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## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, August 17, 2018, at 9 a.m.

## Senate

WEDNESDAY, AUGUST 15, 2018

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Glorious God, the source of our strength, fill us with life anew. Strengthen and guide our lawmakers by the light of Your counsels, directing their steps. Lord, open their eyes so that they may discern Your truth and courageously obey Your precepts. Give them reverence for You in all their thoughts, words, and actions. Think Your thoughts through them, providing them with the peace, power, and patience needed to do Your will on Earth.

Eternal God, we give You all praise, glory, blessings, and honor.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Utah.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. 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 resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of A. Marvin Quattlebaum, Jr., of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

### CALLING FOR THE RELEASE OF AUSTIN TICE

Mr. CORNYN. Madam President, yesterday marked the sixth anniversary of the kidnapping of a brave young man named Austin Tice.

Back in 2012, Austin decided to put his law school studies on hold and

spend the summer in Syria as a freelance journalist. He was frustrated with the lack of good information on Syria's civil war—a war that, by some estimates, has claimed more than one-half million lives and displaced millions more, having created a refugee crisis affecting neighboring countries, like Jordan, Turkey, and Lebanon, and having destabilized the entire region.

In spite of the violence and political turmoil and as a strong believer in the freedom of the press, Austin wanted to let his fellow Americans know what was going on in that terrible civil war, which continues to this day. So he didn't wait around for someone else to act; he went to Syria himself, and he reported on the civil war.

As with most things he tried, Austin proved to be a very successful journalist. But then, in August of 2012, just days before he was planning to leave Syria, he was taken hostage, and little has been heard from him since. That is why I am again today renewing my call for Austin Tice's immediate release by his captors.

Over the last several years, I have had the privilege of meeting with Austin's parents a number of times, Mark and Debra Tice, who have worked tirelessly to locate him and bring him home safely. In fact, I plan to meet with them again this afternoon to bring them up to speed on my most recent conversations with National Security Adviser John Bolton, whom I have asked to meet with the Tices and maintain the continuity between the Obama administration and now the Trump administration when it comes to efforts

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to return him safely to his family and friends.

Of course, his family doesn't know Austin as a journalist, primarily; they don't know him primarily as a decorated Marine Corps veteran, a Houston native, and a seventh-generation Texan, either—all of which he is. They, of course, know him as their friend, their brother, their son.

Austin Tice has a family who is waiting for him, missing him, and laboring to find any piece of information that will lead to his whereabouts and return him home safely.

Today, on the sixth anniversary, I am here to say that the entire Nation stands behind the Tice family. In solidarity with them, we call for Austin's immediate release by his captors and urge the administration to use all possible means to secure Austin's safe return home. I am thankful to the Trump administration, as I am to the Obama administration, and I have met with them both about Austin's case.

I know the former administration of President Obama and the current administration of President Trump share my desire to see Austin come home as soon as possible, but we need to take a step back and realize why people like Austin are taken hostage in the first place. In many parts of the world, authoritarian regimes and criminal nonstate actors see a free press as a threat—an existential threat. They don't want to risk a spotlight exposing human rights abuses, lies, corruption, and graft. They want to inoculate themselves from criticism and bury the truth so it never sees the light of day.

In places like Turkey, Syria, China, and elsewhere, journalists are silenced and often jailed, sometimes even killed. We have seen this to the south of our border in Mexico, too, with drug cartels and criminal syndicates that don't like the scrutiny that a free press provides on their illicit activities.

According to organizations like Reporters Without Borders, 2017 was perhaps the most dangerous year on record for journalists, and 2018 is not expected to be any different. We need to be aware of this and constantly vigilant to do our part to ensure journalists' safety and the flourishing of freedom of the press everywhere it can possibly exist.

So, to Austin's parents, I pledge: I will never give up until we find your son and bring him home safely. This week, we will pass another milestone—6 years—but hope that in the near future, the next milestone will be the day that marks Austin's return to the United States and to his family.

#### NOMINATION OF BRETT KAVANAUGH

Madam President, on a separate note, this week, we will continue the confirmation process for the nominee to fill the vacancy left by the retirement of Justice Anthony Kennedy from the U.S. Supreme Court. Of course, I am talking about Judge Brett Kavanaugh.

This last weekend, the Senate Judiciary Committee released to the public

another enormous batch of records from Judge Kavanaugh's service as a lawyer in the George W. Bush White House. It also released another 21,000 pages just last night. The office of President Bush has now produced more than 174,000 pages of material to the committee, and, of course, that is on top of the judge's judicial record, which has already been produced to the committee.

According to the Wall Street Journal, the White House has turned over more than 195,000 documents on Judge Kavanaugh—significantly more than were produced for either Justice Kagan or Justice Gorsuch. As Chairman GRASSLEY has pointed out, it is the largest cumulative production of executive branch material ever received in the course of evaluating a Supreme Court nominee.

These records, of course, are being reviewed as they are produced, in addition to the 307 opinions or cases in which Judge Kavanaugh wrote an opinion as an appeals court judge, as well as the hundreds more opinions that he joined as a member of the panel.

Once upon a time, our Democratic friends said that these opinions and cases were what mattered the most—not extraneous paper that bears no relevance to the judge's qualification or that he even had any input in. Perhaps our friend, the Democratic leader, remembers the standard he set with regard to documents during Justice Sotomayor's confirmation. He appropriately pointed out, "It is the judicial record, more than speeches and statements, more than personal background, that most accurately measures how modest a judicial nominee will be."

Of course, at the time, the discussion was whether judges respected their unique role in our government, one that came to be described as a modest role—in other words, not primarily as a policymaker. The point is, I agree with the comments made by our friend Senator SCHUMER that it is the judicial record that tells us the most about how a judge will perform once elevated to the U.S. Supreme Court.

At another point, the Democratic leader said, with regard to then-Judge Sotomayor that "we've heard precious little about the body and totality of your 17-year record on the bench, which everybody knows is the best way to evaluate a nominee." Again, I agree with him.

In one final instance, addressing Judge Sotomayor, he said: "I want to turn to your record on the bench, which I believe is the best way to get a sense of what your record will be on the bench in the future." Again, that is common sense.

Well, you heard it: The best way to get a sense for how a judge will perform in the future is how he or she has performed on the bench in the past, and that is according to our friend, Senator SCHUMER—not me, although I agree with him.

As I said, Democrats have 12 years' worth of cases and opinions from Judge Kavanaugh, and I hope they have started to look at them, but I am not so sure that is the case. I believe 20 Democrats have already come out against the nominee, so, apparently, they don't need to see anything else in order to reach a conclusion, and, as I have noted in the past, five of them came out against the nominee before he was even nominated, indicating, of course, that they would oppose anyone nominated by this President.

Now they have turned their tactics to making requests for more and more documents, even while the Washington Post describes their campaign to block Kavanaugh as "fizzling." The article said that our Democratic colleagues have all but acknowledged they are unable to prevent the confirmation, so you might ask: Why the paper chase?

The real answer is, that is all they have left. The Archivist, appointed by former President Obama, has stated that he cannot, nor can any current Archivist, change the law or longstanding and consistent practices when it comes to document production. There is no end run around this process. Of course, the Senate already has most, if not all, of the documents we need—many more, as I mentioned, than they had for either Justices Gorsuch or Kagan. What is going on exactly? I think I have indicated my opinion. It is all they have left.

During the time we were away from Washington this last week, Chairman GRASSLEY said the confirmation hearing for Judge Kavanaugh will begin on September 4, which will be 57 days after President Trump's announcement of the nomination. This is entirely consistent with Justices Sotomayor, Kagan, and Gorsuch. Hearings for those nominees occurred 48 or 49 days after the President's announcement.

We continue to hear new lines of attack developing or, I should say, trying to develop. One I have heard involved Judge Kavanaugh's role as Staff Secretary in the White House—an important job, to be sure, but one more like a traffic cop—in this case, for documents—than a substantive policymaker. As Staff Secretary, he didn't contribute to the documents. He didn't make the policy articulated in the documents. He just made sure they made their way, properly vetted, through the White House, to the President's desk for his signature. That is what the Staff Secretary does.

Others have said they wonder what role Judge Kavanaugh played in developing administration policy regarding detention and interrogation of suspected terrorists. I will answer that for them. The answer is none.

We have heard a few other objections being tossed around, and I will continue to address those in the coming days and weeks. Today I think the last word should go to a self-described liberal, feminist lawyer—that is what she called herself—who has argued more