

In his response to the Senate Judiciary Committee's questions about these extreme positions, Mr. Oldham sought to discount them as merely advocacy positions on behalf of a client, that being the Governor of the State of Texas, while Mr. Oldham's career shows otherwise.

NOMINATION OF RYAN BOUNDS

Mr. President, I turn now to Ryan Bounds, who was nominated to a circuit court judgeship even though the President knew that Mr. Bounds did not have the approval of either of his home State Senators. The nominee himself admitted that Oregon's two Democratic Senators, his home State Senators, RON WYDEN and JEFF MERKLEY, played no role in his selection.

The Judiciary Committee ignored the traditional blue-slip process, which has been basically adhered to for over 100 years, by holding a hearing on Mr. Bounds' nomination even though neither of his home State Senators returned his blue slip. The Congressional Research Service could not find a single instance where a judicial nominee, without at least one blue slip returned by a home State Senator, had a hearing or was confirmed by the Senate, but nonetheless Mr. Bounds' nomination proceeds apace.

In writings that were not disclosed to the Oregon selection committee that reviewed his application, Mr. Bounds published a number of very offensive articles on race and gender while he was an undergraduate. While these writings were brought to light by a third-party organization, Mr. Bounds himself should have disclosed them to the committee. His articles took disparaging positions on topics, including race relations, opposition to "multiculturalism," LGBTQ rights, and labor rights.

In closing, I seriously question whether, based on their full records, these two nominees can be the impartial and non-ideological judges we expect of life-tenured judges to our Federal courts, let alone, as in the case of these nominees, to the circuit courts. We all know that the circuit courts are only one step removed from the Supreme Court.

These questions of fairness and impartiality will continue to apply to judicial nominees as long as the President continues to choose judges vetted by two far-right, ideologically slanted organizations backed by millions of dollars—the Federalist Society and the Heritage Foundation. This is certainly the case with Mr. Oldham's and Mr. Bounds' nominations to the circuit courts and Judge Kavanaugh's nomination to the Supreme Court.

My colleague from Rhode Island, Senator WHITEHOUSE, went into length about these very well-funded entities that have spent millions to support Neil Gorsuch on the Supreme Court, and that they are going to do the same thing with Judge Kavanaugh's appointment to the Supreme Court. Those who

appear before Federal circuit judges and, of course, the Supreme Court should be able to rely on a fair, impartial, and objective judge, free of ideological propensities. Neither Andrew Oldham nor Ryan Bounds fits that bill.

I will be voting no later this week on both of these nominees and urge my colleagues to vote against these confirmations as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

NOMINATION OF BRETT KAVANAUGH

Ms. SMITH. Mr. President, I rise today to express my strong concern about Judge Brett Kavanaugh's nomination to the Supreme Court. In particular, I want to discuss today his troubling record on the environment and what that means for people's health.

Judge Kavanaugh has demonstrated that he simply doesn't believe that existing law allows new environmental threats to be addressed via any sort of regulation. I am talking about existing law designed to protect human health and our environment.

When you take a look at Judge Kavanaugh's record, one thing becomes abundantly clear: Judge Kavanaugh has tried to weaken Clean Air Act protections even though the act controls pollutants such as smog and carbon monoxide, which contribute to asthma, heart attacks, and even premature deaths. They put our health at risk.

In a 2012 case, Judge Kavanaugh authored an opinion that found the EPA had exceeded its authority when the Agency directed upwind States to literally stop blowing smoke onto their downwind neighbors. The good news is that the Supreme Court was more sensible than Judge Kavanaugh. Justices Kennedy and Roberts joined four others in a 6-to-2 decision to overturn Judge Kavanaugh's lower court ruling. Writing for the majority, Justice Ginsburg found that the EPA does have the power to act to protect people's health. I agree with the Supreme Court's 2012 decision, and so do most Americans. An April 2018 poll found that 75 percent of Americans support even stricter limits on smog.

What Judge Kavanaugh particularly doesn't like is that the Clean Air Act specifically gives the Environmental Protection Agency the right—the duty, even—to regulate new pollutants that threaten people's health. He has objected to using the law to establish new programs to reduce mercury—a potent toxin that harms developing brains. In 2014, Judge Kavanaugh lashed out at tough standards for mercury—a toxin that has been found to harm children's development.

Judge Kavanaugh's narrow view of the Clean Air Act could be extremely damaging to our efforts to address climate change by regulating greenhouse gases. Although the act does not mention greenhouse gases by name, the Supreme Court has held that the EPA does have the power to regulate them.

In fact, the Court held that the act requires the EPA to address any air pollutants that are found to endanger human health. But Judge Kavanaugh still seems to have a problem with adding new pollutants to that list. This is even though Judge Kavanaugh claims to believe what virtually every scientist tells us: that manmade climate change is real and is an enormous threat to our planet and to our health. But merely accepting climate science is too low a bar because even if Judge Kavanaugh believes in the urgent challenge of climate change, he doesn't seem to believe there is an urgent need to address it, as his record demonstrates.

Over the next few decades, the Supreme Court will have many opportunities to weigh in on how our government can work to protect our environment, particularly regarding climate change.

And the stakes are high: Scientists tell us that in order to avoid dangerous global warming, we must reduce our carbon dioxide emissions to zero sometime between 2050 and 2065. But in 2018, global carbon emissions are still increasing, not decreasing.

At the same time, President Trump is attempting to backpedal on every commitment our country has made toward fighting global warming. He is pulling us out of the Paris climate agreement. He is pulling back the Clean Power Plan. He is looking for ways to force utilities to keep expensive coal plants online—a move that would cost Americans billions of dollars in increased electricity bills.

All of these moves will hurt the environment and harm the health of Americans, and in each case, Judge Kavanaugh's record shows that he is likely to act as nothing but an enabler.

My State of Minnesota is already experiencing the cost of climate change. The rains in Minnesota are growing more intense, leading to increased damage from flooding. As our winters grow milder and our summers warmer, plant and human diseases are spreading. Many scientists predict that the forests in my State will retreat rapidly, leaving Minnesota looking like Kansas by the end of this century.

But it does not need to be all bad news. A rapid transition to emissions-free energy sources is necessary to avoid the worst effects of climate change, but this change will bring economic opportunity to our country. We just need to rise to the challenge. In Minnesota, wind and solar and biofuels are already potent drivers of job growth.

If Judge Kavanaugh succeeds in overturning the Federal obligation to reduce greenhouse gas emissions, the clean energy transition in our country will certainly slow. We will lose the competitive advantage to China and other economic rivals in the race to develop the technology and innovations of an affordable, clean energy future.

Right now, we have a President who pushes coal and fossil fuels which, unless their carbon dioxide emissions are captured, must become the energy sources of the past. President Trump's energy policy is backward-looking and puts our economic competitiveness at risk. But presidents serve only for a term or two, which brings us back again to Judge Kavanaugh.

Hopefully, we will be able to recover from the backward environmental policies of the Trump administration. But Supreme Court Justices serve for life, so we cannot afford a Justice who is hostile to our environment and to human health. We cannot afford a Justice who rejects actions to fight climate change. We just don't have the time.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

CYBER SECURITY

Mr. GRAHAM. Mr. President, I wish to make a few comments about the topic in the news today and yesterday and, hopefully, will result in some action by Congress; that is, the threats we face as a Nation regarding our electoral system.

First I would like to recognize the Presiding Officer of the Senate, Senator RUBIO, for working with Senator VAN HOLLEN to come up with a piece of legislation called the DETER Act, which I think will serve us well. If the Director of National Intelligence certifies that a foreign power—Russia or anyone else—is trying to attack our electoral infrastructure, they will pay a heavy price.

Today is July 17, 2018. On Friday, last week, I think it was July—I don't know the dates; I just got back from traveling. So on Friday of last week, a few days ago, the Director of National Intelligence said the following: "The warning lights are blinking red again. Today, the digital infrastructure that serves this country is literally under attack."

How much more do we need as a body and as a nation to rally ourselves to act while there is still time?

He indicated that our cyber space strategies emphasize only defense, not offense as well, evoking President Reagan's Cold War approach to the Soviet Union. Mr. Coats suggested that if Russia continues to try to take on the United States in the cyber arena, then the administration should throw everything we have into that exercise.

Every Member of Congress, every Member of the Senate, as well as the President, has an obligation to defend the Nation against all enemies, foreign and domestic. I am 1,000 percent convinced that the Russians meddled in our election in 2016. They did not change the outcome, but they did disrupt our election. The bottom line is they are still up to it.

If you don't believe me, just ask Director of National Intelligence Dan Coats, who is a former Member of this body.

In August of 2001, the 9/11 Commission found statements from the CIA that indicated there was something afoot, that "the lights are blinking red," but they couldn't point to bin Laden specifically. As we look back, how much accountability should the Bush administration have had and how much accountability should Congress have had back then? Did we miss the warning signs regarding the September 11 attack? I would suggest that the chatter was strong and the threat was real, but nobody could really pinpoint it.

Here is what I am suggesting: The chatter is strong, the threat is real, and we know exactly where it is coming from. The question is, Will the House and Senate, working with the President, do anything about it? Senator RUBIO and Senator VAN HOLLEN have chosen to try to do something about it.

We are all eventually going to be in the history books. President Trump said today that he believed our electoral infrastructure needs to be made more secure—not just electoral infrastructure; energy and financial services are under threat, and not just from Russia.

So I want to look forward. I heard Senator MCCONNELL say today that he would like to find some bipartisan legislation that could come forward sooner rather than later to try to harden the infrastructure before the 2018 election. The bottom line here is that we all owe it to every voter in the country and all of those who are serving in the intelligence community and in the military to secure our election the best we can.

I am hoping that we will become "Team America" just for a few minutes. I am not asking my Democrat friends to give President Trump a pass, and I am not asking my Republican colleagues to stop fighting for our agenda. I am asking both parties to calm down and focus on the common enemy. The common enemy is Russia, and countries like Russia, that want to undermine our democracy, pit us one against the other, and they did it in 2016. If you believe Dan Coats, they are going to do it again. This meeting recently with President Trump and Putin—in my view, we missed an opportunity to really put the Russians on notice. But rather than look back, let's look forward.

Today, President Trump expressed confidence in our intelligence community. I am glad to hear that. I trust them far more than I trust Putin. It is not just America that Putin has been trying to interfere with; it is in France and Germany and everywhere else there is a democracy. President Putin is trying to destroy alliances like the European Union, which, I think, has value to the United States. He is trying to break NATO. He is attacking us here at home: fake news—truly fake news—made-up news article to try to pit one American against the other and trying

to steal emails from party officials and dump them into the public domain at critical times in the election.

What do I say to my Republican colleagues? It was the Democrats last time; it could be us next time. It was Russia last time, and they are still up to it this time, but Iran, North Korea, China—fill in the blank—we are all exposed.

Article 5 of the NATO Charter says that an attack against one is an attack against all. So I would ask my colleagues tonight to think about that in terms of our democracy. An attack on one party should be an attack on all parties.

The Republican Party should take no comfort or glee in the fact that our Democratic friends were compromised in a very embarrassing way that hurt them. Nobody changed vote totals. But can you imagine how we would feel if the inner circle of the President was hacked and, at a crucial time in the election, the information was exposed?

To my friends in the media, you have to make a hard decision: How much do you empower this? How much do you aid a foreign government by publishing this information?

I believe we are at war in many ways. We are not at war in a direct way with Russia, but these cyber attacks are, to me, a hostile act against our country just as much as if they had launched a conventional attack. They are going to continue to do this until they pay a price.

I would like for us to come together to not only harden our infrastructure to make sure that 2018 cannot be compromised by a foreign power but also to make countries like Russia pay a price.

Senator VAN HOLLEN and Senator RUBIO have a very good piece of legislation which basically says that if the Director of National Intelligence certifies that a foreign power like Russia is continuing to interfere in our election, then we will up sanctions. We will make it harder, not easier, on that foreign power. It is Russia today; it could be somebody else tomorrow, and it probably already is.

So rather than taking the moment and dividing us about what President Trump said or didn't say, why don't we use this as an opportunity to listen to the professionals, not the politicians.

Senator RUBIO is on the Intelligence Committee. I am very proud of the work they have accomplished. They made a bipartisan finding that Russia did meddle in the 2016 election with the view of trying to help Trump over Clinton, but there is no evidence it changed the outcome.

The bottom line for me is that if we don't come together now—this is the end of July, July 17—we have precious days left to take action that could protect the 2018 election cycle.

The worst thing that could happen in a democracy is if somebody's vote could be stolen or the information provided to the public could be tainted in a fashion by some foreign entity to pit