

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

time since World War II, an American President has given our closest allies in Europe reason to question the trustworthiness of the United States and our reliability as a NATO partner.

President Trump's slapdash approach to foreign policy, borne out of heated campaign rallies instead of thoughtful Cabinet meetings, has real implications for our national security. Such reckless behavior by President Trump has weakened the United States on the global stage and has created a more dangerous world for our citizens and our troops serving abroad.

Today the President is on his way to Europe, and his intentions are clear. President Trump will use every opportunity that comes his way to admonish our allies, alienate our closest friends, and degrade the post-World War II international order in the hopes of winning favor with the dictator from Moscow.

In fact, this morning the President said his easiest meeting during this trip would probably be with Vladimir Putin. Is it easy because they share common values? Is it easy because he wants to be Putin's friend? Is it easy because Trump would rather deal with an autocrat than negotiate with democratically elected leaders?

Let's be clear. Meeting with a thug intent on undermining American democratic values should not be easy, and it should not be chummy. Yet as National Security Advisor H.R. McMaster reportedly said in the past:

The president thinks he can be friends with Putin. I don't know why, or why he would want to be.

I agree with those comments of the former National Security Advisor, General McMaster. It makes no sense. Attacking American democracy is not exactly an act of friendship.

We know the circumstances are dire. The leaders of our intelligence community and the entire Senate Intelligence Committee, on a bipartisan basis, have concluded that Russia not only attacked the United States in 2016 through its cyber efforts but continues to sow discord and destabilize institutions that are at the very heart of American democracy.

Yet to this day, President Trump continues to take Putin at his word. With his warm embrace of the Russian dictator, many of us find ourselves questioning the President's true loyalties, and it is no surprise that our allies in Europe are questioning the loyalty and commitment of the United States to the post-World War II international order.

In the absence of U.S. Presidential leadership, I want to make clear to our allies abroad, as well as our adversaries in the Kremlin, where Members of the U.S. Senate stand. We stand for the rule of law and an international order based on liberal democratic values; we stand for security alliances among democracies based on mutual defense against our enemies; we stand against dictators who invade our neighbors

with soldiers and cyber attacks; and we stand with our friends through thick and thin.

Tomorrow, on the Foreign Relations Committee, we expect to make such a declaration explicit with a bipartisan resolution affirming that the U.S. national security is inextricably linked to the security of Europe. We are not schmucks, Mr. President, for leading an alliance that has brought peace and security for decades in the wake of two devastating World Wars.

The Foreign Relations Committee will reaffirm a commitment to article 5 of the NATO charter, which says that an attack on one is an attack on all.

We recognize that since article 5 took effect, it has only been triggered once—only once—by and in support of the United States following the September 11 attack. To this day, nearly 17 years later, NATO troops still serve in Afghanistan in support of the American effort.

These countries have all sent their sons and daughters to fight and die alongside ours. They stand with us—and we with them—against extremism, terrorism, authoritarianism, and proudly in support of democracy, human rights, and the rule of law.

Members of the NATO alliance had been steadily increasing their defense spending for the past 4 years in reaction to Putin's invasion of Crimea and the implications for regional security, not Trump's bluster.

Our allies understand the threat posed by a dictator who tears away territory from its neighbors. The question is, Does President Trump? Is there more work to be done to meet the 2-percent commitment in countries across the alliance? Of course, but we need to acknowledge the progress that has been made and the trend lines that are headed in the right direction. Let's not jeopardize those trends by insulting the very leaders we need by our side.

This week in Brussels, the President should do something he has proven completely incapable of thus far—he should thank our allies for their steadfastness, for their resilience, and for their commitment to working with us to counter the threat posed by Russia.

President Trump should work with our allies to collectively increase sanctions on Moscow. He should work with NATO to build our collective cyber defenses against the onslaught of Russian cyber attacks and disinformation. These are all things he should do—things a normal American President would do—but based on the tweets and his past actions, I have little hope he will choose such a path.

The President should also work with our allies to continue the fight against ISIS. NATO countries form the core of the Global Coalition to Defeat ISIS. NATO governments host working groups, contribute resources, participate in airstrikes, provide stabilization assistance, and face serious challenges in addressing the plight of foreign fighters.

In Iraq, NATO is working to share more responsibility in training the Iraqi security forces. This is exactly how strategic partnerships are supposed to work. We identify challenges, cooperate on solutions, share the burden of funding, troop deployments, and assistance in support of a shared objective—in this case, a stable, unified Iraq that can stand up to Iran.

In Syria, NATO should be a natural ally in countering Russian and Iranian aggression. Despite regular, irrefutable evidence of war crimes and crimes against humanity committed by Bashar al-Assad, Putin continues to bolster the Butcher of Damascus.

In fact, Russian forces are directly complicit in targeting civilians and civilian structures in Syria. These are facts that cannot be ignored. Russian forces are actively working with Assad's regime to bomb opposition in southern Syria into submission. These military operations are taking place today inside the very deescalation zone President Trump touted last year with Putin in Vietnam.

These developments have led to the largest displacement of civilians in southern Syria since the beginning of this war. The President must make clear, once and for all, that Russia is not a constructive partner on Syria; that it is a willing accomplice and a perpetrator of war crimes.

Our friends in Ukraine are fighting for their country on a daily basis, battling Russian troops. As the globe focuses on the World Cup in Russia, at least 17 Ukrainian troops have been killed or injured in their own country by Russian forces—killed or injured in their own country. We are helping our Ukrainian friends with training and equipment. Under no circumstances, can this aid be diminished in any way. President Trump needs to understand that any attempt to do so will be met with strong and unified opposition in the Senate. President Trump can never lose sight of the importance of eastern Ukraine, nor can he forget the plight of so many Crimeans who suffer under Russian repression to this day.

Today I submitted a resolution with Senator PORTMAN calling for the United States to declare a policy of nonrecognition of Russia's illegal annexation of Crimea. This idea is modeled under the Welles Declaration, which said the United States would never recognize the Soviet annexation of the Baltic States. The Welles Declaration meant something to the beleaguered people of Latvia, Lithuania, and Estonia, all who yearned to be free of Moscow's repression, and today they are free.

It represented the U.S. commitment to the territorial integrity of independent countries. Today we have the same opportunity to send the same message to those courageous Ukrainian citizens living in Crimea.

President Trump was reported to have said the people of Crimea want to be part of Russia because they speak

Russian. Instead of misinformed judgments from the President, we and the world need clear leadership that says definitively to President Putin that we will not stand for his illegal occupation of Crimea; we will not stand by in the face of ongoing attacks in eastern Ukraine by Russian forces; we will not stand by while President Putin participates in the commission of war crimes in Syria; and we will not stand by while Russia attacks democratic institutions in the United States and those of our closest allies.

I hope our President will meet with Putin in Helsinki and express these simple but powerful statements. Yet nothing in his track record gives me much hope that he will do so.

We have a President who is so enamored of Putin that to this day, he still refuses to criticize the Russian leader, a President who sought early in his term to lift sanctions on Russia, a President who has questioned Ukraine's sovereignty over Crimea, and a President who routinely trashes partners in the strongest military alliance the world has ever seen. This behavior is bizarre, it is erratic, and it is no reflection of who we are as a country or a people.

In closing, I would remind the President that the Russia sanctions law, CAATSA, restricts his ability to unilaterally lift sanctions on Russia. Such a move would be subject to approval. So as he embarks on his "easiest meeting" with Vladimir Putin, he is constrained by a law that was supported by 98 Senators.

We know Putin seeks sanction relief. We must make clear that such relief will only come when he withdraws from Ukraine, returns Crimea, ends his support for Bashar al-Assad, and stops interfering in our elections.

As someone who is personally sanctioned by Vladimir Putin, I will not stop working to ensure that the CAATSA law is fully implemented by this administration.

The hallmark struggle of our time is between those who champion democracy and autocrats who use oppression, military evasions, and disinformation to achieve their nefarious ends, and this week this battle comes into sharp contrast.

Will our President side with our democratic allies in Brussels or will he side with an autocrat in the Kremlin? Either way, the world needs to know the U.S. Senate has made its view clear. We stand with NATO. We stand with our allies. We stand for democracy and the rule of law. We stand for the international liberal order that has kept the peace for decades. We stand on these values today, and we will never shy away from their defense.

With that, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. First, Mr. President, let me thank my colleague, my neighbor from New Jersey, for the excellent job he does in just about anything he

does but particularly today as ranking member of the Foreign Relations Committee. His leadership is invaluable to this country so I thank him for it.

Mr. President, President Trump is on his way to attend the annual summit of NATO leaders in Brussels. The President should use the occasion to reinforce and build up the transatlantic alliance rather than tear it down.

Since its founding nearly 70 years ago, NATO has become the most powerful and successful security partnership ever created. The first half of the 20th century was marked by unprecedented human suffering—depression, war, and genocide. After World War II, in the face of Soviet aggression and expansion, NATO showed the world a different way.

Working together with other international institutions, NATO established the political and economic rules of the road that have promoted our national security and our mutual prosperity.

This institution now finds itself under incredible and completely unnecessary strain from Russia's interference in democracies across Europe and including the United States, from China's rapacious economic aggression and geopolitical provocations, from the evolving threat of terrorism, and, shockingly, from within.

Our President, President Trump, has routinely berated the leaders of our NATO allies in far harsher terms than the President has ever criticized President Putin of Russia, a dictator who has invaded a sovereign country, murdered journalists and political dissenters, directed a nerve agent attack in the United Kingdom, and continues to prop up the brutal Assad regime in Syria. He has shown an eagerness to impose tariffs against Europe but a reluctance to sanction President Putin and his cronies. He has accepted the word of President Putin over the consensus of 17 agencies of the American intelligence community.

For reasons that continue to baffle so many, President Trump will follow up his summit with a one-on-one meeting with President Putin in Helsinki, a mere 100 miles from the Russian border.

Before leaving for Europe this morning, the President summed up his agenda. He said: "I have NATO, I have the UK . . . and I have Putin. Frankly, Putin may be the easiest of all. Who would think?"

Who would think? President Trump, considering all you have said and done in the past 2 years, considering your kid glove approach to President Putin that has everyone here scratching their head, any one of us could have predicted that Putin would be your easiest meeting, but every one of us is in fear of what Putin might get out of it.

Every time the President has negotiated one-on-one with President Xi, with Kim Jong Un, our rival has gotten the better of him and of our country. And many of us fear what President

Trump will do alone with Putin, what he will concede and what Putin will get out of him.

The President of the United States should be a clarion voice for our values, bolstering our allies and isolating our adversaries. President Trump has, unfortunately and alarmingly, been the opposite.

The values at the foundation of our NATO alliance are worth fighting for—free markets, free and fair elections, representative government, rule of law. These are the values that protect our citizens from the encroachment of tyranny. President Trump should recognize that power resides in the values shared by our NATO allies as well as the strategic sense of using NATO as a powerful bulwark against the abuses of a resurgent Russia.

Later this afternoon, the Senate will vote on a motion to instruct conferees on the Defense bill to reaffirm Congress's enduring and unequivocal support for NATO. I hope it receives the overwhelming bipartisan, if not unanimous, approval it so deserves.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Connecticut.

Mr. MURPHY. Mr. President, 2 weeks ago, Secretary Pompeo appeared before the Senate Appropriations Committee, and I got the chance to ask him a simple question. I asked him whether it was still the position of the United States that Russia should not be allowed to join the G7 without adhering to the outlines of the Minsk agreement. That is the agreement that seeks to try to resolve the crisis that has been created in Europe and in Ukraine by the Russian invasion of eastern Ukraine. I give Secretary Pompeo credit because his answer was brutally honest. He said that he certainly could foresee a series of trade-offs with the Russians by which they would be allowed to join the G7—rejoin the G7—without withdrawing their forces from eastern Ukraine or Crimea.

That is a stunning reversal of prior U.S. policy—the idea that we would trade away Ukraine for some set of concessions from Russia on another area of national security, maybe in the Middle East—but it is not surprising. It is not surprising because, as Donald Trump has made clear over and over again, his primary objective is to become friends with Vladimir Putin. His primary objective is to try to square himself and the Kremlin without regard to the consequences for U.S. national security.

So I am very pleased to join Senator MENENDEZ and Senator SCHUMER and Senator REED on the floor today to express our hope and desire that President Trump finds some way to stop undermining the NATO alliance as he heads for this important summit and understands that Russia presents a real and present danger to the world order, to American security, and to the future of global security if we continue to communicate to them that they pay no

consequences for their erasure of borders in and around their periphery and for their continued attempts to manipulate elections outside of their borders.

I hope there are others in the room with President Trump and Vladimir Putin when they meet because it is hard for us to understand what leverage Putin has over Trump such that he would continue to give away so much to Russia without getting very much in return; why he would continue to do Russia's bidding in trying to tear apart NATO, in trying to tear apart the EU, without getting anything in return. I don't know what leverage Putin has over Trump, but I would feel much more comfortable if there were some other people in that room who could be witness to those discussions to make sure the discussion with Putin doesn't go the same way the discussion with President Kim did in North Korea.

I also am here on the floor to remind my colleagues about the importance of this underlying relationship with Europe. I am sure my colleagues have already said it, but let's just remember that article 5 has only been exercised one time, and that was in the defense of the United States. That was when the United States was attacked, and we asked our NATO allies to join with us to try to rid Afghanistan of a government that had given shelter to those who had attacked us. Don't forget that NATO exists for our benefit as well as for Europe's benefit.

Also don't forget that for 4 consecutive years, European governments have been increasing their defense spending. For 4 consecutive years, countries have been scaling up their contributions to their defense budgets. But I also don't want my colleagues to think that the measure of transatlantic security is simply the amount of money we are putting into a defense budget. I am not saying that isn't important, but this administration from the beginning has had backwards the way in which you protect America from the threats that we face all around the world. Peace does come through military strength, but increasingly, the threats we face—increasingly, the threats Russia presents to the United States and to our allies—are nonkinetic threats, are not military threats, and they require other means of counteraction.

So as we are trying to measure whether Europe is a full and meaningful participant in a security arrangement with the United States, I don't mind measuring defense contributions, which are increasing year by year, but let's also remember that it is Europe that is handling the flood of refugees leaving the security vacuum in the Middle East. The United States is doing nothing—nothing of consequence, of importance—to handle that refugee flow. It is Europe that is dealing with that refugee flow.

It is Europe that often deals with the most mature terrorist organizations setting up cells inside of Europe. It has, in fact, been Europe that has

borne the brunt of terrorist attacks since 9/11 due to those mature organizations being able to exist inside Europe. It is the counterterrorism capacity and the law enforcement capacity that Europe offers to confront those threats that also matters to our security.

It is Europe that has had to stand up capacities to counter Russian propaganda that floods in particular Eastern Europe and the Balkans but also Central and Western Europe as well. We don't measure those counterpropaganda resources in the defense budget, but they are serious and they are increasing.

It is Europe that has spent billions of dollars trying to diversify their energy supplies so as to cut off Russia's most important revenue source—the export of oil and gas. The United States provides advice to Europe on how to do that, but it is Europe that is spending hard dollars—reverse flowing, diversifying domestic energy, bringing in gas from other countries besides Russia, which has made the biggest difference.

I want my friends here to understand the holistic nature of the security partnership that we enjoy with Europe and with our NATO allies. Yes, defense spending matters, but it is representative of this administration's unwillingness to understand the panoply of ways in which we need to defend our country, besides just a robust defense budget, which causes them to misunderstand the nature of this relationship. It is Europe's focus on refugee resettlement. It is Europe's focus on counterpropaganda capacities. It is Europe's focus on fighting Russian propaganda and their focus on diversifying their energy supplies that add, frankly, just as much to our joint security as their defense spending does.

Now, I don't expect that Donald Trump, given how little study he affords to the national security of the United States, is going to get up to school on all of these different capacities that Europe lends to the alliance, but it is important for us on a bipartisan basis to recognize that this is a strong alliance and that as much as we both push and pull each other, it remains strong. And don't think that the grievances only lie on our side of the aisle. Our European partners for years told us that we were making our collective security weaker by continuing an invasion and occupation of Iraq that was creating more terrorists than it was killing. So we have grievances with our partners in Europe, but they have had historic grievances with us, and it is important for us to recognize that historical fact as well.

I am here to express my desire that this President acknowledge the importance of this alliance. I am here expressing the hope that the summit won't be the unmitigated disaster that most people think it will be given the spirit in which the President leaves for it—castigating our NATO allies on his way out the door. And I don't want us

to come to the conclusion that without NATO, without the European Union, without the post-World War II structures that we created in the midst of the rubble of that global conflict, that global security can be preserved.

We have taken for granted that countries don't march on each other, by and large, any longer. While we still have instability, we don't have nations invading other nations in the way that we did 100 years ago. That is because of NATO. That is because of the set of global security structures that the United States and Europe have helped stand up together. And if they fall apart—as it seems that this President roots for on a regular basis—then our assumption of how conflict will play out or not play out over the course of the next 10 to 20 years falls apart as well.

I am glad to join my colleagues today in support of the NATO alliance and in hope that the President understands the importance of it as he heads off to this critical summit.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. REED. Mr. President, today I have submitted a motion to instruct conferees on the National Defense Authorization Act regarding the critical importance of the North Atlantic Treaty Organization for the security of the United States, for our protection. I join my colleagues this afternoon in support of the motion, which sends an important message to our allies, our partners, and our adversaries that the United States is unwavering in its support of Europe—a Europe free from the threat of external aggression—and in support of the rules-based international order that has promoted international security for decades.

The motion to instruct provides important guidance at this critical juncture before the NATO summit in Brussels and the U.S.-Russia summit in Helsinki. The motion instructs the Senate conferees on the National Defense Authorization Act for Fiscal Year 2019 to ensure that the final conference report on the NDAA reaffirms the ironclad U.S. commitment under article 5 to the collective defense of the alliance. It reaffirms the U.S. commitment to NATO as a community of shared values, including liberty, human rights, democracy, and the rule of law.

The motion also calls for the United States to pursue an integrated approach to strengthen European defense as part of a long-term strategy that uses all elements of U.S. national power to deter and, if necessary, to defeat Russian aggression.

It also calls on the Trump administration to urgently complete a comprehensive, whole-of-government strategy to counter Russian malign influence activities, as required by last year's National Defense Authorization Act, and to submit that strategy to Congress without delay. We are still

awaiting—for over a year now—this strategy.

Finally, the motion reiterates U.S. support for the rules-based international order and for expanding and enhancing our alliances and partnerships, which are some of our greatest security advantages.

No one should ever doubt the U.S. resolve in meeting its commitments to the mutual defense of the NATO alliance. Unfortunately, this motion has become necessary because some of our closest allies have come to question the U.S. commitment to collective self-defense. President Trump has at times called the alliance “obsolete” and has denigrated NATO as being “as bad as NAFTA,” which he strongly opposes. Our allies are starting to wonder whether they can rely on the United States to come to their defense in a crisis. Recently, German Foreign Minister Maas said the “world order that we once knew . . . no longer exists.” He added that “old pillars of reliability are crumbling” and that “alliances dating back decades are being challenged in the time it takes to write a tweet.”

To make matters worse, the administration's eagerly scheduled summit meeting with Russian President Vladimir Putin, on the heels of the NATO summit in Brussels, only adds to fears that President Trump does not share the security concerns of our European allies and partners. Instead of concentrating on rebuilding alliance cohesion and unity after his divisive diplomacy at the G7 meeting in Canada, President Trump appears intent on orchestrating another photo op with an authoritarian ruler who oppresses his people and threatens the security of the United States, its allies, and partners—this time in the person of President Putin.

Meeting with Putin now is, in my view, ill-advised, and President Trump appears to be ill-informed about the threat Russia poses to the security of the United States and that of our allies and partners. The National Defense Strategy, which this administration authored and promoted, refocused our attention from international terrorist groups to our two major challenges, Russia and China. Yet the President, in his actions and words, appears to be undercutting his own National Defense Strategy.

In addition, I am deeply concerned that President Trump is meeting one-on-one with a former KGB spymaster like Putin. President Trump's “attitude” will not be enough to challenge Putin over Russia's aggression against the United States and our allies.

Let's be clear. President Putin is not “fine.” As recently reaffirmed by the Senate Select Committee on Intelligence, on which I sit, President Putin directed an attack on our 2016 elections with the intent of undermining public confidence in our democratic process. To this day, Russia continues, according to administration intelligence officials, to target elections in democratic

countries, including the upcoming midterm elections in the United States. Russia's use of hybrid operations—including disinformation, propaganda, corruption and financial influence, hidden campaign donations, and even chemical attacks on civilians in foreign countries—fundamentally threatens our security and the security of our allies. And Russia's ongoing aggression against the sovereignty and territorial integrity of neighboring countries, including Ukraine, is unacceptable and violates international norms.

In light of this Russian threat, President Trump should take the opportunity at this important NATO summit to lead the alliance toward greater solidarity and cohesion. Unfortunately, President Trump's statements ahead of the summit point in the opposite direction.

I understand and share the concern of many across the political spectrum that our NATO allies are not spending enough on their own defense, and many are not on track to meet the pledge to be spending 2 percent of GDP on national defense by 2024. This issue has been raised by previous administrations, including the Bush and Obama administrations. But, ultimately, the United States participates in NATO because we believe the transatlantic partnership is in the U.S. national security interest and not because other countries are paying us for protection.

We must look at the whole picture of allied contributions to NATO operations and to the strategic competition with Russia and China that I mentioned was the singular point of the National Defense Strategy approved by President Trump after being prepared by Secretary of Defense Mattis. The whole picture includes the following:

Our allies stood with us following the September 11, 2001, terrorist attack, invoking for the first and only time, as my colleagues have said, the obligation under article 5 of the NATO treaty for collective self-defense.

As of the end of this year, 7 of the 28 non-U.S. NATO members will meet the 2 percent of GDP pledge on defense spending. In addition, 18 members have put forth a credible plan to get to 2 percent of GDP by 2024.

Since 2014, all NATO members have halted the decline in their national defense spending, and total defense expenditures have increased by more than \$87 billion.

U.S. foreign military sales to NATO members are up significantly in the past few years, from less than \$5 billion in 2015 to an estimate of nearly \$40 billion in 2018.

Our NATO partners provide significant host nation support to the tens of thousands of U.S. troops stationed in Europe, including Germany's \$51 billion in military infrastructure and \$1 billion annually in host nation support to the 33,000 U.S. troops stationed in Germany.

NATO members have deployed thousands of troops on NATO operations in

Afghanistan, Kosovo, the NATO training mission in Iraq, and elsewhere, with many making the ultimate sacrifice. NATO soldiers have died serving side by side with U.S. soldiers, sailors, marines, and airmen in defense of the fundamental values we share, and we cannot ignore that.

The motion to instruct recognizes that in strategic competition with near-peers Russia and China—again, the singular feature of the new National Defense Strategy of this administration—one of the United States' greatest competitive advantages is our alliances and partnerships and the benefits they bring to the fight.

I urge my Senate colleagues to support the motion to instruct. This is not a partisan issue. It is not a Republican issue or a Democratic issue. It is a national security issue. In fact, the motion supports a number of provisions in the Senate version of the fiscal year 2019 NDAA proposed by my Republican colleagues on the Armed Services Committee that reaffirm the U.S. national security interest in the NATO alliance.

At this critical juncture before the summits in Brussels and Helsinki, Congress, as a coequal branch of government, has an opportunity to lead, just as Congress demonstrated leadership in overwhelmingly passing the Russia sanctions bill as part of the Countering America's Adversaries Through Sanctions Act, or CAATSA, by a vote of 98 to 2. That bill sent a clear message to Russia that there are costs to its malign activities and that Russia's behavior must change.

Similarly, strong Senate support for the motion to instruct will send an important message to our allies, our partners, and our adversaries. It will demonstrate solidarity with our NATO allies and partners and support for the vision of a Europe whole, free, and secure. It will send a message of support for the rules-based international order and the need for Russia to stop its disruptive behavior. It sends a message to President Putin that his behavior is not fine, that there is a continuing cost to be paid for Russia's malign activities, and that he will not succeed in dividing the NATO alliance.

In conclusion, I urge my colleagues to send a strong message of U.S. support for NATO by voting later today for the motion to instruct.

I yield the floor.

THE PRESIDING OFFICER. The minority whip is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from Rhode Island, as well as those who were on the floor earlier. The remarks we are delivering today address the future of our relationship with the NATO alliance, particularly in light of the visit that President Trump is now making to meet with Vladimir Putin of Russia.

I am glad many of my colleagues came here today to speak on the threats posed by President Trump to America's core national security alliance—something that would have once

been unimaginable. In fact, there was a time when a Republican President named Ronald Reagan really inspired the United States and the world by noting how important the NATO alliance is to the world and to the United States. In a speech that he gave to the Parliament of Great Britain in 1982, Ronald Reagan said:

We're approaching the end of a bloody century plagued by a terrible political invention: totalitarianism. Optimism comes less easily today, not because democracy is less vigorous, but because democracy's enemies have refined their instruments of repression. Yet optimism is in order, because day by day democracy is proving itself to be a not-at-all fragile flower.

Reagan went on to say:

Our military strength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used, for the ultimate determinant in the struggle that's now going on in the world will not be bombs and rockets, but a test of wills and ideas, a trial of spiritual resolve, the values we hold, the beliefs we cherish, the ideals to which we are dedicated.

President Reagan then went on to say to the British Parliament:

I've often wondered about the shyness of some of us in the West about standing for these ideals that have done so much to ease the plight of man and the hardships of our imperfect world.

Contrast what President Reagan said about the partnership of the Atlantic alliance nations in NATO with what has happened with this current White House and President regarding some of these same key Western allies at the G7 summit last month.

First, President Trump stunned the Western world by saying even before arriving at the summit that Russia should be welcomed back into the group of G7 nations, even though Russia was expelled after invading and seizing sovereign Ukrainian territory, which it still holds. President Trump made this plea to try to win over this effort of support for Putin to a Western world that is skeptical of Putin and his tactics.

Putin launched an aggressive cyber act of war right here in the United States in an attempt to void and change a national election and to favor his candidate over another. That, in many respects, is a cyber act of war, which President Trump refuses to acknowledge.

At the summit itself, President Trump arrived late and left early after letting it be known that he didn't even want to attend the G7 summit with our traditional allies. The President, sad to say, was utterly disrespectful to our Nation's oldest and most reliable allies.

In fact, a White House trade adviser, Peter Navarro, said that Canadian Prime Minister Justin Trudeau "stabbed us in the back," and then Mr. Navarro went on to say, "There's a special place in hell for any foreign leader that engages in bad-faith diplomacy with President Donald J. Trump and then tries to stab him in the back on

the way out the door." Navarro's comments echoed a series of tweets from the President withdrawing from a joint G7 statement after initially agreeing to it.

Then the President went on in this tweet, personally attacking Prime Minister Trudeau in the coarsest terms and criticizing and disparaging America's oldest Western allies simply for imploring him not to end decades of shared Western-led international order and cooperation.

One senses that President Trump's sense of history extends to the day before yesterday. Has he forgotten that since the attack on the United States of 9/11, the Canadians have stood by us, as so many other countries have as well? One hundred fifty-nine Canadians have given their lives standing by our troops in Afghanistan in a NATO effort since operations began there in 2002. Could we ask anything more of a trusted ally than to sacrifice the lives of its young soldiers? Canada has, and continues to, despite this language from President Trump.

Then, to add insult to injury, President Trump showered one of the world's most brutal nuclear-armed dictators with glowing warmth, pats on the back, flattery, and even a White House-made propaganda video showing North Korean leader Kim Jong Un as a great statesman.

Can anyone here imagine what would have happened if President Obama had constructed a propaganda video before beginning his negotiations with Iran or if the President had saluted an Iranian general? FOX TV, the Republicans, and many other leaders would have had a field day with that image.

I am all for talking to one's adversaries in the pursuit of diplomacy. I have met with my share of autocrats around the world, trying, in my small way, to advance America's interests and values, but I don't check America's values or reality at the door at those meetings. I do not know of any modern President who let normal disagreements between key allies turn into a personal spat that alienates our friends and undermines our security.

In fact, I am increasingly convinced that President Trump is so enamored by validation-seeking autocrats and offended by our traditional allies expressing disagreements that he is incapable of distinguishing friends from enemies. This is truly problematic and dangerous. Now, our allies have just cause to worry that President Trump will give away concessions to Vladimir Putin, just as he did with the North Korean dictator.

Against all reason and international norms, Trump is considering recognizing Russia's illegal occupation of Crimea because, sadly, President Trump has no sense of history and little knowledge of Vladimir Putin's true agenda.

He is making threats and belittling NATO, the strongest alliance on the face of the Earth, while at the same

time craving time with Vladimir Putin, whom he describes as a fine man. That is something which I am sure the people in our NATO alliance find incredible.

Quite simply, the first and long overdue statement from Trump to Putin ought to be: Do not interfere in America's elections ever again. I don't want your help, which was an attack on our democracy, and I do not believe your denials.

That ought to be the opening remark with Vladimir Putin. My guess is that it will not even be close.

I can think of few times in history that the party of Ronald Reagan has sat so quietly on its hands while an American President's actions threatened our Western security alliance and our place in the world. I don't understand why the Senate Foreign Relations Committee has not held a full committee hearing on Russia in more than 1 year, not to mention ever conducted an investigation into Russia's attack on our last election—something clearly within the jurisdiction of this committee and which it did in the past amid allegations of foreign election interference.

What of the Republicans' stunning silence about President Trump's undermining of NATO? There are some national needs and congressional responsibilities that ought to call on all of us in both political parties to rise to the occasion. Think about what Russia's President Putin would most like to see happen in the West and compare it to what is happening under President Trump. President Trump has called NATO obsolete and questioned the centrality of the collective security guarantee of article 5. He has questioned whether NATO should come to the aid of NATO's Baltic States—NATO members. In fact, President Trump reportedly asked NATO at the recent G7: Why do we need it?

Is that now the official position, not just of President Trump but of his Republican Party? I would implore those Members of the Senate of both parties who have visited the Baltic nations and understand the vulnerability of those states and their bloody history over the last century and a half to speak up on behalf of the need for NATO to stand in concert and in alliance with those Baltic States.

This week the Canadians sent their forces and representatives to Latvia, where they are providing special help on the ground. Similar NATO forces are in Lithuania and Estonia. They are doing their best to convince Putin not to engage in acts of aggression against these small nations, while at the same time the President of the United States questions the purpose of this effort.

President Trump has withdrawn the United States from key international agreements on trade, climate, and even the expansion of nuclear weapons in Iran. In doing so, the President has estranged the United States from its allies. While I hope we do reach a diplomatic agreement with North Korea, I

want to note that what little was agreed to in Singapore doesn't even come close to the terms and inspections that were in the Iran nuclear agreement from which President Trump simply walked away.

President Trump has insulted and strained relations with America's closest European and Western allies, so much so that European Council President Donald Tusk recently dismissed the United States by saying: "With friends like that, who needs enemies."

It has reached the point that just ahead of the NATO summit, we lost another senior career diplomat when James Melville, our Ambassador to Estonia, resigned over frustration with the controversial comments being made by President Trump. Ambassador Melville served under 6 different Presidents and 11 Secretaries of State, and he never thought the day would come when he couldn't support a President's policies—until now.

President Trump has tried to discredit key democratic institutions and processes in the United States, sowing mistrust in our political system and government. He has insulted poor nations, made immigrants a manufactured enemy, separated children from parents forcibly, and declared that America must come first in this world, isolating the United States day by day and more and more from the nations and countries that have been our traditional allies.

Why in the world is this President pursuing the agenda of one of our adversaries, who attacked our election process, militarily seized sovereign territory of our allies, murdered and attempted to murder dissidents on our allies' soil, provided weapons to Ukrainian separatists that shot down a Malaysian commercial airliner, killing hundreds of innocent people, repeatedly buzzes and tests NATO defenses, and jails and represses its own people when they advocate for basic democratic rights?

Before departing this morning for Brussels, instead of setting a positive tone for the NATO meeting to follow, President Trump, incredibly, decided to take to Twitter to criticize our allies again.

My friend and American patriot, Senator JOHN MCCAIN, was one of the few Republicans—one of the few—to recently speak up on behalf of our alliance. Here is what he said:

To our allies: bipartisan majorities of Americans remain pro-free trade, pro-globalization & supportive of alliances based on 70 years of shared values. Americans stand with you, even if our president doesn't.

I couldn't agree more. I wish JOHN MCCAIN were on the floor of the Senate today to deliver those remarks in person, but his spirit is here among those on both sides of the aisle who value our NATO alliance and cannot understand the relationship between President Trump and Vladimir Putin.

The cause of democracy and freedom in this world requires a strong alliance

that stands together for values the Americans believe in, share, fight for, and die for in war after war. We need that spirit to return again to the United States.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Iowa.

NOMINATION OF BRETT KAVANAUGH

Mr. GRASSLEY. Mr. President, last evening I joined many of my Senate colleagues at the White House as the President introduced Judge Brett Kavanaugh to serve as an Associate Justice of the U.S. Supreme Court. Judge Kavanaugh is one of the most widely respected judges in the country. I heard the President last night refer to him as a judge's judge. He is an outstanding choice to serve as a Justice of the Supreme Court.

Judge Kavanaugh is a former law clerk of the Justice he has been nominated to replace, and that is Justice Kennedy. I talked about Justice Kennedy's service on the Supreme Court and to the people of this country in my speech yesterday. Judge Kavanaugh earned both his undergraduate and law degrees from Yale University. He then clerked for judges on the Third and Ninth Circuit before joining the chambers of Justice Kennedy as a law clerk. He served in the Office of the Solicitor General and also the Office of the Independent Counsel.

After several years in private practice, Judge Kavanaugh returned to public service, working in the White House Counsel's office and as staff secretary for President George W. Bush. In 2006, he was confirmed to the DC Circuit, where he has served since. He is also a well-regarded law professor at Harvard, Yale, and Georgetown.

Judge Kavanaugh is a leader not only in the law but throughout his community. As examples, he volunteers at Catholic Charities on a regular basis and coaches both daughters' youth basketball teams.

The committee has received a letter from former law clerks of Judge Kavanaugh, people who represent views across the political and ideological spectrum. Many judges describe their former law clerks as adopted family members. In other words, law clerks know their judges best.

So I turn to what some of those said through letters they sent to our committee. Judge Kavanaugh's former law clerks write that he is a person with immense "strength of character, generosity of spirit, intellectual capacity, and unwavering care for his family, friends, colleagues, and us, his law clerks."

I want to read a longer quote from that letter.

He is unfailingly warm and gracious with his colleagues no matter how strongly they disagree about a case, and he is well-liked and respected by judges and lawyers across the ideological spectrum as a result. . . . He always makes time for us, his law clerks. He makes it to every wedding, answers every career question, and gives unflinchingly honest

advice. That advice often boils down to the same habits we saw him practice in chambers every day: Shoot straight, be careful and brave, work as hard as you possibly can, and then work a little harder.

His judicial record is extraordinary. The Supreme Court has adopted his view of the law in a dozen cases. Judge Kavanaugh's opinions demonstrate profound respect for the Constitution's separation of powers. He understands that it is Congress' job to pass laws, and where he sits, in judicial chambers, it is the role of those people—and he figures it is his role—to faithfully apply those laws as Congress intended. That is why his opinions emphasize that judges must focus on the text and apply laws as written by those of us elected to the Congress, not by unelected and, in turn, largely unaccountable, Federal judges. It is meant that they aren't to be accountable except to the Constitution and the laws of this country. Courts may not rewrite laws to suit their policy preferences.

Judge Kavanaugh has a record of judicial independence. He has shown a willingness to rein in executive branch agencies when they abuse or exceed their authority. You don't have to be in Congress very long to understand that it is a daily habit of people in the executive branch of government to go way beyond—or to feel their way, way beyond—what the law allows that person or that program to do. As Judge Kavanaugh has explained in numerous opinions, executive branch agencies may not assume more power than Congress has specifically granted them, and he has emphasized that judges may not surrender their duty to interpret laws to executive branch agencies. Now, that is pretty common sense for anybody who has had eighth grade civics, high school government, or political science classes in college, but it isn't something that all judges agree with.

The Senate Judiciary Committee will hold a hearing for Judge Kavanaugh's nomination in the coming weeks.

As I noted in my remarks to this body yesterday, liberal outside groups and Democratic leaders decided weeks ago to block whomever the President nominates. They are already pushing feeble arguments to cause needless delays. For example, some Democratic leaders and Democratic Members of the Senate who aren't leaders say that we shouldn't confirm a nominee nominated during a midterm election year. Where did they get that idea? The Senate has never operated the way they would suggest. Sitting Justices Breyer and Kagan—prominent examples that I can freely give to you but also numerous of their predecessors—were nominated and confirmed in midterm election years. Where do my colleagues get that idea, that just because this is a midterm election year, you can't take up these nominations? It happens that Kagan was approved in August 2010, as an example.

The American people see this argument for what it is—obstruction, pure