

set our country down a new path of prosperity and freedom.

Senator Laxalt was a hero and a mentor to me and many others who grew up in Carson City.

Like Paul, my mother, my children, and I also went to Carson High School. I played on the basketball team, and my daughter Emmy was the student body president, following in Senator Laxalt's shoes.

Before my daughter Emmy took office, she reached out to previous Carson High School student body presidents to ask for their advice. Senator Laxalt was gracious and told her the following:

When I was elected as student body president, Franklin Roosevelt was the President of the United States. With World War II looming on the horizon, my fellow classmates and I had no idea how dramatically our lives would be altered in the next few years. Of course, the school itself was much different. I doubt there were more than 30 students in my entire class. Until my senior year, all classes—K through 12—were in the same building!

He then said:

I'm not entirely comfortable offering advice, particularly to someone who knows more than me! I would just tell you to have fun and enjoy every single day, remember those who elected you, and always do what you—Emmy Heller—think is right.

I know Emmy has never forgotten that advice.

Senator Laxalt set a high bar for all us kids who went to Carson High School but also showed us all the possibilities of what could be achieved as Nevadans.

When I was sworn in as a freshman Member of the House of Representatives, Senator Laxalt was there for me on day one. I will never forget his support and his advice: Always stay close to family, friends, and your constituents. They will never lead you astray.

Having been a Presidential campaign adviser to President Reagan, President Bush, and Senator Dole, Senator Laxalt's advice carried great weight, and I knew I needed to listen to every piece of advice he was willing to give me.

Senator Laxalt also had a profound impact on many of my colleagues in the Senate. It didn't matter whether you were a Democrat or Republican, Senator Laxalt would be your friend. In fact, on my very first day as a Senator, I remember my colleague Senator LEAHY telling me about all of his work and his fond memories of his friend Senator Laxalt.

Senator Laxalt showed us all what true friendship is. His character and warmth that he shared with all of us will never be forgotten. I extend my deepest condolences to Senator Laxalt's wife Carol and to their entire family. I will miss my friend Senator Laxalt. His colleagues in the Senate will miss their friend, and the people of Nevada will miss their friend.

Madam President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### APPROPRIATIONS

Mr. SCHUMER. Madam President, as the Senate continues to work on appropriations, I want to thank the chairman, Senator SHELBY, and the ranking member, Senator LEAHY, for their work. The process has so far been productive and bipartisan in the Senate. Both sides have worked to avoid poison pill riders. That has meant steady progress. Next up are the annual appropriations bills for the Departments of Labor, Health and Human Services, and Defense, which I hope will follow the same bipartisan course of the previous few bills.

We have already achieved substantial increases in funding for important priorities through the appropriations process, including significant new resources for the NIH, significant new resources to combat the opioid epidemic, and significant new investments in infrastructure, childcare, college affordability, Social Security, and the VA. That is a big victory for the American people, who have waited too long for our country to invest in them.

Middle-class people are worried about staying in the middle class. People trying to get to the middle class are worried—the ladder is steeper and longer. These kinds of things help them: college affordability, help with childcare, building infrastructure, making sure Social Security is around. All of that helps the middle class. For years, a hard-right group on the Republican side cut the smithereens out of these things, but this year, we managed to restore them. The American people will do a lot better because of it.

#### NDA

Mr. SCHUMER. Madam President, I am happy to report that the annual authorization of the national defense was signed into law. I want to take a moment to thank a colleague who is not here today to celebrate that fact—Senator JOHN S. MCCAIN, for whom the bill has been named. Our dear friend Senator MCCAIN has been such a stalwart champion for the men and women in uniform. He would be proud that once again Congress has met its obligation to give the military the support and certainty it needs to conduct missions around the globe.

Even from afar, Senator MCCAIN's influence on this Chamber is considerable and strong. His presence hovered over us as we all made sure—knowing he would importune us, if he were here, to make sure the Defense bill was strong and voted on quickly. So many of the bases in my State—including our Niagara Air Force base, including our Fort Drum—are so much the better because of JOHN MCCAIN's great work. I

wish him all the best and commend his staff and Senator INHOFE's and Senator REED's staff for their work on the John S. McCain National Defense Authorization Act.

#### NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Madam President, on the Supreme Court, as we return from the State work period, the Republican majority continues to steam forward on President Trump's nomination to the Supreme Court, announcing that hearings will begin on September 4. That is just 12 business days from today. Yet the Senate remains unable to do its due diligence on the nominee because we have access to only a tiny percentage of his record.

Why is this? Senate Republicans are in the midst of a blatant and historic obstruction of a Supreme Court nominee's record, denying the Senate and the American people critical information about this potential Supreme Court Justice.

The entire record of Judge Kavanaugh's 3 years as Staff Secretary in the White House—the most senior position he held before joining the bench—is being deliberately withheld from the Senate and from the public. The Republican majority has unilaterally declared those papers irrelevant even though Judge Kavanaugh himself has testified to the importance of the position and the work he did there.

Meanwhile, the small percentage of documents the Judiciary Committee will get to see are being prescreened by a political operative named Bill Burck—a longtime Republican lawyer and former deputy to Brett Kavanaugh when he worked in the White House. A deputy to Brett Kavanaugh is now determining what Brett Kavanaugh's record should be there—somebody who was a lawyer for Steve Bannon—notorious Steve Bannon—a lawyer for Reince Priebus, a lawyer for McGahn, White House Counsel.

Mr. Burck and his team have already started delivering documents to the Judiciary Committee, but they are refusing to provide a privilege log. Why are they giving us this document and not that one? Aren't we entitled to know what their reasoning, at least, is? So the Judiciary Committee cannot understand how many documents are being held back and on what basis. A privilege log has always been provided in previous Supreme Court vetting processes, and without it, we have no idea whether the basis for Mr. Burck's withholding all of these documents is legitimate.

Where is our chairman of the Judiciary Committee? He says: Oh, this is the best ever. Then why aren't we getting such a log? What is his answer to that? I know he will come to the floor and rail and rail, but the process—the actual facts—is much worse than we have seen.

Here is something new—also being done by the chairman of the Judiciary

Committee. One-third of the documents we are getting, which is a small percentage of the total documents, are being deemed as “committee confidential” by the majority and have not been released, stacking an additional layer of secrecy on top of multiple layers of existing secrecy.

Why are I and my staff and the other 79 Senators not on the Judiciary Committee being denied the ability to review so many of these documents that have been given to the Judiciary Committee? What are the Republicans on the Judiciary Committee hiding? The moniker “committee confidential” sounds like another way to shield Judge Kavanaugh’s record from the eyes of the American people and the Senate, and we have no knowledge of why these documents are being withheld.

Even the National Archives—non-partisan and neutral—felt compelled to release a statement about this process. They are usually very quiet. They are archivists. They go ahead and do their job. They felt that what was going on was wrong. You can tell by the statement they released. The Archives clarified that Burck’s review of Kavanaugh’s records is “a separate review—completely apart from the National Archives and the George W. Bush Presidential Library’s efforts. This effort by former President Bush does not represent the National Archives or the George W. Bush Presidential Library.” That is what the archivists said. They are separating themselves from such a secretive, non-democratic process. For a down-the-middle organization like the National Archives—very reluctant to comment on political matters—to put out a statement like this goes to show how far the Republicans and Chairman GRASSLEY have departed from precedent.

The obstruction here is shocking. Everywhere you look, Republicans are deciding what constitutes the proper review of a nominee chosen by a Republican President. Republicans have unilaterally decided what documents are relevant to the Senate. Republican lawyers are the ones combing through those documents and deciding unilaterally which can be released to the Senate. The Republican majority and the chairman of the Judiciary Committee are then deciding unilaterally which of those documents remain under the committee’s lock and key. It is like letting only the defendant in a lawsuit decide what evidence is admissible. Let me say that again. This is exactly like letting only the defendant in a lawsuit decide what evidence to admit. It would be a rigged trial. That is what is happening here.

It seems as though the Republicans are trying to rush Judge Kavanaugh through with as little scrutiny as possible because they know there are some troubling beliefs in his history. Think about what we already know. Judge Kavanaugh has written opinions skep-

tical of our healthcare, reproductive rights, and even the contraceptive coverage requirement. On this issue, he is far to the right of the American people. That is maybe why our Republican friends don’t want people to know his views. He has argued that Presidents should effectively be above the law; that they should be immune from civil and criminal investigations while in office; that Presidents can decline to enforce a law they deem unconstitutional, even if a court has held it constitutional; that Presidents should be able to reach into independent Federal agencies to hire and fire the heads of those agencies at will. He rules almost reflexively against actions by Federal agencies, whether it is net neutrality, environmental protections, or dark money.

That is another one. He seems to agree with the Citizens United decision and would seem to allow dark money—poisoning our politics, leaving American people with little faith in government, that they will have an influence—to have greater influence than ever.

This isn’t just about allowing the Senate to review documents for the sake of it; we need to scrutinize Judge Kavanaugh’s record because his beliefs will matter a great deal in the decades ahead, if he gets approved, on issues ranging from healthcare, to women’s reproductive rights, to Executive power and accountability.

Rudy Giuliani, the President’s lawyer, just declared that the President may not decide to comply with a subpoena issued by the special counsel or whomever. A court case on this matter could reach the Supreme Court. So this isn’t a hypothetical case; it is well within the realm of possibility that the Supreme Court will have to decide whether President Trump, who has shown so little respect for rule of law, will have to comply with a duly issued subpoena. So it really matters what Brett Kavanaugh thinks about this.

Before we elevate someone to the Supreme Court who may have to rule on the issue of Presidential subpoenas, don’t the Senate and American people deserve to know what the nominee thinks? This is just one of many reasons the Senate and the public must be able to review the nominee’s full record.

There must be a reason Republicans are so intent on hiding this nominee’s record and rushing through his confirmation. What are they hiding? What are they hiding? What are they afraid of? I think they realize that if the American people knew exactly how Judge Kavanaugh felt before he became a judge, they might not want him to be there.

Republicans demanded all of Elena Kagan’s documents, and Democrats agreed to request them. Again, we have this hairsplitting argument by the chairman of the Judiciary Committee. He says: We are giving more documents before—it is the percentage of docu-

ments that matter. Are you seeing the whole record or only part of the record? Some people have bigger records than others. Kagan—we Democrats in the majority, when our Republican friends, including the Senator from Iowa, asked, gave them the whole record. That is what we should be getting as well.

In fact, Republicans, including the distinguished majority leader, demanded all of Judge Sotomayor’s records, including documents from her time as district attorney and even her records as a board member of the Puerto Rican Legal Defense Fund. We agreed. But now they have totally changed the rules. And I understand. The chairman of the Judiciary Committee is a decent man, and when he has to do things like this, he doesn’t like it. But he ought to rise to the occasion.

What they are doing is flat-out wrong. The American people deserve a methodical and thorough examination of a nominee who will yield immense influence over their lives for generations. The Republican majority seems intent on denying the American people that basic right.

I yield the floor, and I suggest the absence of a quorum.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Madam President, I rise to discuss the confirmation process for Judge Brett Kavanaugh. For the last few weeks, Democrats have complained endlessly about documents. First, they said there weren’t enough documents. Then, when the Judiciary Committee released a recordbreaking number of documents, Democrats complained there wasn’t enough time to review them all. They then complained that the documents were not public. When we made the documents public, the Democrats were disappointed to find they contained no smoking gun. There has been much ado about documents, but in the end it is much ado about nothing.

One thing I have heard many of my colleagues say is, because we reviewed all of Justice Elena Kagan’s records from her time in the executive branch, we must review every last scrap of paper that crossed Judge Kavanaugh’s desk while he was in the executive branch. That just isn’t so.

When Justice Kagan was nominated, the Senate did not ask for, nor did it receive, all of her records from her time in the Obama administration. In fact, the Senate never requested, and the Obama administration never provided, any of Justice Kagan’s records from her time as Solicitor General.