

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	Hoeven	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	Hoeven	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

judge based on the law and the facts, not political opinions or personal feelings.

Supreme Court Justice Antonin Scalia, whom we lost in 2016, had this to say about the proper role of a judge:

If you're going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you're probably doing something wrong.

Current Supreme Court Justice Neil Gorsuch has said more than once that "a judge who likes every outcome he reaches is very likely a bad judge."

Last night, the President nominated Judge Brett Kavanaugh to be the next Supreme Court Justice. This is another outstanding pick from President Trump. Like Justice Scalia and Justice Gorsuch, Judge Kavanaugh understands that the job of a judge is to interpret the law, not write it; to judge, not legislate; to call balls and strikes, not rewrite the rules of the game.

His qualifications are outstanding. He is a graduate of Yale Law School. He clerked for a Supreme Court Justice. He is a lecturer at Harvard Law School. Most importantly, he has had an outstanding career as a judge on the DC Circuit Court of Appeals, where he has handed down thoughtful, well-reasoned decisions that reveal his deep respect for the law and the Constitution. His opinions have been endorsed by the Supreme Court more than a dozen times and are regularly cited by courts around the country.

I am looking forward to sitting down with Judge Kavanaugh during the confirmation process. We are going to follow regular order on this nominee, just as we did with Justice Gorsuch. The Judiciary Committee will vet Judge Kavanaugh, and Senators of both parties will have the chance to sit down with him before the full Senate votes on his nomination this fall.

Unfortunately, a number of Senate Democrats have already made it clear that they are going to make this process as partisan as possible. One Democratic Senator—the senior Senator from Pennsylvania—put out a statement yesterday announcing his intention to oppose the President's Supreme Court nominee before the President had even made his announcement. That is right—the Democratic Senator from Pennsylvania decided he wasn't even going to pretend to examine the nominee's qualifications. Instead, he announced his intention to oppose the nominee before he even knew whom he was opposing. That is, unfortunately, par for the course for the Democratic Party.

If one thing has been clear since Justice Kennedy announced his retirement, it is that Democrats are not interested in a nominee's qualifications or commitment to the rule of law; they are interested in a nominee's political opinions. They are ready to disqualify any nominee who doesn't share their political views.

Democrats' apparent belief that the only good judge is a judge who will use his role to advance their agenda is deeply disturbing. It betrays Democrats' failure to understand or their decision to ignore the fundamental purpose of the judiciary. Our judicial system was designed to secure the rights of citizens under the law, not to serve as the arm of a particular political party. Nobody's rights can be secure when judges start ruling based on political ideology instead of on the law.

Fortunately for the rule of law, President Trump doesn't believe in nominating judges based on their agreement with his personal opinions. Instead, he believes in nominating judges who understand that their job is to rule based on the law and the Constitution. That is exactly what he has done with Judge Kavanaugh.

I look forward to the process the Senate will undertake, starting with examining this judge's record, having hearings in the Judiciary Committee, and ultimately having a debate on the floor of the U.S. Senate and eventually a vote on this judge, this nominee's nomination to the Supreme Court.

It is an important matter, one that the Constitution charges the Senate with and one that we need to take very seriously. I intend—as I hope most of my colleagues do—to give fair consideration to this very qualified nominee, to examine his record, have him answer the hard questions, and then to have an opportunity to vote up or down.

Mr. President, 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.

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

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

TRIBUTE TO THOMAS STEPHENSON

Mr. PETERS. Mr. President, today I would like to recognize a very special Michigander. It is my pleasure to welcome Tom Stephenson of Greenville, MI, and his family to Washington, DC, and to have them in the Senate Gallery right now. Tom is joined by his parents Hollie and Mark, as well as his younger sister Sarah.

Today Tom is fulfilling his wish to be a U.S. Senator for a day with the assistance of the Make-A-Wish Foundation. It is truly an honor to partner with Make-A-Wish to grant Tom's wish.

This wonderful organization creates life-changing wishes for children with critical illnesses, giving them and their families meaningful experiences while bringing communities together.

Tom discovered his passion for government and politics at 8 years old when he joined his grandmother on a trip to Washington, DC. During that trip, Tom met with legislators to advocate for heart defect research. Today he is getting a firsthand look at a day in the life of a U.S. Senator.

From my weekly constituent coffee to meetings with my fellow Senators, briefings, interviews, and even a conference call with the Michigan media, U.S. Senator-for-a-Day Stephenson is getting the full experience.

I am always inspired when I meet young people interested in public service, and I am impressed that Tom chose serving as a U.S. Senator for a day as his wish.

One issue that Tom is particularly concerned about is college affordability and how his generation will prepare for the future. This is a concern I share with Tom and that I know many of my fellow Michiganders share with us. Here in the Senate, I am working to ensure everyone has access to the skills and education that are vital to joining the modern workforce and competing in today's global economy.

I introduced legislation that will reduce the pricetag for higher education by allowing students to complete college-level courses while they are still in high school. I will continue to work with my colleagues on both sides of the aisle to find commonsense solutions that will help make higher education more affordable.

I would like to thank my colleague from West Virginia, Senator CAPITO, for taking time out of her day to meet with me and Tom this morning. We wanted to show him that there is real bipartisanship in the Senate. We discussed how we worked together to enact legislation that will help recent graduates who have defaulted on their loans repair their credit and get back on track.

All of us in the Senate should draw inspiration from Tom. At a time when our country is increasingly polarized and politics can feel toxic, we need smart, hard-working young people to recommit to public service and to making our country a better place.

At 18, Tom is still 12 years away from being eligible to serve as a U.S. Senator, but his passion for our government gives me faith in the future and that our future is bright.

I would like to thank Tom for taking the trip to Washington and spending a long day with me, my colleagues, and my staff. I hope Tom leaves the Senate today with an even deeper interest in our government and a better idea about how we can work together to improve the lives of Michiganders and all Americans.

Although Tom's term as "Senator for a Day" winds down tonight, I am committed to serving as his advocate and voice here. As he prepares to start his freshman year at Michigan State University, I am proud to welcome Tom both as a fellow Senator and as a fellow Spartan. I look forward to everything he will accomplish in the coming years and decades.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.