

Act, and argued to strike down the Affordable Care Act's contraception coverage mandate.

So from reproductive rights to civil rights to gun safety, name a partisan legal case from the past 5 years, and there is a good chance that Britt Grant has been involved, taking up a fringe legal argument—way out of the American mainstream—to weaken well-established rights and overturn precedent in pursuit of an ideological objective.

I would also like to bring to my colleagues' attention that in speeches and in handwritten notes—even with this extreme record—Judge Brett Kavanaugh has repeatedly praised Britt Grant's record. In fact, Kavanaugh called Britt Grant “a superb solicitor general of Georgia.” That is someone with these extreme views.

Judge Kavanaugh's ringing endorsement of Britt Grant's record may serve as a window into his own judicial philosophy. It makes you wonder: What, exactly, does Judge Kavanaugh agree with her on so that he would call her so many laudatory things?

Does he agree with Britt Grant that a woman's constitutional, guaranteed freedom to make her own reproductive choices should be curtailed, even though an overwhelming majority of Americans support Roe? Does he believe, like Britt Grant, that States should be able to define marriage as only between a man and a woman, even though the Supreme Court has declared things the other way? Does he believe, like Britt Grant, that insurers shouldn't have to provide contraceptive coverage?

Britt Grant is the kind of lawyer Judge Kavanaugh, in his own words, considers “superb.” Maybe that is why they both ended up on the same short list of 25 potential out-of-the-mainstream court nominees—out of the mainstream because they were vetted by the Heritage Foundation, which believes that the government should not be involved in healthcare, and by the Federalist Society, whose leader's goal is to repeal Roe v. Wade, even though 71 percent of Americans are against that repeal.

Whether you are a Democrat or a Republican or Independent, you should want a better process for choosing judges. The American people deserve judges from the legal mainstream who will interpret the law rather than make it, who will respect and defer to precedent unless there is a darn good reason not to—not just folks picked off some list prevetted by extreme conservative groups that don't represent what a majority of Americans think, and they probably don't even represent what a majority of Republicans think. But the Republican majority has been advancing an assembly line of nakedly partisan, ideological judges like Britt Grant. That Judge Kavanaugh has praised her record so roundly is concerning.

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. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Britt Cagle Grant, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The Senator from Mississippi.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. WICKER. Madam President, I intend to speak for a few moments as in morning business concerning the National Flood Insurance Program, which is set to expire tomorrow night at midnight, July 31, and which certainly this body will not allow to expire. We will undoubtedly reauthorize the program and not leave millions of Americans without flood protection at the height of the Atlantic hurricane season.

The House has sent us legislation that provides for a clean reauthorization, temporary as it may be. It will keep the program going without injecting reforms or changes, and it reassures homeowners and property owners across the country who rely on this program that it will still be there and that they can count on it.

We are not bathing ourselves in glory by doing this. I think we would all acknowledge that passing this reauthorization right before the deadline does not entitle us to pat ourselves on the back. Instead, it should motivate Members to work across the aisle to provide meaningful reforms. I have a suggestion or two for some meaningful reforms when we take this up on a permanent basis.

We may have assured Americans today and tomorrow that when we act on this, they can rely on the National Flood Insurance Program through No-

vember, but we need to assure them that they can rely on the program for the next year, for the next 5 years, or for 10 years. That will be a challenge over the next several months.

We need to make this program financially sustainable for the long term, but we also need to assure property owners that they are not going to be hit with a huge insurance bill they can't afford. History does not provide the public with very much encouragement with regard to actually getting some reforms done. We have to keep it going with a patchwork.

Out of the 41 times that the National Flood Insurance Program has been reauthorized over the past 20 years, reforms have been included only 3 times out of 41. That is not a great record. I hope that before the end of this calendar year, we can add a fourth substantive change to make some progress.

One thing I hope we can do is to enact the changes to the COASTAL Act in a bill that I have introduced called the COASTAL Implementation Act. If you recall, after Hurricane Katrina, we saw how discrepancies between wind damage and water damage on the total-loss properties often prevented property owners from being made whole. There was a dispute between the flood insurance folks and the wind insurance folks, and the property owner was caught in the middle.

The COASTAL Act and the followup COASTAL Implementation Act seeks to address these discrepancies with better data collection and more accurate poststorm assessments. More specifically, we want NOAA, or the National Oceanic and Atmospheric Administration, to be able to assess the strength of wind and water at affected sites. With sound data, the property owners can receive fair compensation for their losses—some, perhaps, from the flood insurance coverage, and some from the wind insurance coverage. Reducing cases of “indeterminate losses” would ultimately reduce costs to the National Flood Insurance Program and better serve the public.

My other reform proposal also seeks to arm us with better data. I call this legislation the MEMA Act, which stands for Municipality Empowerment Mapping Achievement. Under this act, FEMA would publish the NFIP's rate maps. These maps would cover the entire United States, and they would be created using the latest technology. Information on an area's flood hazard risks should be accessible and comprehensive.

Accurate maps can also help to draw businesses to our smaller communities. Without this information, these businesses might go to a nearby urban area to invest. The playing field should be leveled in this regard. Other ideas, such as competition from the private sector, can help to bring down high flood insurance rates.

What we don't want to do is to drive folks away from coastal areas. Forty

percent of our population lives in a coastal county. There are 56 million jobs there, and more than \$8 trillion is produced in goods and services, according to NOAA.

Let's also not forget about our rivers and inland waterways. The Mississippi River, for example, accounts for a \$400 billion annual economic impact. When communities near a river, lake, or ocean suffer, the effects can ripple across the whole Nation. Try as we might, we can't prevent floods. We can mitigate and try to guard against them and try to strengthen our protection, but we can't eliminate flooding from happening. They are the most frequent natural disaster. We should do what we can to mitigate the damage and costs.

It is also worth reminding my colleagues that the National Flood Insurance Program is a program that serves ordinary people—workers and families who are just trying to make an honest living and who do not want to see everything they have washed away in a flood. These 5 million Americans pay their flood insurance premiums, and they should be able to live without worry that should a disaster strike, they will be left high and dry.

I call on my colleagues in the next day and a half to pass this short-term authorization, and, certainly, we will do that on a bipartisan basis. Then, let's give the Banking Committee and people who are concentrating on this issue some bipartisan support to pass much needed reforms.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. BLUMENTHAL. Madam President, there are few responsibilities—I would say none—more important than our duties in connection with the appointment of a Supreme Court Justice. Much is at stake in the nomination that is before the Senate now to appoint Judge Brett Kavanaugh as the Justice who will replace Justice Kennedy. So much is at stake—the future of *Roe v. Wade*, affordable healthcare, particularly, preexisting conditions and the protections of them for millions of Americans.

But I am not here to talk about Judge Kavanaugh as a nominee. I am here to talk about how we reach a conclusion as to how my colleagues and I vote and how we seek and pursue the truth about Judge Kavanaugh, his qualifications, his temperament, his integrity and intellect, who he is, and what kind of Justice he will be.

The best way to do it is to know what he has written and said—all of his writings and opinions and the articles he has written. These points are pretty basic.

I am struck by our colleagues' objection to our seeking documents they have sought in connection with past nominees when they were made by Presidents of our party. When President Obama nominated Justice Kagan, Republicans asked for documents from her years in the Clinton administration, her tenure as dean of the Harvard Law School, and even her clerkship for Justice Thurgood Marshall. Senator GRASSLEY, now the chairman of the Judiciary Committee said at the time: "For the Senate to fulfill its constitutional responsibility of advice and consent, we must get all of her documents . . . and have enough time to analyze them so we can determine whether she should be a Justice."

I agree. Now, unfortunately, Republicans want to apply a completely different standard to Judge Kavanaugh. They want his documents kept sealed and stored so that he can waltz onto the Court without having to answer tough questions about what he has written, said, and done. They maintain that there is nothing in the documents that would be relevant or revelatory. Well, we can't know this supposed irrelevance, and neither can they until we all see those documents.

For some reason, the Republicans seem worried. They seem concerned. They seem apprehensive. The American people and we have a right to ask: What are they concealing and why are they scared of it? What is Judge Kavanaugh hiding and why is he afraid of it? That is a question he should answer and which they have a responsibility to address before we begin the hearings. Our questions require those documents.

There is, in fact, a lot of good reason to think that those documents will be relevant and revelatory, particularly the documents from his time in the White House. My Republican colleagues are now downplaying the role Judge Kavanaugh had while working for President Bush. Republican whip and Judiciary Committee member JOHN CORNYN, our friend and colleague from Texas, said that Judge Kavanaugh was "more or less a traffic cop," but that contention contradicts what our colleagues said at the time when Judge Kavanaugh was a nominee to the DC Circuit Court of Appeals. Senator CORNYN himself said then of Kavanaugh: "He . . . is currently Staff Secretary to President Bush, a job whose title belies the very serious and important responsibilities that individual performs."

Senator HATCH, also a colleague and a very distinguished member of the Judiciary Committee, said of Judge Kavanaugh: "His background as Staff Secretary may prove to be particularly good judicial training."

But for me the best indication of how important his role as Staff Secretary to President Bush was—not just as counsel, but as Staff Secretary—comes from Judge Kavanaugh himself. He said:

When people ask me which of my prior experiences has been most useful to me as a judge, I tell them that all of them have been useful, and I certainly draw on all of them. But I also do not hesitate to say that my five and a half years in the White House—and especially my three years as Staff Secretary for President Bush—were the most interesting and in many ways the most instructive.

I would read that sentence again, but I am not sure I need to. It will be in the RECORD, and it is well-known to many of my colleagues.

Judge Kavanaugh went on:

As Staff Secretary, I sat in meetings where he talked with President Hu and then-President Musharraf and President Karzai and Prime Minister Blair and Pope John Paul. I was at the G-8 in Scotland when the London subway bombing occurred. I saw and participated in the process of putting legislation together, whether it was terrorism insurance or Medicare prescription drug coverage or attempts at immigration reform. I worked on drafting and revising executive orders. I remember times on the Hill in negotiating last-minute changes in legislation. I saw regulatory agencies screw up. I saw how they might try to avoid congressional mandates. I saw the relationship between independent agencies and executive agencies and the President and White House and OMB. I saw FOIA requests.

That is from Judge Kavanaugh.

If there is any indication as to why we need those documents from the time he was Staff Secretary to President Bush, it is from Judge Kavanaugh's own words. If we want to know what kind of Justice he will be, we need to understand the decisions he has made and the lessons he has learned in that most informative job. If we refuse to even try, we have abdicated our constitutional responsibility. We have a duty.

I submit, with great respect, that the request made by the chairman of the Judiciary Committee involves all of us abdicating that responsibility unless we protest and raise a hue and cry and force the production of additional documents. This goes beyond any sort of partisan divide, and it goes beyond the question of whether any of my colleagues are voting for or against Judge Kavanaugh. It is about our constitutional responsibility.

These documents, as Judge Kavanaugh himself has said, would, in effect, reveal much about Judge Kavanaugh, for he worked on just about every major issue as counselor to President Bush and as Staff Secretary to him.

In a recent interview, Karl Rove noted: "Literally every document that goes to the president on a policy issue has to pass through the hands of the staff secretary."

As he himself has said, Judge Kavanaugh was at the President's side at many pivotal moments of the Bush Presidency—from the passage of the partial-birth abortion ban to debates over same-sex marriage and well beyond. We should know just what Judge Kavanaugh said as Staff Secretary to President Bush during those and other critical moments of the Bush Presidency. His advice to President Bush