBES.—The term ''Colville Tribes'' means the Confederated Tribes of the Colville Reservation.

(4) COMPUTED ANNUAL PAYMENT.—The term ''Computed Annual Payment'' means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) CONFEDERATED TRIBES ACT.—The term ''Confederated Tribes Act'' means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577).

[(6) FUND.—The term ''Fund'' means the Spokane Tribe of Indians Recovery Trust Fund established by section 5.]

([7]*6*) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

([8]7) SPOKANE BUSINESS COUNCIL.—The term ''Spokane Business Council'' means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

([9]*8*) SPOKANE TRIBE.—The term ''Spokane Tribe'' means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

[SEC. 5. SPOKANE TRIBE OF INDIANS RECOVERY TRUST FUND.

[(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate account to be known as the ''Spokane Tribe of Indians Recovery Trust Fund'', consisting of—

[(1) amounts deposited in the Fund under subsection (b); and

[(2) any interest earned on investment of amounts in the Fund.

[(b) DEPOSITS.—On October 1 of the first fiscal year after the date of enactment of this Act, the Secretary of the Treasury shall, from the general fund of the Treasury, deposit in the Fund $53,000,000.

[(c) MAINTENANCE AND INVESTMENT OF FUND.—The Fund shall be maintained and invested by the Secretary in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

[(d) PAYMENTS TO THE SPOKANE TRIBE.—

[(1) IN GENERAL.—At any time after the date on which the Spokane Business Council has adopted a plan described in subsection (e) and after amounts are deposited in the Fund, the Spokane Business Council may request that all or a portion of the amounts in the Fund be disbursed to the Spokane Tribe by submitting to the Secretary written notice of the adoption by the Spokane Business Council of a resolution requesting the disbursement.

[(2) PAYMENT.—Not later than 60 days after the date on which the Secretary receives notice under paragraph (1), the Secretary shall disburse the amounts requested from the Fund to the Spokane Tribe.

[(e) PLAN.—

[(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Spokane Business Council shall prepare a plan that describes the manner in which the Spokane Tribe intends to use amounts received under subsection (d) to promote—

[(A) economic development;

[(B) infrastructure development;

[(C) educational, health, recreational, and social welfare objectives of the Spokane Tribe and the members of the Spokane Tribe; or

[(D) any combination of the activities described in subparagraphs (A) through (C).

[(2) REVIEW AND REVISION.—

[(A) IN GENERAL.—The Spokane Business Council shall make available to the members of the Spokane Tribe for review and comment a copy of the plan before the date on which the plan is final, in accordance with procedures established by the Spokane Business Council.

[(B) UPDATES.—The Spokane Business Council may update the plan on an annual basis, subject to the condition that the Spokane Business Council provides the members of the Spokane Tribe an opportunity to review and comment on the updated plan.]

SEC. [6]*5*. PAYMENTS BY ADMINISTRATOR.

(a) INITIAL PAYMENT.—On March 1, 2020, the Administrator shall pay to the Spokane Tribe an amount equal to 25 percent of the Computed Annual Payment for fiscal year 2019.

(b) SUBSEQUENT PAYMENTS.—

(1) IN GENERAL.—Not later than March 1, 2021, and March 1 of each year thereafter through March 1, 2029, the Administrator shall pay the Spokane Tribe an amount equal to 25 percent of the Computed Annual Payment for the preceding fiscal year.

(2) MARCH 1, 2030, AND SUBSEQUENT YEARS.—Not later than March 1, 2030, and March 1 of each year thereafter, the Administrator shall pay the Spokane Tribe an amount equal to 32 percent of the Computed Annual Payment for the preceding fiscal year.

SEC. [7]*6*. TREATMENT AFTER AMOUNTS ARE PAID.

(a) USE OF PAYMENTS.—Payments made to the Spokane Business Council or Spokane Tribe under section 5 [or 6] may be used or invested by the Spokane Business Council in the same manner and for the same purposes as other Spokane Tribe governmental amounts.

(b) NO TRUST RESPONSIBILITY OF THE SECRETARY.—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any amounts after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5 [or 6].

(c) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments of all amounts to the Spokane Business Council and Spokane Tribe under *section 5* [sections 5 and 6], and the interest and income generated by those amounts, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) TRIBAL AUDIT.—After the date on which amounts are paid to the Spokane Business

Council or Spokane Tribe under section 5 [or 6], the amounts shall—

(1) constitute Spokane Tribe governmental amounts; and

(2) be subject to an annual tribal government audit.

SEC. [8]7. REPAYMENT CREDIT.

(a) IN GENERAL.—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k))—

(1) in fiscal year 2030, $2,700,000; and

(2) in each subsequent fiscal year in which the Administrator makes a payment under *section 5* [section 6], $2,700,000.

(b) CREDITING.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each deduction made under this section for the fiscal year shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) DEDUCTION GREATER THAN AMOUNT OF INTEREST.—If, in an applicable fiscal year under paragraph (1), the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

(3) CREDIT.—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. [9]*8*. EXTINGUISHMENT OF CLAIMS.

[On the deposit of amounts in the Fund under section 5] *On the date that payment under section 5(a) is made to the Spokane Tribe*, all monetary claims that the Spokane Tribe has or may have against the United States to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam shall be extinguished.

SEC. [10]9. ADMINISTRATION.

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 995), as amended, was passed, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of the land of the Spokane Tribe;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of revenue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in that land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the ''Indian Claims Commission Act'' (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the land of the Colville Tribes, a payment of $53,000,000; and

(B) for continued use of the land of the Colville Tribes, annual payments of $15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the 5-year statute of limitations under the Indian Claims Commission Act;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of the land of the respective tribes with the Commission prior to August 13, 1951, but both tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending the 1951 Claims Commission land claims to add the Grand Coulee claim of the Colville Tribes;

(13) the Spokane Tribe had no such claim to amend, having settled the Claims Commission land claims of the Spokane Tribe with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and delegation made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and delegation made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam.

SEC. 3. PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of the land of the Spokane Tribe for the generation of hydropower by the Grand Coulee Dam.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) COLVILLE SETTLEMENT AGREEMENT.—The term ''Colville Settlement Agreement'' means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181–D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) COLVILLE TRIBES.—The term ''Colville Tribes'' means the Confederated Tribes of the Colville Reservation.

(4) COMPUTED ANNUAL PAYMENT.—The term ''Computed Annual Payment'' means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) CONFEDERATED TRIBES ACT.—The term ''Confederated Tribes Act'' means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) SPOKANE BUSINESS COUNCIL.—The term ''Spokane Business Council'' means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

(8) SPOKANE TRIBE.—The term ''Spokane Tribe'' means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. PAYMENTS BY ADMINISTRATOR.

(a) INITIAL PAYMENT.—On March 1, 2020, the Administrator shall pay to the Spokane Tribe an amount equal to 25 percent of the Computed Annual Payment for fiscal year 2019.

(b) SUBSEQUENT PAYMENTS.—

(1) IN GENERAL.—Not later than March 1, 2021, and March 1 of each year thereafter through March 1, 2029, the Administrator shall pay the Spokane Tribe an amount equal to 25 percent of the Computed Annual Payment for the preceding fiscal year.

(2) MARCH 1, 2030, AND SUBSEQUENT YEARS.—Not later than March 1, 2030, and March 1 of each year thereafter, the Administrator shall pay the Spokane Tribe an amount equal to 32 percent of the Computed Annual Payment for the preceding fiscal year.

SEC. 6. TREATMENT AFTER AMOUNTS ARE PAID.

(a) USE OF PAYMENTS.—Payments made to the Spokane Business Council or Spokane Tribe under section 5 may be used or invested by the Spokane Business Council in the same manner and for the same purposes as other Spokane Tribe governmental amounts.

(b) NO TRUST RESPONSIBILITY OF THE SECRETARY.—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any amounts after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5.

(c) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments of all amounts to the Spokane Business Council and Spokane Tribe under section 5, and the interest and income generated by those amounts, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) TRIBAL AUDIT.—After the date on which amounts are paid to the Spokane Business Council or Spokane Tribe under section 5, the amounts shall—

(1) constitute Spokane Tribe governmental amounts; and

(2) be subject to an annual tribal government audit.

SEC. 7. REPAYMENT CREDIT.

(a) IN GENERAL.—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k))—

(1) in fiscal year 2030, $2,700,000; and

(2) in each subsequent fiscal year in which the Administrator makes a payment under section 5, $2,700,000.

(b) CREDITING.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each deduction made under this section for the fiscal year shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) DEDUCTION GREATER THAN AMOUNT OF INTEREST.—If, in an applicable fiscal year under paragraph (1), the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

(3) CREDIT.—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 8. EXTINGUISHMENT OF CLAIMS.

On the date that payment under section 5(a) is made to the Spokane Tribe, all monetary claims that the Spokane Tribe has or may have against the United States to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam shall be extinguished.

SEC. 9. ADMINISTRATION.

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ESTABLISHING A PROCEDURE FOR THE CONVEYANCE OF CERTAIN FEDERAL PROPERTY AROUND THE DICKINSON RESERVOIR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 533, S. 440.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 440) to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means Dickinson Parks & Recreation in Dickinson, North Dakota.

(2) DICKINSON RESERVOIR.—The term ''Dickinson Reservoir'' means the Dickinson Reservoir constructed as part of the Dickinson Unit, Heart Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(3) GAME AND FISH HEADQUARTERS.—The term ''game and fish headquarters'' means the approximately 10 acres of land depicted as ''Game and Fish Headquarters'' on the Map.

(4) MANAGEMENT AGREEMENT.—The term ''Management Agreement'' means the management agreement entitled ''Management Agreement between the Bureau of Reclamation, et al., for the Development, Management, Operation, and Maintenance of Lands and Recreation Facilities at Dickinson Reservoir'', MA No. 07AG602222, Modification No. 1 and dated March 15, 2017.

(5) MAP.—The term ''Map'' means the map prepared by the Bureau of Reclamation, entitled ''Dickinson Reservoir'', and dated May 2018.

(6) PERMITTED CABIN LAND.—The term ''permitted cabin land'' means the land depicted as ''Permitted Cabin Land'' on the Map.

(7) PROPERTY.—The term ''property'' means any cabin site located on permitted cabin land for which a permit is in effect on the date of enactment of this Act.

(8) RECREATION LAND.—The term ''recreation land'' means the land depicted as ''Recreation and Public Purpose Lands'' on the Map.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(10) STATE.—The term ''State'' means the State of North Dakota, acting through the North Dakota Game and Fish Department.

SEC. 2. CONVEYANCES TO DICKINSON DEPARTMENT OF PARKS AND RECREATION.

(a) CONVEYANCES TO DICKINSON DEPARTMENT OF PARKS AND RECREATION.—

(1) IN GENERAL.—Subject to the management requirements of paragraph (3) and the easements and reservations under section 4, not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the Department all right, title, and interest of the United States in and to—

(A) the recreation land; and

(B) the permitted cabin land.

(2) COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall convey the land described in paragraph (1) at no cost.

(B) TITLE TRANSFER; LAND SURVEYS.—As a condition of the conveyances under paragraph (1), the Department shall agree to pay all survey and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) MANAGEMENT.—

(A) RECREATION LAND.—The Department shall manage the recreation land conveyed under paragraph (1)—

(i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);

(ii) for public access;

(iii) for fish and wildlife habitat; or

(iv) to preserve the natural character of the recreation land.

(B) PERMITTED CABIN LAND.—The Department shall manage the permitted cabin land conveyed under paragraph (1)—

(i) for cabins or recreational residences in existence as of the date of enactment of this Act; or

(ii) for any of the recreation land management purposes described in subparagraph (A).

(4) HAYING AND GRAZING.—With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Department may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) REVERSION.—If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(c) SALE OF PERMITTED CABIN LAND BY DEPARTMENT.—

(1) IN GENERAL.—If the Department sells any parcel of permitted cabin land conveyed under

subsection (a)(1)(B), the parcel shall be sold at fair market value, as determined by a third-party appraiser in accordance with the Uniform Standards of Professional Appraisal Practice, subject to paragraph (2).

(2) IMPROVEMENTS.—For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by the permit holder shall not be included in the appraised value of the land.

(3) PROCEEDS FROM THE SALE OF LAND BY THE DEPARTMENT.—If the Department sells a parcel of permitted cabin land conveyed under subsection (a)(1)(B), the Department shall pay to the Secretary the amount of any proceeds of the sale that exceed the costs of preparing the sale by the Department.

(d) AVAILABILITY OF FUNDS TO THE SECRETARY.—Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, without further appropriation, for activities relating to the operation of the Dickinson Dam and Reservoir.

SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS TO THE STATE.

(a) CONVEYANCE OF GAME AND FISH HEADQUARTERS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish headquarters continue to be used as a game and fish headquarters or substantially similar purposes.

(b) REVERSION.—If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUTSTANDING RIGHTS.

(a) IN GENERAL.—Each conveyance to the Department or the State pursuant to this Act shall be made subject to—

(1) valid existing rights;

(2) operational requirements of the Pick-Sloan Missouri River Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665), including the Dickinson Reservoir;

(3) any flowage easement reserved by the United States to allow full operation of Dickinson Reservoir for authorized purposes;

(4) reservations described in the Management Agreement;

(5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;

(6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable property or Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;

(7) a deed restriction that prohibits building any new permanent structure on property below an elevation of 2,430.6 feet; and

(8) the granting of applicable easements for—

(A) vehicular access to the property; and

(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access is provided in the permit for use of the property as of the date of enactment of this Act.

(b) LIABILITY; TAKING.—

(1) LIABILITY.—The United States shall not be liable for flood damage to a property subject to a permit, the Department, or the State, or for damages arising out of any act, omission, or occurrence relating to a permit holder, the Department, or the State, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) TAKING.—Any temporary flooding or flood damage to the property of a permit holder, the Department, or the State, shall not be considered to be a taking by the United States.

SEC. 5. INTERIM REQUIREMENTS.

During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the committee-reported substitute amendment be agreed to; and that the bill, as amended, be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 440), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ESTABLISHING A PROCEDURE FOR THE CONVEYANCE OF CERTAIN FEDERAL PROPERTY AROUND THE JAMESTOWN RESERVOIR IN THE STATE OF NORTH DAKOTA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 537, S. 2074.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2074) to establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

SECTION 1. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Stutsman County Park Board in Jamestown, North Dakota.

(2) GAME AND FISH HEADQUARTERS.—The term ''game and fish headquarters'' means the land depicted as ''Game and Fish Headquarters'' on the Map.

(3) JAMESTOWN RESERVOIR.—The term ''Jamestown Reservoir'' means the Jamestown Reservoir constructed as a unit of the Missouri-Souris Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(4) MANAGEMENT AGREEMENT.—The term ''Management Agreement'' means the management agreement entitled ''Management Agreement between the United States of America and Stutsman County Park Board for the Management, Development, Operation and Maintenance of Recreation and Related Improvements and Facilities at Jamestown Reservoir Stutsman County, North Dakota'', numbered 15–LM–60–2255, and dated February 17, 2015.

(5) MAP.—The term ''Map'' means the map prepared by the Bureau of Reclamation, entitled ''Jamestown Reservoir'', and dated May 2018.

(6) PERMITTED CABIN LAND.—The term ''permitted cabin land'' means the land depicted as ''Permitted Cabin Lands'' on the Map.

(7) PROPERTY.—The term ''property'' means any cabin site located on permitted cabin land for which a permit is in effect on the date of enactment of this Act.

(8) RECREATION LAND.—The term ''recreation land'' means the land depicted as ''Recreation and Public Purpose Lands'' on the Map.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(10) STATE.—The term ''State'' means the State of North Dakota, acting through the North Dakota Game and Fish Department.

SEC. 2. CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.

(a) CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.—

(1) IN GENERAL.—Subject to the management requirements of paragraph (3) and the easements and reservations under section 4, not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the Board all right, title, and interest of the United States in and to—

(A) the recreation land; and

(B) the permitted cabin land.

(2) COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall convey the land described in paragraph (1) at no cost.

(B) TITLE TRANSFER; LAND SURVEYS.—As a condition of the conveyances under paragraph (1), the Board shall agree to pay all survey and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) MANAGEMENT.—

(A) RECREATION LAND.—The Board shall manage the recreation land conveyed under paragraph (1)—

(i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);

(ii) for public access;

(iii) for fish and wildlife habitat; or

(iv) to preserve the natural character of the recreation land.

(B) PERMITTED CABIN LAND.—The Board shall manage the permitted cabin land conveyed under paragraph (1)—

(i) for cabins or recreational residences in existence as of the date of enactment of this Act; or

(ii) for any of the recreation land management purposes described in subparagraph (A).

(4) HAYING AND GRAZING.—With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Board may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) REVERSION.—If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(c) SALE OF PERMITTED CABIN LAND BY BOARD.—

(1) IN GENERAL.—If the Board sells any parcel of permitted cabin land conveyed under subsection (a)(1)(B), the parcel shall be sold at fair market value, as determined by a third-party appraiser in accordance with the Uniform Standards of Professional Appraisal Practice, subject to paragraph (2).

(2) IMPROVEMENTS.—For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by a permit holder shall not be included in the appraised value of the land.

(3) PROCEEDS FROM THE SALE OF LAND BY THE BOARD.—If the Board sells a parcel of permitted cabin land conveyed under subsection (a)(1)(B), the Board shall pay to the Secretary the amount of any proceeds of the sale that exceed the costs of preparing the sale by the Board.

(d) AVAILABILITY OF FUNDS TO THE SECRETARY.—Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, without further appropriation, for activities relating to the operation of the Jamestown Dam and Reservoir.

SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS TO THE STATE.

(a) CONVEYANCE OF GAME AND FISH HEADQUARTERS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish headquarters continue to be used as a game and fish headquarters or substantially similar purposes.

(b) REVERSION.—If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUTSTANDING RIGHTS.

(a) IN GENERAL.—Each conveyance to the Board or the State pursuant to this Act shall be made subject to—

(1) valid existing rights;

(2) operational requirements of the Pick-Sloan Missouri River Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665), including the Jamestown Reservoir;

(3) any flowage easement reserved by the United States to allow full operation of the Jamestown Reservoir for authorized purposes;

(4) reservations described in the Management Agreement;

(5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;

(6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable property or Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;

(7) a deed restriction that prohibits building any new permanent structure on property below an elevation of 1,454 feet; and

(8) the granting of applicable easements for—

(A) vehicular access to the property; and

(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access is provided in the permit for use of the property as of the date of enactment of this Act.

(b) LIABILITY; TAKING.—

(1) LIABILITY.—The United States shall not be liable for flood damage to a property subject to a permit, the Board, or the State, or for damages arising out of any act, omission, or occurrence relating to a permit holder, the Board, or the State, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) TAKING.—Any temporary flooding or flood damage to the property of a permit holder, the Board, or the State, shall not be considered to be a taking by the United States.

SEC. 5. INTERIM REQUIREMENTS.

During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the committee-reported substitute amendment be agreed to and that the bill, as amended, be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2074), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, OCTOBER 5, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, October 5; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session to resume consideration of the Kavanaugh nomination.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned following the remarks of Senators MERKLEY, BENNET, and PORTMAN.

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

The Senator from Oregon.

NOMINATION OF BRETT KAVANAUGH

Mr. MERKLEY. Mr. President, moments ago, I was outside at a rally on the lawn of the Capitol, looking at the Supreme Court of the United States of America. When you look at that beautiful building, you see the phrase ''equal justice under law'' above the big, beautiful doors of entry—equal justice under law. That is the concept behind the Supreme Court. Every other court can make decisions, but they can be appealed—the final determination, balancing the parts of the Constitution against each other, understanding and exercising the fundamental vision contained in this beautiful ''We the People'' document. That is what those nine Justices are all about.

For an individual to become a Justice, it takes two steps. The first is, it is considered by the President as to whom to nominate. Having nominated, it comes over to the Senate. This is the confirmation process.

The Founders, when they wrote the Constitution, wrestled with, how do you appoint individuals to these key positions? They said: Well, we could give the power to the assembly, so that would be a check on the executive or a check on the judiciary getting out of control. But they worried that Senators might trade favors: You put my friend in this position; I will put your friend in that position.

They said that the nominating power needed to rest with one individual—that being, of course, the President of the United States of America.

Then they said: What happens if a President goes off track? Alexander Hamilton spoke to this and called it favoritism—favoritism of a variety of types. What if the President goes off track and starts nominating friends when they are qualified for particular positions? What if he only nominates people from his home State, ignoring the qualities of many people who might be better qualified? What if there comes a situation where perhaps favors are done for the President in exchange for a position? The Founders said that there needs to be a check; that is, the Senate confirmation process. It is a pretty good design. I can't think of any one better.

Essentially, the confirmation process is like a job interview: Is this individual fit to serve in the executive branch? Is this person fit to be a judge? Is this person fit to be a Justice of the Supreme Court of the United States of America? That term, ''fit,'' is the term that Alexander Hamilton used when he was writing about the fundamental goal of the Founders to decide if an individual by experience and character was fit or unfit.

That is our job here. Throughout our history, it is a clear separation of powers. The Senate cannot intervene in terms of whom the President nominates, and the President cannot intervene in terms of the review process of that nominee.

Now we have something that has happened in an extraordinary fashion. It has never happened in the United States before, as far as we are aware; that is, the President of the United States, President Trump, has violated that separation of powers, and he has done so in three fundamental ways.

After nominating, he did not leave the Senate to review the record. He instead had his team call up Senators who lead the Judiciary Committee and say: Don't let the Senate get their hands on any of the records for the 3 years in which the nominee served as Staff Secretary.

That is a direct intervention, a violation of the separation of powers. When I say ''he,'' I am referring to his team. That intervention was unacceptable.

Then the Senate requested the records for the time he served on the White House Counsel. In this case, the President assigned an individual and gave him a stamp labeled ''Presidential

privilege,'' and that individual proceeded to stamp not 10 pages of documents, not 100, not 1,000, not 10,000, but 100,000 pages of relevant information were stamped ''Presidential privilege'' and were not delivered to the Senate. The President of the United States, instead of responding to the Senate's request for records, proceeded to exercise what he referred to as Presidential privilege or what we know to be Executive privilege and prevented the Senate from getting those documents.

Why did that happen? We got some of the documents that made it through that censorship process but not all of them. From the documents we did receive, we found some information. We found out that when he served, he had been very involved in several nominations, discussions on nominations, even though he had indicated he had not played much of a role. We found out that he was involved in the conversation on torture, even though he had said he had not been involved. We found out that he had directly received documents stolen from the Democrats, even though he said he had not received those documents. That is just in the documents received. What is in the 100,000 documents the President marked ''Presidential privilege'' so we could not get them? What is being hidden in those documents?

This violation of separation of powers—a violation that has never occurred in this manner to this degree, to this extent or anything close to it as far as any researcher has been able to ascertain—is unacceptable. The Senate must stand up for its right to be able to review the record of nominees.

Sure, some of my colleagues are pretty happy that these documents got blocked because they don't want to know what is in them because they have already made up their minds. But reverse the situation. Consider that maybe a different President is in place, proposing a judge of a different judicial philosophy.

Do we really want to compromise the fundamental rights of the Senate, their responsibilities of the Senate of advice and consent? We do not. It is wrong. Each of us, every one of us, took an oath of office to uphold the Constitution. Now, that Constitution gives each of us, every one of us, the responsibility to review the record of nominees and decide if they are fit or unfit, and none of us can do that if we don't have those records.

So let's stand up together and tell the President to deliver those documents. Well, now, you might ask: Isn't there some justification for this Presidential privilege? Consider this: These are records that occurred under President Bush, but it is not President Bush asserting privilege, it is President Trump. How could his—that is, President Trump's—conversations be compromised by records from a previous administration? Doesn't this sound suspicious?

The only reason anyone can think of is not that they compromise confidential information about the Trump administration but that simply they have information that would not look good in regard to our review of Judge Kavanaugh's record.

So when you have this situation, this abuse of power, we sometimes turn to the courts to say stop that abuse, and that is what I have done. I filed suit and said: Stop this abuse of power by the President stepping in and blocking the Senate from seeing those 100,000 documents, for which no justification has been provided.

It isn't that the President said: Well, on this page there is this type of sensitive information and that is protected because it affects my administration. No, no justification. So that alone tells you this Senate should never confirm this individual because we have not had the opportunity to review his record. The President is hiding these documents. He does not want us to see them because it probably has a lot of information unbecoming to this nominee. You don't hear the nominee saying: No. Deliver the records. I want the Senate to know everything about me. No, the nominee is not interested in us being able to actually see his judicial views or his character in that context. So this is one reason he should be rejected.

How about this. Should anyone serve on the Supreme Court, that beautiful place where we consider equal justice under the law, who has repeatedly lied to the U.S. Senate during his confirmation hearings? He lied in 2006 time after time. My colleagues who served in 2006—I did not—have pointed this out in detail. He lied on key issues, key issues related to the documents I was referring to.

Then we had his performance in the Senate just last week where he proceeded to tell all kinds of whoppers. The press has laid them out. Some articles talk about 20-plus whoppers he has told, and by ''whoppers,'' I mean lies. I mean deceptions. I mean inaccuracies. I mean things he knew not to be true. That is unacceptable, to put any individual on the Court who cannot be truthful when questioned before Congress.

Then we have the fact that he has this record of engaging in behavior abusive to women. Now, it took a lot of courage for Dr. Ford to come forward and tell her experiences in high school, and it took a lot of courage for Debbie Ramirez to come forward and talk about her experiences in her freshman year. She shared how Mr. Kavanaugh—Judge Kavanaugh—had directly engaged in massively inappropriate sexual behavior.

When women come forward to share these experiences, we need to treat them with respect; we need to treat them with dignity; we need to hear them; we need to understand their pain, but what did the Senators on the Senate Judiciary Committee majority do? They hired a prosecutor in order to treat her as a criminal. Yes, the 11 Republican men hired a prosecutor to treat Dr. Ford as a criminal when she appeared before the committee.

Now, she asked for an FBI investigation. The committee didn't want to give it to her. The leadership of the committee didn't want to give it to her, and I praise my colleague from Arizona who said it is so important to investigate the credibility of her story, to talk to those who have additional information. She asked for that. She invited that. She wanted that.

She provided a list of eight individuals whom, if you want to corroborate her story, these are the people you should talk to.

So the President, at the request of my good friend from Arizona, said: Yes, we will reopen the background investigation, the FBI investigation, but the President produced a scoping document that says whom the FBI can talk to. So of those eight women, those eight women who are on Dr. Ford's list, you would expect, if the goal was to explore her experience as she presented it, the FBI would be authorized by the President to speak to all eight. To my colleagues, have you paid attention to how many individuals the FBI was allowed by President Trump to talk to who were on that list—Dr. Ford's list? The answer is zero.

So any colleague in this Chamber who says that was fair treatment of Dr. Ford I will contend is absolutely wrong because Dr. Ford presented individuals who had relevant information, and the President's scoping document prevented the FBI from talking to them.

Now let's talk about Debbie Ramirez. She is there during Judge Kavanaugh's freshman year at Yale, in the dorm, and he behaves in a totally inappropriate manner, according to the information she relayed about excessive drinking, followed by this individual, this nominee, exposing himself to her and laughing about it.

She provided a list of 20 individuals who have corroborating information about that experience—20. So, of course, if the FBI was going to reopen the background investigation and it was going to be an investigation with any form of integrity, any form of legitimacy, any form of fairness, the FBI would be allowed to talk to those 20 people.

How many of those 20 people did the President, in his scoping document, allow the FBI to talk to? None. Zero. Not a single one. That, again, is not fairness to the individual who came forward with her experience.

Now, why is it that the President didn't want the FBI to actually talk to these individuals? Well, let's discuss one of them. One of them lived in the suite, lived right there in the same cluster of bedrooms with a common area as did Mr. Kavanaugh that freshman year, and he heard about this story in real time. He heard about it and he remembered it and he thought it was outrageous that Mr. Kavanaugh had behaved in this fashion.

Now, he remembered it so clearly that when he was in a discussion with his roommate in his first year in graduate school, he shared that story with his roommate years and years and years before Kavanaugh was ever nominated to a judicial position. So here you have a suitemate who heard the story of what was done by Mr. Kavanaugh to Debbie Ramirez, who relayed that story to another student in his first year of graduate school and who went to the FBI and said: Come and talk to me because I can tell you she is telling the truth. I may not have witnessed it, but I heard about it after it happened, and I am not making it up now because I told somebody about it, and they are willing to come forward and talk to you.

So it goes to the FBI. Could the FBI talk to him? No, they couldn't because the President of the United States prohibited the FBI from talking to anyone who had real information about the two experiences those two women brought forward. That is just beyond wrong.

Think about how much worse this body is treating these two women than the Senate treated Anita Hill in 1991. Think about that comparison. You would think in the nearly three decades since we would have improved, 27 years—but have we?

With Anita Hill, the President immediately reopened the FBI investigation of his own volition, wanting to get a full background check of the issue. The committee held hearings over multiple days, had multiple people come forward who had corroborating information. They heard them out.

How many of those 28 individuals have been given an opportunity to come before the Judiciary Committee to share their experience? Not a one. The leadership of the Judiciary Committee has blocked all of them—has not invited one of them to share their story. The President blocked the FBI from talking to them. The leadership at Judiciary blocked the Judiciary Committee of this body from hearing them out.

This is perhaps the worst example of injustice we could envision in this body, and I would like to call it an esteemed body, but how can I call it that when my colleagues are treating these women in such a horrific fashion?

Should an individual serve on the Supreme Court based on this job interview that we are conducting? Would you hire this individual into your company, into a position of trust, after the testimony of these two women? Wouldn't you say: If I am even giving a thought to hiring the individual, I will check out these stories, not block these women from being able to have the corroborating information shared with the Senate, not block the FBI from being able to talk to them? No. This is a failure. We cannot allow this to stand. We have a responsibility, particularly more with the Supreme Court than any other organization, to exercise our advice and consent through a responsible process, a process of integrity, of fairness, of decency, of transparency, none of which is happening at this point.

So we have deep differences over this man's judicial philosophy, but I know that if he is rejected, then the President will propose someone of a similar judicial philosophy. So my colleagues who support that philosophy can be assured they will have a chance to put another person in who hasn't lied to the Senate, another person who doesn't have a record of abuse toward women.

I heard some interviews this evening of some of my colleagues saying things like: Oh, it is so horrific that these women are trashing his reputation.

Are you really telling me that for a woman to share a horrific experience from her life, who is willing to have the FBI investigate it and who provides people who have corroborating information, you are calling that an attack? You are calling that person the wrong person? How dare they come forward with their story, you are saying. That is just wrong. That is so completely wrong to treat women in that fashion.

So to my colleagues who want somebody of a similar judicial perspective, you will have a chance to have that person, but you will do incredible harm to this institution if this man, after this record, is put onto the Court, and that is why he needs to be rejected.

That is why the President should withdraw him. That is why my Republican colleagues should call up the President and say: Withdraw this nominee and send us another.

I happen to disagree with his judicial philosophy as well. We are in a battle in this country between the ''we the people'' vision of the Constitution, as it was written, and a rewrite done by a group of lawyers who want to have government not by and for the people but by and for the powerful: Don't worry about those consumers. Let the company run over the top of them. Don't worry about those healthcare opportunities. Snatch them away. Don't worry about those environmental laws. Knock them down.

It is government by and for the powerful. That is Kavanaugh. Kavanaugh has gone through decades of a process designed to prepare him to execute that philosophy—government by and for the powerful on the Court. They are so happy. The powerful in this country are so happy to jam him through that they are putting extreme pressure on my colleagues to approve him despite his horrific personal record.

I say to my colleagues: Stand up for the integrity of the Senate. Stand up for the legitimacy of the Supreme Court. Don't allow yourselves to be brought into a vortex of determined outside power saying: This must be done, and this must be done now, and this must be done with this flawed individual.

I am deeply disturbed—deeply disturbed—about where we stand right now with the vote to close debate tomorrow and to send this body into 30 hours of final debate before a decision. That timeline gives us no chance that the courts can provide us the documents that have been censored by the President of the United States. It gives no chance to reawaken the opportunity of the committee to hear from those 28 individuals whom the FBI did not investigate because the President of the United States wouldn't let them—no chance to get to true justice.

Remember that phrase across the front of the Supreme Court: ''Equal justice under law.'' That phrase will be tarnished, the Court deeply diminished, and the people deeply divided, if we proceed to the confirmation of Brett Kavanaugh.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, the nomination of Judge Kavanaugh by Donald Trump has left this body and the American people deeply divided, but I think it has also united every American in the belief that this cannot be the standard for how the Senate or the Federal Government should operate. This cannot be how our Founders expected us to consider lifetime appointments to the Supreme Court of the United States.

As recently as when I was in law school, confirmations of a Supreme Court Justice used to be a chance for the American people to learn about our system of checks and balances and the rule of law—what made America so special. No student in Colorado watching our conduct over the past few weeks would have anything to be proud of. Instead of modeling our checks and balances, we have been demolishing them. Somewhere along the way, we began to treat the courts as just another front of our endless partisan war, with each vacancy as an opportunity to bloody the other side and secure an ephemeral political win. And the latest, lowest point in that story is this shambles of a confirmation process.

Weeks ago, I announced that I intended to oppose Judge Kavanaugh's nomination. It was after the first round of hearings and before the later allegations of misconduct arose. Then and now, I worried about what his confirmation would mean to the people of Colorado—for those with preexisting conditions who depend on the Affordable Care Act for lifesaving treatment, for our farmers and ranchers who are so worried about climate change, for our children with asthma who are vulnerable to harmful pollutants, for same-sex couples in loving marriages, and for the women across our State who have a constitutional right to make their own healthcare decisions.

I worried that Judge Kavanaugh would threaten hard-won progress for all Coloradans, taking us from the independent majority under Justice Kennedy to an ideological majority, deeply out of step with the values of

people in my State and, I would say, throughout the United States.

I worried that Judge Kavanaugh would block reforms we need to break the fever gripping our politics—a fever on full display over the last few weeks. If confirmed, it is very likely that Judge Kavanaugh would provide a fifth vote against reforms to end partisan gerrymandering, to help workers organize, to help people vote and curb the corrupting power of money in our politics.

In the age of President Trump, I have particular concerns about the nominee's expansive views with respect to Presidential power and oversight, views that made me question the extent to which he would fulfill the Court's role as a check on the executive branch.

Finally, I had concerns that Judge Kavanaugh had an unusually partisan background for a judicial nominee—a concern borne out during the hearing last week.

All of this led me to oppose Judge Kavanaugh's nomination.

Soon after, Dr. Ford came forward with these serious allegations of misconduct. She came before the Senate Judiciary Committee and gave very credible testimony. She had no reason to make anything up, and she had every reason to stay quiet, but she came forward anyway because she believed, as she said, it was her civic duty. Her courage has inspired hundreds of thousands, if not millions, of women across the country, including Debbie Ramirez of Colorado, to share their own stories. She inspired other survivors from my State to call, write, and even fly to Washington and meet with me earlier today.

For her courage alone, Dr. Ford deserved far better than the casual dismissal we saw from Members of this body or the juvenile taunting we saw the other night by President Trump, who continues the same politics of distraction and division that managed to get him elected and that continue now to threaten to tear our country apart.

But President Trump is not the issue here. For all the damage he has done, he is not the cause of our dysfunction. He is a symptom of it, and that dysfunction is what we have to confront, especially now as we find ourselves days away from a party-line vote for a lifetime appointment to the Supreme Court.

I recognize that both sides had their own argument or story about how we got to this point. I know that ever since the majority demolished the rule requiring 60 votes for a Supreme Court nominee, there has been no incentive to select a mainstream candidate who can earn the support of both parties. In fact, all the incentives now run in exactly the opposite direction—selecting a nominee who can appease the base of the party and earn the narrowest partisan majority in the Senate. That reality helps to explain why this process has been so divisive.

If we still had the 60-vote threshold, it is hard to imagine the Senate moving forward on a nominee without disclosing their full record and without giving the minority party time to review that record so they can ask informed questions of the nominee. That would never happen if you still needed 60 votes, if you still needed the other party as part of the decision making, as part of advise and consent.

We would expect the nominee to have to answer directly direct questions. It would have been unfathomable that the majority would downplay serious allegations of misconduct, and, in the case of Debbie Ramirez, refuse to even interview many of the potential witnesses that she identified.

None of this makes any sense if our interest is in protecting the integrity of the Supreme Court. It only makes sense if we have now reduced our responsibility and our duty under the Constitution to advise and consent to a completely partisan exercise. That is where we have gotten to.

I have said on this floor before that I deeply regret the vote we took to change the rules for lower level officials and judges. I don't think we should have done that.

I certainly don't think the majority leader should have prevented Merrick Garland from coming to a vote on the floor of the Senate. That was outrageous, unprecedented in our history. I don't think he should have invoked the nuclear option for the Supreme Court. I think that was a huge mistake.

We are going to have a partisan process forever unless we can find some way back there. This new majority rule when it comes to judicial nominees is why we now have Supreme Court nominees audition on cable television networks—in this case, FOX News. It is why the President held a political rally and used it as an occasion to mock the accusers. It is why the White House limited the investigation to ignore key witnesses, allowing the majority leader to declare, as he did this morning, that it uncovered ''no backup from any witnesses.'' Well, they weren't interviewed.

It is important to remember what the majority leader did to Judge Garland when Justice Scalia died. He left open a vacancy on the Supreme Court for more than 400 days, and we can't take the time to interview witnesses from a serious allegation from somebody living in Boulder, CO? I forget exactly how many days it was, but it was more than 400 days. Then we have a 4-day investigation that doesn't interview the witnesses that have been named, and the majority leader has the gall to come to the floor and say that the investigation had uncovered ''no backup from any witnesses.''

All of this—most importantly, that lack of investigation—is evidence of a confirmation process that has been overrun by politics, like everything else around here. Only, unlike many other things, this is a solemn responsibility granted to this body exclusively by the Constitution of the United States, by the Founders who wrote that Constitution, and the Americans who ratified it.

This may help one party win Presidential or Senate elections, but it is toxic to our institutions. We have exported what hopefully will be the temporary, mindless, empty, counterproductive, unimaginative, meaningless partisanship from the floor of this Senate to the U.S. Supreme Court. We should be ashamed of that. We should be ashamed of that on the floor of this Senate, and we should be ashamed that we are doing that to an independent branch of our government.

Earlier today, I had the chance to meet students who were visiting here from Aspen, CO. When I meet with students, I sometimes get the impression they think that all of this was just here—that the Capitol was here, that the Supreme Court was here, that the White House was just here, that somehow it all just fell from the sky. I always remind them that it wasn't just here.

The only reason we have any of this is because previous generations of Americans overcame enormous difficulty to write and ratify the Constitution. We forget that Americans were sharply divided over whether to ratify the Constitution. Some worried that the new government would grow too powerful and become the very tyranny they had just fought a war to escape.

By the way, think about that for a second—that generation of Americans accomplished two things that had never been done in human history before. They led an armed insurrection that was successful against a colonial empire, and they wrote a Constitution that was ratified by a people who would live under it. No humans had ever been asked permission for the form of government they would live under until Americans got that opportunity. We set an example for the world.

It also must be said that the same Founders perpetuated human slavery, which is a terrible stain on their work, but another generation of Americans, who I think of as Founders, just like the people who wrote the Constitution, abolished slavery. They made sure women had the right to vote and passed the civil rights laws in the 1960s. Generation after generation after generation of Americans has seen their responsibility to democratize the Republic that the Founders created and to preserve the institutions that we created so that we could render thoughtful decisions in our Republic.

Our process for advice and consent looks nothing like that heritage. When Americans were having that big division about whether to ratify the Constitution at all, Alexander Hamilton wandered into the debate, and he responded to those who were worried

that the government would become too powerful or become a tyranny just like the one they had escaped. He pointed out the importance of the courts and the rule of law as a check against tyranny. He wrote that ''the complete independence of the courts of justice is peculiarly essential in a limited constitution.'' ''Without this,'' he said, ''all the reservations of particular rights or privileges would amount to nothing.''

Hamilton did not say that independent courts were optional. He did not say they were contingent on political convenience. He said they were essential to the working of this Republic, and it is for this reason the Founders designed the extraordinary mechanism of checks and balances, including the unique duties we bear in the U.S. Senate.

Yet the Founders also knew that this mechanism alone was insufficient. It required elected officials to act responsibly—to treat advice and consent, for example, as an opportunity to confirm judges of the highest intellect, integrity, and independence, judges who could maintain the confidence of the American people in our courts and rule of law. Today, we have fallen so short of Hamilton's standard. Instead of insulating the courts from partisanship, we have infected the courts with partisanship.

I have not met a single Coloradan who believes that confirming judges with 51 Republicans or 51 Democrats instead of 90 votes from both parties serves the independence of our judiciary. It does the opposite in that it makes the courts an extension of our partisanship. This is exactly what Hamilton feared. He warned: ''Liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments.''

Hamilton's warning echoes loudly in the age of President Trump—a man who has called for jailing his political opponents, deporting immigrants without due process, banning entire religious groups, bringing back torture ''and a hell of a lot worse''; a man who fired the FBI Director in the middle of an investigation into his campaign and who has tried to discredit that investigation with routine falsehoods ever since.

If there were ever a time to stand up for our checks and balances and the rule of law, it is now. Instead, with this vote, the Senate is, once again, acceding to the White House and undermining the Supreme Court in the process. The result is that we are going to continue to barrel down this dangerous path.

Unless we change what we are doing, one of two things will happen: We will replay this process every time, that of confirming Supreme Court Justices with the barest partisan majority and tearing the country apart in the process, or if the Senate and the White House are not of the same party, we will never fill a Supreme Court vacancy. That is not what the Founders expected. It is certainly not what the people of Colorado expect.

We are playing with fire. Unlike us, the Founders knew their history. They knew about the fall of Athens, whose history taught them that, more than anything, the greatest threat to freedom is faction. The Founders read the Athenian historian Thucydides, who tells us about a civil war that consumed the city of Corcyra 2,400 years ago.

According to Thucydides, the city descended into factionalism. Both parties spared ''no means in their struggles for ascendancy. . . . In their acts of vengeance, they went to even greater lengths, not stopping at what justice or the good of the state demanded, but making the party caprice of the moment their only standard.'' As the civil war intensified, both sides struggled to end it because ''there was neither promise to be depended upon, nor oath that could command respect; but all parties dwelling rather in their calculations upon the hopelessness of a permanent state of things, were more intent upon self-defense than capable of confidence.''

How familiar that sounds today. In our acts of vengeance, we have gone to greater and greater lengths and fallen to greater and greater depths. We have ignored what justice or the good of the state demands. In doing so, we have degraded the courts as we have degraded ourselves.

Yet this is a human enterprise, just as it has been since the founding of the United States of America. Yet our situation is not hopeless. This dysfunction does not need to be a permanent state of things. We can and we must be capable of confidence in ourselves and our institutions once more, for unlike the stories told of ancient kingdoms and empires in history, we still live in a republic, and in the story of our Republic, we alone are responsible for writing its ending or its continuance for the next 100 or 200 years.

I think every American is probably disturbed by what has happened, and they all know we can create a better ending. The question they have is whether their elected Representatives in Washington will do so. We need an ending that upholds the independence of our courts, where we return to an honorable bipartisan tradition in the Senate, where we build a culture that has no place for sexual assault and that provides an opportunity for people who have been assaulted to be heard and to be heard in a way that doesn't shame them or embarrass them or make their difficulties even worse.

I know there are a lot of people out there—and I agree with them—who don't see a lot of hope for that in the process that we have had here. What I would say to them is that, tonight, there are survivors from all over our country, including from my home State of Colorado, who are arrayed around the Capitol. Their being here testifies to the resilience of the human spirit. It gives us all hope that however difficult this moment in the United States, progress is always in our hands, that it is always our responsibility, and that we need to act with the kind of courage they are showing tonight by being here.

I say thank you to the Presiding Officer, and I thank my colleague from Ohio for his indulgence. I have gone over about 5 minutes. I apologize for that.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I rise to talk about my vote on the confirmation of Judge Brett Kavanaugh to serve on the Supreme Court.

Sadly, over the past couple of weeks, the confirmation process has become a bitter partisan fight that has deeply divided this body and has divided our country in the midst of all the passion, the anger, and the emotion from both sides. Now I want to talk about something else. I want to talk about the facts. I want to talk about the facts as I know them.

First, I know Brett Kavanaugh. I have known Brett and his wife Ashley for more than 15 years since we worked together in the George W. Bush White House. I have seen them in tough situations. I have seen them tested. I have seen their character. I have known Brett not so much as a legal scholar or a judge or a professor but as a colleague and a friend and a father and a husband. I have known him as someone who is smart, thoughtful, and compassionate.

Among White House colleagues, I know that he is universally viewed that way. He was at the time, and he still is today as we have seen from the testimony of so many men and women who have worked with him. I also know that Brett Kavanaugh has been a widely respected public servant for nearly three decades, including the last 12 years as a judge on the DC Circuit Court—what most view as the second highest court in the land.

I know he has received praise from his fellow judges and his many law clerks, the majority of whom have been women, and from the students in his classes of Harvard, Yale, and Georgetown Law Schools—students from across the political spectrum—also from litigants who have been before him, including Lisa Blatt, who is a self-described liberal who has argued more cases before the Supreme Court than any other woman. When Lisa Blatt joined Condoleezza Rice and me in introducing Brett Kavanaugh before the committee, she said, ''He is unquestionably qualified by his extraordinary intellect, experience, and temperament.'' All of this seems to have been lost in the past couple of weeks.

I also know that Brett Kavanaugh is highly qualified to serve on the Supreme Court. In fact, frankly, I have

heard that from a number of my Democratic colleagues who were quick to say they don't support him for other reasons, but they don't question his legal experience and his qualifications. You really can't.

The American Bar Association, not known for being very friendly to Conservatives, has given Brett Kavanaugh its highest rating unanimously. I know that in more than 20 hours of testimony before the Judiciary Committee—in fact, I think it was 32 hours of testimony—he showed an encyclopedic knowledge of the Constitution, of Supreme Court cases, an appreciation for Supreme Court precedent, and, overall, has an impressive grasp of the law.

Only a couple of weeks ago, he had successfully navigated the arduous process of meetings, interviews, and tough questions during 32 hours in front of the Senate Judiciary Committee. As a result, he had the votes in the committee, and he seemed to be headed toward confirmation here on the floor of the Senate. After 12 weeks of consideration and 5 days of hearings—by the way, more days of consideration and more days of hearings than we have had for any confirmation of any judge for the Supreme Court in recent history—the committee was ready to vote. Just before the vote in committee came the allegations of sexual assault and calls for delay.

As wrong as it was for Members of the U.S. Senate to have kept the allegations of Dr. Ford's secret until after the normal process had been completed and then to have sprung it on the committee, the Senate, and the country, I thought that because of the seriousness of the allegations, it would also have been wrong not to have taken a pause and to have heard from Dr. Ford and Judge Kavanaugh, and we did. Chairman CHUCK GRASSLEY, of the Judiciary Committee, was accused by someone on my side of the aisle of bending over backward when he should have pushed ahead, but he reopened the process and allowed the painful ordeal to play out as, I think, we were compelled to do—painful for Dr. Ford, painful for Brett Kavanaugh, the Senate, and the country.

I believe sexual assault is a serious problem in our Nation, and many women and girls—survivors, victims—choose not to come forward, choose not to report it for understandable reasons. Therefore, I think we should take allegations seriously. We must take allegations of sexual assault very seriously, and I do. Dr. Ford deserved the opportunity to tell her story and be heard, and, of course, Judge Kavanaugh deserved the opportunity to defend himself. That is why I supported not only having the additional committee investigation and hearing but also of taking another week to have a supplemental FBI investigation after the normal Judiciary Committee process was completed. I watched that additional Judiciary Committee hearing, and I listened carefully to both Dr. Ford's and Judge Kavanaugh's testimony. I am sure many Americans did.

I have now been briefed on it and have read the supplemental FBI report, which arrived early this morning. I went to a secure room here in the Capitol. To do so, I went three times today to be sure I could be fully briefed on it and could read it. Again, my job, my obligation, is to assess the facts, and the facts before us are that no corroboration exists regarding the allegations. No evidence prepared before or in the supplemental FBI investigation corroborates the allegations—none.

Judge Kavanaugh, of course, has adamantly denied the allegations. His testimony is supported by multiple other statements. Simply put, based on the hearings, the Judiciary Committee's investigation, and the FBI's supplemental investigation, there is no evidence to support the serious allegations against Judge Kavanaugh. Of course, in his 25 years of public service, there had also been six previous FBI investigations.

In America, there is a presumption of innocence. When there is no evidence to corroborate a charge, there is a presumption of innocence that we must be very careful to pay heed to.

Just 1 day after Dr. Ford's allegations were made public, 65 women who knew Judge Kavanaugh in high school sent a letter to the Judiciary Committee in defense of his character. These 65 women put this letter together within a day's notice.

The letter stated:

> Through the more than 35 years we have known him, Brett has stood out for his friendship, character, and integrity. In particular, he has always treated women with decency and respect. That was when he was in high school, and it has remained true to this day.

These are women who knew Brett Kavanaugh. They knew him in high school. Importantly, that is the Brett Kavanaugh I have known these past 15 to 20 years.

This confirmation debate could have and should have unfolded very differently. The process has become poisonous, and it is up to us in this Chamber to change it.

It is going to take a while for the Senate and the country to heal from this ugly ordeal, but for now let me make a modest suggestion. Let's step back from the brink. Let's listen to each other. Let's argue passionately, but let's lower the volume. Let's treat disagreements like disagreements, not as proof that our opponents are bad people. Let's see if we can glorify quiet cooperation—at least every once in a while—instead of loud confrontation.

Some may say this is trite or naive, but, my colleagues, we have crossed all these lines in recent weeks. For the state of this institution and for the country, we have to step back from the brink, and we have to do better.

The way this process unfolded risks candidates with the kinds of qualifications and character we all want deciding to think twice before entering public service. If the new normal is eleventh-hour accusations, toxic rhetoric like calling a candidate ''evil'' and those who support him ''complicit in evil'' and guilt without any corroborating evidence, who would choose to go through that? How many good public servants have we already possibly turned away by this display? How many more will we turn away if we let uncorroborated allegations tarnish the career of a person who has dedicated 25 of the past 28 years to public service and who has done so with honor, again based on the testimony of so many people across the spectrum, men and women?

These are questions the Senate is going to have to grapple with for possibly years to come, but right now I want to focus on something that hasn't gotten as much attention in the last couple of weeks, and that is what is known.

I know Judge Kavanaugh as someone with a deserved reputation as a fair, smart, and independent judge. I know him as someone who is universally praised by his colleagues for his work ethic, his intelligence, and his integrity. I know him as someone who respects everyone and someone whose first introduction to law came from listening to his mom practicing closing arguments at the dinner table. Perhaps most importantly—most importantly—I know him as someone who has the ability to listen. It is something we need more of in this country and on the Court during turbulent times.

In following facts, as I am obligated to do, I will support this nomination, and I will be proud to vote to confirm Brett Kavanaugh as the next Associate Justice of the Supreme Court.

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

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

MEASURE PLACED ON THE CALENDAR—S. 3532

Mr. PORTMAN. Mr. President, I understand, there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

> A bill (S. 3532) to authorize the United States Postal Service to provide certain nonpostal property, products, and services on behalf of State, local, and tribal governments.

Mr. PORTMAN. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. The objection having been heard, the bill will be placed on the calendar.

Mr. PORTMAN. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:22 p.m., adjourned until Friday, October 5, 2018, at 9:30 a.m.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6507–S6557

Measures Introduced: Six bills and four resolutions were introduced, as follows: S. 3546–3551, and S. Res. 666–669. **Pages S6541–42**

Measures Reported:

S. 3031, to amend chapter 5 of title 40, United States Code, to improve the management of Federal personal property. (S. Rept. No. 115–343) **Page S6541**

Measures Passed:

National Suicide Prevention Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 636, recognizing suicide as a serious public health problem and expressing support for the designation of September as ''National Suicide Prevention Month'', and the resolution was then agreed to. **Page S6545**

National Estuaries Week: Committee on the Judiciary was discharged from further consideration of S. Res. 642, designating the week of September 15 through September 22, 2018, as ''National Estuaries Week'', and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S6545–46**

McConnell (for Whitehouse) Amendment No. 4045, to amend the preamble. **Pages S6545–46**

Energy Efficiency Day: Senate agreed to S. Res. 668, designating October 5, 2018, as ''Energy Efficiency Day'' in celebration of the economic and environmental benefits that have been driven by private sector innovation and Federal energy policies. **Page S6546**

National Alcohol and Drug Addiction Recovery Month: Senate agreed to S. Res. 669, supporting the designation of September 2018 as ''National Alcohol and Drug Addiction Recovery Month''. **Page S6546**

Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act: Senate passed S. 995, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, after agreeing to the committee amendments. **Pages S6546–49**

Dickinson Reservoir: Senate passed S. 440, to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota, after agreeing to the committee amendment in the nature of a substitute. **Pages S6549–50**

Jamestown Reservoir: Senate passed S. 2074, to establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, after agreeing to the committee amendment in the nature of a substitute. **Pages S6550–51**

Kavanaugh Nomination—Agreement: Senate continued consideration of the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States. **Pages S6507–37**

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 9:30 a.m., on Friday, October 5, 2018. **Page S6551**

Measures Placed on the Calendar: **Page S6540**

Enrolled Bills Presented: **Page S6540**

Executive Communications: **Pages S6540–41**

Additional Cosponsors: **Pages S6542–43**

Statements on Introduced Bills/Resolutions: **Page S6543**

Additional Statements: **Pages S6539–40**

Amendments Submitted: **Page S6545**

Authorities for Committees to Meet: **Page S6545**

Privileges of the Floor: **Page S6545**

Adjournment: Senate convened at 11 a.m. and adjourned at 8:21 p.m., until 9:30 a.m. on Friday, October 5, 2018. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6551.)

Committee Meetings

(Committees not listed did not meet)

BROADBAND IN RURAL AMERICA

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine broadband, focusing on opportunities and challenges in rural America, after receiving testimony from Denny Law, Golden West Telecommunications Cooperative, Inc., Wall, South Dakota; Mona Thompson, Cheyenne River Sioux Tribe Telephone Authority, Eagle Butte, South Dakota; Grant B. Spellmeyer, United States Cellular Corporation, Chicago, Illinois; and Godfrey Enjady, Mescalero Apache Telecommunications, Inc., Mescalero, New Mexico.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Earle D. Litzenberger, of California, to be Ambassador to the Republic of Azerbaijan, Eric George Nelson, of Texas, to be Ambassador to Bosnia and Herzegovina, Judith Gail Garber, of Virginia, to be Ambassador to the Republic of Cyprus, and Jeffrey Ross Gunter, of California, to be Ambassador to the Republic of Iceland, all of the Department of State, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet in Pro Forma Session at 9:30 a.m. on Friday, October 5, 2018.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST*, p. D1089)*

H.R. 698, to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado. Signed on October 3, 2018. (Public Law 115–252)

S. 2946, to amend title 18, United States Code, to clarify the meaning of the terms ''act of war'' and ''blocked asset''. Signed on October 3, 2018. (Public Law 115–253)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 5, 2018

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the **SENATE**

9:30 a.m., Friday, October 5

Senate Chamber

Program for Friday: Senate will continue consideration of the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States, and vote on the motion to invoke cloture on the nomination at 10:30 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9:30 a.m., Friday, October 5

House Chamber

Program for Friday: The House will meet in Pro Forma session at 9:30 a.m.

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