

At this time, I want to recognize and to commend the continued efforts of the committee members in the process, especially the Republican and Democratic managers of this package. In particular, I want to thank Vice Chairman LEAHY for his strong partnership in this effort and Senator ALEXANDER, who is here on the floor, who has guided this process and will chair the conference committee.

We will continue to consolidate critical mass for a return to regular order, but we still have a long way to go. This is another step in the right direction. Senator ALEXANDER, Vice Chairman LEAHY, and I will have a strong slate of conferees joining us. On the Republican side, it will be Senators BOOZMAN, DAINES, and LANKFORD. On the Democratic side, it will be Senators FEINSTEIN, SCHATZ, and MURPHY.

Our objective will be to build upon the momentum we have generated in the Senate by urging the same type of bipartisan cooperation in the conference. We will aim to return to the Senate floor—hopefully, sooner than later—with a conference report that reflects bipartisan agreement and merits the support of our colleagues.

It is, I believe, the right thing to do for the American people. Whatever partisan fights may ensue in the coming weeks, I believe the appropriations process should not suffer those wounds, and we should continue our hope and work. Thus far, it has been immune from such a fate. It is my hope that we can continue on that path. That will be our goal in this conference committee. I hope others will join us.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LEGISLATIVE SESSION

ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2019

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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. 5895) entitled "An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Senator from Alabama.

COMPOUND MOTION

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

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

MOTION TO INSTRUCT

Mr. CASSIDY. Mr. President, I have a motion to instruct conferees at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Louisiana [Mr. CASSIDY] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5895 be instructed to insist that the final conference report include provisions that have the effect of extending the National Flood Insurance Program, and the authority of the Administrator of the Federal Emergency Management Agency to issue notes and obligations with respect to that Program, through January 31, 2019.

The PRESIDING OFFICER. The Senator from Tennessee.

MOTION TO INSTRUCT

Mr. CORKER. Mr. President, I have a motion to instruct conferees at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Tennessee [Mr. CORKER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5895 be instructed to include language providing a role for Congress in making a determination under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

MOTION TO INSTRUCT

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Cassidy motion to instruct.

The Senator from Louisiana.

Mr. CASSIDY. Mr. President, very briefly, this is a 6-month reauthorization of current law, which will allow continued work for a longer term reauthorization. It protects American families and the U.S. taxpayers from the consequences of a lapsed program during peak hurricane season.

I urge its adoption.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to instruct.

Mr. CASSIDY. 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 bill clerk called the roll.

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

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

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—94

| | | |
|--------------|------------|------------|
| Alexander | Graham | Perdue |
| Baldwin | Grassley | Peters |
| Bennet | Harris | Portman |
| Blumenthal | Hassan | Reed |
| Blunt | Hatch | Risch |
| Booker | Heinrich | Roberts |
| Boozman | Heitkamp | Rounds |
| Brown | Heller | Rubio |
| Burr | Hirono | Sanders |
| Cantwell | Hoeven | Sasse |
| Capito | Hyde-Smith | Schatz |
| Cardin | Inhofe | Schumer |
| Carper | Isakson | Scott |
| Casey | Johnson | Shaheen |
| Cassidy | Jones | Shelby |
| Collins | Kaine | Smith |
| Coons | Kennedy | Stabenow |
| Corker | King | Sullivan |
| Cornyn | Klobuchar | Tester |
| Cortez Masto | Leahy | Thune |
| Cotton | Manchin | Tillis |
| Crapo | Markey | Toomey |
| Cruz | McCaskill | Udall |
| Daines | McConnell | Van Hollen |
| Donnelly | Menendez | Warner |
| Duckworth | Merkley | Warren |
| Durbin | Moran | Whitehouse |
| Ernst | Murkowski | Wicker |
| Feinstein | Murphy | Wyden |
| Fischer | Murray | Young |
| Gardner | Nelson | |
| Gillibrand | Paul | |

NAYS—5

| | | |
|----------|----------|-----|
| Barrasso | Flake | Lee |
| Enzi | Lankford | |

NOT VOTING—1

McCain

The motion was agreed to.

CHANGE OF VOTE

Mr. LEE. Mr. President, on rollcall vote No. 150, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

MOTION TO INSTRUCT

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Corker motion to instruct.

The Senator from Tennessee.

Mr. CORKER. Madam President, I rise to speak in favor of this motion, where Congress would have an appropriate role in section 232 of the Trade Act as invoked on national security grounds. This is something that anybody who supports the Senate playing its proper role should support.

I thank Senator TOOMEY, Senator FLAKE, and 15 other Senators who supported this overall effort. This is a baby step in a good direction for the U.S. Senate and for our country.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, you all know where I stand on section 232 steel tariffs. I strongly support them because thousands of steelworkers across the country have lost their jobs due to Chinese steel overcapacity. Tough trade enforcement against

China cheating has long been overdue. These tariffs are a tool to bring China to the table and to get long-term structural changes to support American jobs.

My colleagues know I strongly oppose the Corker-Toomey legislation, which would undo China's tariffs, let China off the hook, and gut the section 232 status. That is why I stood on the floor 2 weeks ago to block that.

What we are considering today is different. With this motion to instruct, the Senate will reaffirm that it has a role in section 232 determinations. Of course, we should. That is why I have talked regularly with Secretary Ross and Ambassador Lighthizer throughout this process.

I will vote for the motion to instruct not because I think it makes sense to consider trade policy on an appropriations bill that has nothing to do with tariffs but because, of course, Congress should have a role in 232 determinations. It should have a role in all trade policies. I have been saying that for years. I am glad my colleagues finally agree.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. BROWN. I ask unanimous consent for 10 seconds.

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

Mr. BROWN. Let me be clear. Today's vote is not a vote for undermining the trade agenda. It is not a vote to rescind steel tariffs. I will do everything in my power to defeat any efforts to do that.

I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, if there is any time remaining, let me just stress that this vote is a vote to move in the direction of restoring to Congress our constitutional authority and, ultimately, if we do that right, to revisiting the misuse of the section 232 provisions of our trade law, which is applying inappropriate tariffs on steel and aluminum from our allies and close friends.

I urge my colleagues to vote yes.

The PRESIDING OFFICER. The question is on agreeing to the motion to instruct.

Mr. LEE. Madam 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 call the roll.

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

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

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—88

| | | |
|--------------|------------|------------|
| Alexander | Gillibrand | Paul |
| Baldwin | Grassley | Peters |
| Bennet | Harris | Portman |
| Blumenthal | Hassan | Reed |
| Blunt | Hatch | Roberts |
| Booker | Heinrich | Rounds |
| Boozman | Heitkamp | Rubio |
| Brown | Hirono | Sanders |
| Burr | Hoeven | Sasse |
| Cantwell | Isakson | Schatz |
| Cardin | Johnson | Schumer |
| Carper | Jones | Shaheen |
| Casey | Kaine | Shelby |
| Cassidy | Kennedy | Smith |
| Collins | King | Stabenow |
| Coons | Klobuchar | Sullivan |
| Corker | Lankford | Tester |
| Cornyn | Leahy | Thune |
| Cortez Masto | Lee | Tillis |
| Cotton | Manchin | Toomey |
| Cruz | Markey | Udall |
| Daines | McCaskill | Van Hollen |
| Donnelly | McConnell | Warner |
| Duckworth | Menendez | Warren |
| Durbin | Merkley | Whitehouse |
| Ernst | Moran | Wicker |
| Feinstein | Murkowski | Wyden |
| Fischer | Murphy | Young |
| Flake | Murray | |
| Gardner | Nelson | |

NAYS—11

| | | |
|----------|------------|--------|
| Barrasso | Graham | Perdue |
| Capito | Heller | Risch |
| Crapo | Hyde-Smith | Scott |
| Enzi | Inhofe | |

NOT VOTING—1

McCain

The motion was agreed to.

The Presiding Officer appointed Mr. SHELBY, Mr. ALEXANDER, Mr. BOOZMAN, Mr. DAINES, Mr. LANKFORD, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHATZ, and Mr. MURPHY conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

The Senator from West Virginia.

NOMINATION OF BRETT KAVANAUGH

Mrs. CAPITO. Mr. President, I want to take a few moments to talk about what I believe is an excellent choice that President Trump made on Monday, and that is in selecting Judge Brett Kavanaugh to fill the vacancy on the Supreme Court.

Judge Kavanaugh's credentials are those of a person very well suited for the U.S. Supreme Court. He excelled as an undergraduate and as a law student at Yale and clerked for Justice Anthony Kennedy, who is retiring—the man he would replace—and was also a clerk for two Federal appeals court judges. He served in a very critical position in President George W. Bush's administration.

Beyond his resume is a record of respect and effectiveness. Judge Kavanaugh is highly regarded by his colleagues in the Federal judiciary. I think that says a lot about his potential and his character in terms of potential to become a Supreme Court Justice. He has also impressed others

over his long and very prestigious career.

We saw his wonderful family on Monday night. We can tell they are very proud of their dad and their mom, and I was very honored to have the opportunity to meet all of them, along with Judge Kavanaugh's parents.

He has been very effective. As a matter of fact, this Supreme Court has adopted his reasoning in their opinions on 11 separate occasions, and the 300 opinions he has written are frequently cited by Federal judges all across the country.

But perhaps Judge Kavanaugh's most qualifying characteristic is something I heard him say at the White House on Monday evening. When the President announced his nomination, Judge Kavanaugh committed to be open-minded in the cases that come before him as a Supreme Court Justice. Open-minded—I think that is critical, and his record backs up that commitment.

He has a long and clear record of fairly applying the text of our Constitution and our laws. There will be a lot to consider on Judge Kavanaugh because he has such a long and very clear record of writing, and the President mentioned his very precise writing skills.

When I consider nominees for the Supreme Court, I don't look for a person who promises particular policy outcomes or someone who is out to actually create laws; what I look for is a person who reflects experience, fairness, and respect for the Constitution as it is written. That is because the Constitution assigns legislative authority to us, to elected representatives in the Congress. Accountability to the American people is diminished when unelected judges pursue their own policy goals.

A newspaper in the Northern Panhandle of our State, the Wheeling Intelligencer, editorialized today:

Kavanaugh has said that if confirmed to the Supreme Court, his allegiance will be to the Constitution as it is written, not to his personal preferences. That is precisely what the Nation needs.

Another editorial appearing in West Virginia today—this one from the Daily Mail—said:

A conservative Supreme Court justice interprets the U.S. Constitution for all, not just those on the right or the left.

I believe Judge Kavanaugh truly understands a Justice's and a judge's proper role, and I think no one puts that better than the judge himself. I would like to read a portion of a speech he gave last fall:

One overarching goal for me is to make judging a more neutral, impartial process in all cases, not just statutory interpretation. The American rule of law, as I see it, depends on neutral, impartial judges who say what the law is, not what the law should be. Judges are umpires, or at least should always strive to be umpires. In a perfect world, at least as I envision it, the outcomes of [cases] would not often vary based solely on the backgrounds, political affiliations, or policy views of judges. This is the rule of law