

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.

## NOMINATION OF BRETT KAVANAUGH

Mr. SASSE. Mr. President, one of the most consequential duties of the Senate is the consideration of a Supreme Court nominee. This is the Congress's opportunity to shape the direction of the Federal courts and to defend a judiciary that is focused on laws, not policy. For those of us who have been called to this role for a limited time, this work is important. It will outlast us by decades. None of us should take this duty lightly.

With the appointment of Justice Gorsuch last year and now a record 22 judges to the courts of appeals, the past 18 months have been among the most consequential for the judiciary in the history of the Nation—and that was before Justice Kennedy's retirement.

As significant as these confirmations have been for the last year and a half in the judiciary, the current Supreme Court vacancy is arguably the most important task before the Senate this year. This vacancy is a remarkable opportunity to affirm the role of a judge under our constitutional system of republican self-government.

Fundamentally, this shouldn't be an exercise in policymaking, as vital and important as policymaking can be. Making law is not the job of the courts in any way, shape, or form.

Don't get me wrong. Setting goals and making policy can be very important, but it is done in the open, and it starts at home. Americans answer our biggest questions outside of government with our friends and neighbors, with our communities of worship, in our rotary clubs, and in our small businesses with entrepreneurship and all sorts of volunteerism in America.

With regard to government, policymaking choices are made by the American people through their representatives whom they elect and can hire and fire. To put it bluntly, Members of the Senate and Members of the House of Representatives at the other end of this building can be fired. In fact, 435 of the 535 people we work with in the Congress are always within 23 months and 29 days of being sent back home by the "we the people" who are actually in charge of policymaking in America.

But the Court is different. Nobody back home can fire a Supreme Court Justice. They have lifetime tenure. We should reflect more often on why our Founders decided to give members of the judiciary lifetime tenure. That is why we don't want those judges with their lifetime tenure to be writing laws or making policy. If a judge wants to make policy, he or she should take off the black robe of impartiality and run for office. It is a legitimate thing to do. All of us in this body have done it. We think it is a way to love our neighbor and serve our country, but in our system of "we the people," the voters decide who gets to make policy. Judges have black robes, and they have lifetime tenure. They are not policymakers.

Regrettably, as our ever-fraying sense of common identity in America is falling apart in the eyes of many of our citizens, we are warping the role of the Court and of judges, reducing the role of the Court from the plain and ever-compelling words of *Marbury v. Madison* "to say what the law is," not what some judge wishes it were; we are, instead, seeing the judiciary warped into a profane occupation of pronouncing policy preferences but without any mechanism of meaningful accountability by which the people could still be in charge. We should not let that stand. We should not want to see that perpetual warping of the judiciary into a place of being policymakers—yet policymakers without accountability.

We need a recovery of basic civics in the country about what the role of a judge is and what the purposes of the courts are. We should not let this confirmation process turn into a battle for our own policy preferences that just breaks down our constitutional architecture—the constitutional architecture on which an American free society depends.

Sadly, that is apparently what many people in the Resistance aim to do. They aim to bork Judge Kavanaugh's nomination by any means necessary. We are less than 24 hours into this, and folks are already declaring that if you can't see that Brett Kavanaugh is a cross between Lex Luthor and Darth Vader, then you apparently aren't paying enough attention.

The American people are smarter than that. That kind of charge is silly, and the American people don't want judges who think of themselves as superlegislators.

Unfortunately, far-left super PACs are shouting that we have reached the apocalypse. I was outside last night, right at the edge of the Supreme Court steps. In addition to the signs that were being held up, saying that Brett Kavanaugh was hastening the end of days, there were other signs on the ground, which had been printed with the names of other potential nominees to the Court, about how they were the ones who would bring about the end of days. This isn't true. We need less WWE "Thunderdome" and a lot more "Schoolhouse Rock."

The confirmation process of the Supreme Court nominee should be an occasion to do basic civics with our kids, and it shouldn't be dividing Republicans and Democrats about policy preferences. It should be an occasion for Americans to come together and talk again about why judges wear black robes and why they have lifetime tenure. This should be a test of the character, competence, and constitutional commitments of someone who has been nominated to the judiciary because in the American system, judges have a peculiar role—no more and no less than what article III of the Constitution gives them.

In Judge Kavanaugh, we have a compelling guy. He is a standout dad, and

even his most ardent critic will acknowledge that he is one of the most thoughtful and influential judges on the courts of appeals across the Nation today. He has a ton of impressive opinions to his name, especially on the subjects of separation of powers and administrative law, which are now dominating the docket not only of the DC Circuit Court of Appeals, where he currently sits, but also at the Supreme Court to which he has been nominated.

Judge Kavanaugh was put on the circuit court at age 41—12 years ago—a remarkably young man to be put on such a prestigious court. In his 12 years on the court, he has authored more than 300 opinions. I think the current count is that more than 100 of his opinions have been cited by more than 200 of his peers on other courts across the country. He is truly a judge's judge.

Last night, I heard from people on both the right and left ends of the policy spectrum, but legal experts said to me quotes that were remarkably eerie in their echo: Brett Kavanaugh is always the smartest person in every room he is in, yet when you are in the room, you would never know that he knows it because of his humble manner and his winsome ways.

If my colleagues want to pursue these confirmation hearings as mere naked partisanship, they should actually resign their seats and try to get cable news jobs. But if we want to take our jobs seriously, if we want to have an honest debate, then we should be taking seriously our charge to uphold the three branches of government, their separate responsibilities, and the ways they check and balance one another.

With those more than 300 opinions, we have a lot of homework to do. I am looking forward to beginning to dive further into Judge Kavanaugh's opinions over the course of the last 12 years. I am pretty confident that what we are going to find is a guy who has lots of deference and respect for the limited job that a judge is called to fulfill. I hope my colleagues in this Chamber will join me in diving into those opinions, sort of foreswearing the "Thunderdome" silliness that many people outside are urging us to turn the confirmation process into.

Thank you.

The PRESIDING OFFICER. The Senator from New Jersey.

NATO

Mr. MENENDEZ. Mr. President, I want to start by thanking my colleagues who will be joining me shortly on the floor to voice their support for the NATO alliance. Once again, we find ourselves facing a crisis of President Trump's own creation.

For nearly 70 years, NATO has served as a pillar of stability and security for the United States and our democratic allies across Europe. It was there as Europe rebuilt after World War II. It was there to win the Cold War. It was there to defend the United States after September 11. Yet today, for the first