

from Arizona (Mr. FLAKE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kentucky (Mr. PAUL).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 181 Leg.]

**YEAS—87**

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

**NAYS—10**

Durbin	Markey	Warren
Gillibrand	Merkley	Wyden
Harris	Rubio	
Lee	Sanders	

**NOT VOTING—3**

Flake	McCain	Paul
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The conference report was agreed to. The ACTING PRESIDENT pro tempore. The majority whip.

**MORNING BUSINESS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**NOMINATION OF BRETT KAVANAUGH**

Mr. CORNYN. Mr. President, earlier this summer I was privileged to be at the White House when President Trump announced his nominee to succeed Justice Anthony Kennedy, whose retirement from the U.S. Supreme Court became effective just a couple of days ago. Judge Kavanaugh's nomination continues the streak that we Republicans in the Senate have been on for the last 18 months under the Trump administration. We have set new records.

Specifically, we set a record last year for the most circuit court judges confirmed in a President's first year, and we set a new record this year with the recent confirmation of President Trump's 23rd circuit judge, Texan Andy

Oldham, who will serve on the Fifth Circuit Court of Appeals, and that was 2 weeks ago.

Keep in mind that we have already set the record with the most judges confirmed in the President's first 2 years, and we still have 5 months to go. That is unprecedented. That is huge. It speaks volumes about the seriousness with which this administration takes its responsibility to fill vacancies on the Federal judiciary and the efficiency with which this Chamber is carrying out its duty to provide advice and consent.

Yesterday, we voted on another outstanding nominee, Britt Grant, for the Eleventh Circuit. To date, the Senate has confirmed 45 Federal judges under President Trump, including Supreme Court Justice Neil Gorsuch, and that includes 24 circuit court or intermediate level judges.

But some people don't like to focus on that record of accomplishment so much. They like to dwell on Judge Kavanaugh, the nominee to succeed Anthony Kennedy, exclusively instead. I understand why the Supreme Court vacancy is a very big deal, but it doesn't give license to engage in hysterical attacks.

We have seen Judge Kavanaugh called almost every name in the book. We have heard that his confirmation would result in the destruction of the Constitution and that the nominee is your worst nightmare and one who wants to pave the path to tyranny.

Well, I just think those sorts of attacks—and hysterical attacks—undermine the very credibility of the speaker, because anybody who knows anything about Judge Kavanaugh knows that none of that is true. We are not going to be distracted from carrying out the confirmation process in the normal established way through the Judiciary Committee first, led by Chairman GRASSLEY, and, then, once we get to the floor, with a debate and vote to confirm the judge, hopefully, well in advance of the next term of the Supreme Court, which begins the first Monday in October.

We know, for example, that Chairman GRASSLEY has already sent a request to the Bush Library to recover many of the records that pertain to the nominee's service when he worked at the White House Counsel's Office. This was a unilateral request, unfortunately, because our Democratic colleagues refused to join us, even after two weeks of negotiations and trying to find a way both sides could agree. This is, unfortunately, another sign of obstruction, which is basically all that our colleagues on the other side of the aisle who are opposing this nomination have left.

Many of the Democrats on the other side have made clear that they really aren't interested in the nominee's qualifications. As I mentioned previously, five of them came out against the nominee before he was even named, in other words, taking the position

that the person nominated by President Trump would not be able to earn their support. Fifteen more, after the nominee was named, came out in opposition. So 20 Democrats have already announced their opposition to the nominee without even taking a few moments even to meet with the judge or getting to learn a little more about his record.

Unfortunately, the role that so many of our friends across the aisle want the judiciary to play is that they are really interested in judges who basically will be results-oriented. In other words, rather than be impartial umpires and call balls and strikes regardless of who is at bat, what they want is somebody who will put the thumb on the scales of justice and reach a preordained result.

But that is not the way judges are supposed to serve under our form of government. Judges don't run for election. They have lifetime tenure. So they are not politically accountable for their decisions at the ballot box like those of us in the political branches of government are.

So some of the rhetoric, as I said earlier, is just over the top. One of our colleagues even said that you would be complicit and evil if you supported this nomination.

Well, we need to be aware of the double standard that applies. There is a stark contrast between Judge Kavanaugh and the confirmation process of Justice Kagan. This time around, our Democratic colleagues requested every single scrap of paper that made its way across the nominee's desk, even when he did not contribute to the policy or content of those documents.

At the time when Justice Kagan was nominated, about 173,000 pages of documents were produced from the time that she worked in the White House Counsel's Office and on the Domestic Policy Council. She and Judge Kavanaugh share in common the fact that they worked in the White House Counsel's Office.

But the difference between Judge Kavanaugh and Justice Kagan is that Justice Kagan didn't have any public judicial record at all. Just compare that to Judge Kavanaugh's 12 years of serving on the District of Columbia Court of Appeals. He has more than 300 written opinions for Members to review and ascertain what kind of judge he would be if confirmed to the Supreme Court.

I am surprised that our Democratic friends are asking for so many documents that are clearly immaterial, because during the nominee's 2006 confirmation hearing for the DC Circuit Court of Appeals, our colleagues did not ask for any documents, which they are now demanding, and specifically, those that came across his desk when he served in the important function of White House Staff Secretary. This is, perhaps, a little understood office, but basically it is an administrative position, where Judge Kavanaugh, at the time, as Staff Secretary at the White

House, was responsible for making sure that the documents presented to the President for review had been properly vetted and were in good form. That is the responsibility—not to provide input in terms of the policy or the content of those documents. So he really was more or less a traffic cop for the paper flow across the President's desk. As such, those documents would have no bearing whatsoever on the judge's qualifications or experience and are unnecessary to produce for this confirmation process.

Just as with Justice Kagan's confirmation, there was a bipartisan understanding in 2006, during Judge Kavanaugh's confirmation, that certain documents are unnecessary and should be off limits. In 2006, Judge Kavanaugh responded to the standard questionnaire for appellate nominees. Our Democratic colleagues didn't complain about that at the time. In fact, at Judge Kavanaugh's hearing in 2006, Senator FEINSTEIN, the ranking member on the Judiciary Committee, noted that "without a record either as a trial lawyer or as a judge, it's very difficult for some of us to know what kind of judge you would be and whether you can move away from the partisanship and into that arena of objectivity and fairness." But now our friend from California has 12 years of judicial service and more than 300 opinions she and others—all of us—can review to answer the very questions she said she needed to answer.

So my question is, why are our colleagues across the aisle suddenly claiming they need every email, every memo, and every Post-it note that went across the nominee's desk? Well, we know the reason is because they cannot attack Judge Kavanaugh's judicial record of objectivity and fairness on the DC Circuit. Instead, they are trying to dig through other people's emails and documents and conduct a government-sponsored, taxpayer-funded fishing expedition through the records of the entire Bush White House. I call this the great paper chase.

You have heard us warn that the Democrats' demands for every document from Judge Kavanaugh's time in the White House is nothing more than a stall tactic. Several media reports over the last few days have now confirmed that this is, in fact, their exact strategy. Here is a statement from the San Francisco Chronicle: "Feinstein, other Senate Dems have plan on Brett Kavanaugh nomination: Stall."

Their broader, coordinated strategy is to delay and stall, not actually vet, the nominee. So for most of them, it really won't matter that Judge Kavanaugh will have more documents produced before his confirmation than any other nominee in American history; it won't matter that some documents have already been released—for example, from his tenure working for the independent counsel; it won't matter that the process is fully transparent and thorough because they have already made up their minds.

To be clear, overwhelmingly, our Democratic colleagues are simply not interested in vetting Judge Kavanaugh because they have already made up their minds to vote against the nomination. I hope the three or four or five Democrats who are still open-minded to confirmation of the judge will encourage their other colleagues to change their approach and to make sure they do what we are required to do under the Constitution once the President has made a nomination like this, and that is to provide advice and consent, not just obstruction and delay and resistance.

Many of the excuses they are now giving, particularly with regard to documents, are merely smokescreens for their true goal, which, as we see here in the San Francisco Chronicle, is simply to stall, stall, stall. They have telegraphed this strategy in the press, and they have made it clear that it is their only shot at blocking this mainstream nominee, because the truth is that Judge Kavanaugh is imminently qualified and well respected by all who know him.

I believe it is our responsibility to continue to vet the nominee and to continue to encourage Members to meet with him and to continue their review of his record—particularly in the last 12 years on the DC Circuit Court of Appeals—because I am convinced that if they do that, they will be willing to support the nominee, if they have an open mind and if they haven't already engaged in the political calculation to oppose the nominee no matter what the reason may be.

I look forward to confirming the judge early this fall. Chairman GRASSLEY has said he hopes to have a hearing on the nomination and then a vote on the Senate floor in advance of the October term of the Supreme Court. I look forward to helping him keep that schedule and confirming this good man and fine judge to the Supreme Court of the United States.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORKER). Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION BILL

Mr. REED. Mr. President, I rise to discuss the fiscal year 2019 National Defense Authorization Act.

I am very pleased that we were able to pass the conference report with a bipartisan vote of 87 to 10. I think it represents the quality of the work that was done by my colleagues Senator INHOFE, Congressman THORNBERRY, the chairman of the House committee; and

also Ranking Member SMITH. I thank them for their thoughtfulness and cooperation throughout the conference.

The passage in the Senate follows the passage last week by a vote of 359 to 54 in the House of Representatives—another strong bipartisan endorsement of the legislation on behalf of the men and women in uniform and the national security of the United States.

Also, at this point, I would like to take a moment to recognize Senator JOHN MCCAIN. He has been an extraordinary leader throughout my tenure in the Senate, someone who has been committed to the welfare of the men and women of the military, someone who has spent his life in service to the Nation with courage, with valor, and with exceptional self-sacrifice for all of us. I am sure he is very proud today that this legislation, which bears his name, has passed and become law. Senator MCCAIN has also done something that some people would think impossible; that is, to have a West Point graduate admit that, in many cases, he is indispensable to the national security of the United States. I say that with great affection and great sincerity.

Let me highlight several areas that I think are important in this legislation. The bill includes important personnel funding and policy provisions, including a 2.6-percent, across-the-board pay raise for our men and women in uniform. It fully funds the military services' end-strength requests for fiscal year 2019. We are going to bring our troops—particularly, the Army—to the desired strength of our military leaders. It provides \$50 million in impact aid for heavily impacted local school districts all across the country. This is critical of the quality of life for the families who serve us, as well as their servicemembers.

There are a number of provisions updating the Officer Personnel Management System to enhance recruitment, promotion, and retention of highly skilled officers.

With respect to the Army, the bill fully funds a number of critical Army programs, to include the Abrams battle tanks, as well as Apache and Blackhawk helicopters. The bill also makes targeted investments to improve the range and lethality of Army artillery systems, and it supports the fielding of active protection systems on our combat vehicles in order to better protect our soldiers.

With respect to the Navy, the conference agreement provides additional funds for vessels for the Navy, including two more littoral combat ships, three more ship-to-shore connectors, and a cable repair ship. The agreement also provides additional money to help second- and third-tier contractors ramp up production to support our *Columbia*- and *Virginia*-class submarine acquisition programs.

With regard to the Air Force, the bill provides for additional funding to support the light attack aircraft, or the