

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

(The remarks of Mr. JONES pertaining to the introduction of S. 3191 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JONES. I yield the floor.

Mr. VAN HOLLEN. Mr. President, I rise to support Mark Jeremy Bennett's nomination to serve as a judge on the U.S. Court of Appeals for the Ninth Circuit.

Mr. Bennett's nomination is how judicial nominations should work. His name was not on a rightwing wish list created by outside groups. Instead, the White House worked closely with both of Hawaii's Democratic Senators to find a consensus nominee that would get broad bipartisan support.

Senators are constitutionally directed to provide the executive branch with advice and consent. I encourage the White House to continue to consult with Members of both parties on all future nominees.

The PRESIDING OFFICER. The Senator from Washington.

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

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

#### NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, I come to the floor to discuss my strong opposition to the nomination of Judge Kavanaugh for a lifetime appointment to the U.S. Supreme Court.

There are few issues I take more seriously as a Senator than my duty to consider and vote on Supreme Court nominees. It was watching the Clarence Thomas hearings and seeing how my voice and the voices of people like me all across the country were not being heard that got me to run for the Senate in the first place. I believe it is one of the most important jobs we have on behalf of our constituents.

During my time in the Senate, I have had the opportunity to consider nominees from Democrats and from Republicans. For each one of these nominees, I made my evaluation and based my decision on their experience and record and on my understanding of whether they would uphold the Constitution and protect our rights and freedoms.

I voted for some of them, including a nominee from President Bush. I voted against some of them, each on their merits and each based on how I thought they would serve, but this time is different. There will still be scrutiny. There absolutely needs to be. This time we know everything we need to know already. This time, the bal-

ance of the Court is on the line. We know exactly where this nominee will fall on specific issues, no matter what vague answers he chooses to deliver throughout this process. We know this because President Trump told us openly, publicly, and repeatedly.

More than any President I have seen, he has been explicit about what he expects from his nominee. He has laid out specific tests and promised to only pick nominees from a prescreened list of people who would absolutely meet them.

Here is what he has said, and here is how we know exactly what this nominee will do. President Trump has said he wants a nominee who is fully committed to overturning *Roe v. Wade*, criminalizing abortions, and rolling back women's ability to access contraception and other basic healthcare.

On the campaign trail, he promised that *Roe v. Wade* "can be changed" and that he was going to be "putting pro-life justices on the court" so that it would be overturned "automatically."

He has said he wants a nominee who would immediately declare healthcare reform unconstitutional and cut off access to care for people with preexisting conditions.

On the campaign trail, he criticized Chief Justice Roberts because he—this is him—"should have, frankly, ended *ObamaCare*, and he didn't" and promised "a strong test" for a "strong conservative" who would be different from Roberts on healthcare.

He has made it clear that he wants a nominee who would keep handing more power to massive corporations and the wealthiest Americans and keep diluting the power of regular voters. He has made it clear that he wants a nominee who would eliminate protections that preserve the air we breathe and the water we drink. He has made it clear that he wants a nominee who would roll back the rights and freedoms for our workers, for LGBTQ Americans, and for so many others.

So there is no doubt. It could not be any clearer. For a nominee who would swing the balance of the Court—I am going to believe that President Trump has told us the truth, and I am going to believe that the extreme rightwing groups who wrote this list for him are sure about where this nominee stands.

So I want to be very clear to anyone who may doubt it or who may think they need to learn more before making a decision. A vote for President Trump's Judge Kavanaugh is a vote to allow five men on the Supreme Court to overturn *Roe v. Wade*, criminalize abortion in America, and roll back the progress we have made to help more women and girls access the basic healthcare they need. A vote for President Trump's Judge Kavanaugh is a vote to put the government, bosses, and men in charge of the reproductive rights and freedoms of women and girls. A vote for President Trump's Judge Kavanaugh is a vote to go back to the days when women had to go into

back alleys for healthcare, when women had to ask for permission, when women were shamed, and when women and girls died because of the laws of our land. We unfortunately already know all too well what this looks like because there are States nationwide where extreme politicians have chipped away at women's healthcare rights and have been waiting for exactly this moment—for someone exactly like Judge Kavanaugh—to go even further.

But that is not all. A vote for President Trump's Judge Kavanaugh is a vote to end protections for people with preexisting conditions and go back to the bad old days when insurance companies were in charge and people would have to pay more or be cut off from care simply for being sick.

A vote for President Trump's Judge Kavanaugh is a vote to give massive corporations even more power over our economy, our workers, and our elections.

A vote for President Trump's Judge Kavanaugh is a vote to eliminate environmental protections and make our air and water dirtier and less safe, erasing so much of the progress we have made in recent decades.

A vote for President Trump's Judge Kavanaugh is a vote to step back from the progress we have made to expand rights and freedoms and basic human decency to LGBTQ Americans.

I could go on, and in the coming days and weeks, as we learn even more about the ways Judge Kavanaugh will fulfill President Trump's promises, I absolutely will.

I voted against Judge Kavanaugh when he was nominated for the circuit court, and I strongly oppose this nomination now. I will be urging my colleagues to stand with me in rejecting him and calling on President Trump to send us someone who will stand with women and workers and families and who will truly commit to respecting settled law and the rights and freedoms we hold so dear.

I will be here urging people across the country to stand up and speak out and make their voices heard.

This is a critical moment right now. The U.S. Senate has the power to stop this Court from swinging against our rights and freedoms, and every Senator needs to know they will be held accountable for their vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

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#### LEGISLATIVE SESSION

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#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and that the Chair lay before the Senate the message to accompany H.R. 5515.

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

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House disagree to the amendment of the Senate to the bill (H.R. 5515) entitled "An Act to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

#### COMPOUND MOTION

Mr. MCCONNELL. Mr. President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and authorize the Chair to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on the motion.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m. today the Senate resume legislative session and vote on the pending compound motion; further that if the motion is agreed to, Senators Cornyn and Reed each be recognized to offer a motion to instruct conferees; that the Senate vote on the motions in the order listed with no further action on the motion; that there be 2 minutes of debate between each vote, equally divided in the usual form; and that following disposition of the Reed motion and the appointment of conferees, the Senate resume executive session.

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

#### EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now resume executive session.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Bennett nomination?

Mr. RUBIO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 72, nays 27, as follows:

[Rollcall Vote No. 145 Ex.]

#### YEAS—72

Alexander	Harris	Nelson
Baldwin	Hassan	Perdue
Bennet	Hatch	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Roberts
Brown	Hirono	Rubio
Cantwell	Hyde-Smith	Sanders
Capito	Johnson	Schatz
Cardin	Jones	Schumer
Carper	Kaine	Shaheen
Casey	Kennedy	Shelby
Cassidy	King	Smith
Collins	Klobuchar	Stabenow
Coons	Leahy	Tester
Corker	Lee	Tillis
Cornyn	Manchin	Toomey
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	McConnell	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Gillibrand	Murkowski	Wicker
Graham	Murphy	Wyden
Grassley	Murray	Young

#### NAYS—27

Barrasso	Ernst	Moran
Blunt	Fischer	Paul
Boozman	Flake	Portman
Burr	Gardner	Risch
Cotton	Heller	Rounds
Crapo	Hoeben	Sasse
Cruz	Inhofe	Scott
Daines	Isakson	Sullivan
Enzi	Lankford	Thune

#### NOT VOTING—1

McCain

The nomination was confirmed.

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

#### CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General.

Mitch McConnell, Steve Daines, Chuck Grassley, Tom Cotton, John Kennedy, Marco Rubio, Thom Tillis, Mike Crapo, Orrin G. Hatch, John Barrasso, John Boozman, David Perdue, James Lankford, John Cornyn, Roger F. Wicker, John Thune, John Hoeven.

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

The question is, Is it the sense of the Senate that debate on the nomination of Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 146 Ex.]

#### YEAS—51

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heller	Roberts
Cassidy	Hoeben	Rounds
Collins	Hyde-Smith	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Enzi	Manchin	Toomey
Ernst	McConnell	Wicker
Fischer	Moran	Young

#### NAYS—48

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Jones	Schumer
Cardin	Kaine	Shaheen
Carper	King	Smith
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden

#### NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from South Dakota.

#### NOMINATION OF BRETT KAVANAUGH

Mr. THUNE. Mr. President, there are a lot of things you need to know when you are considering voting on a candidate for Congress—for example, what are his or her views on healthcare, taxes, the military, the economy, the First Amendment? The list goes on and on. When it comes to judges, there are only two important questions: One, is this individual well-qualified, and two, does this person understand the proper role of a judge? Unlike legislators' opinions, judges' political opinions should be irrelevant because a good judge will leave his or her political opinions outside the courtroom door. A good judge knows that her job is to