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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, August 21, 2018, at 12:30 p.m.

Senate

MONDAY, AUGUST 20, 2018

The Senate met at 3 p.m. and was called to order by the Honorable TODD YOUNG, a Senator from the State of Indiana.

PRAYER

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

Let us pray.

Eternal Lord God, Your never failing providence sets in order all things both in Heaven and Earth. Thank You for providing comfort to all who seek You. We are grateful for Your promises to supply all our needs and to keep us from stumbling or slipping.

Lord, bless our lawmakers, inspiring them to trust in Your mighty power. Remind them that righteousness is the only true national defense and that those who walk in integrity travel securely.

Eternal God, we place our future in Your hands. Help us to live by faith so that our actions will receive Your approval. And, Lord, we ask You to comfort those who mourn Aretha Franklin's death. We are also grateful to You for the life and legacy of Kofi Annan.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 20, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TODD YOUNG, a Senator from the State of Indiana, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. YOUNG thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

APPROPRIATIONS BILLS

Mr. McCONNELL. Mr. President, last week the Senate turned to a critically important pair of appropriations bills—those which encompass the Departments of Defense, Labor, Health and Human Services, and Education. And we proceeded to this legislation by unanimous consent. That may seem like a small detail in the scheme of things, but it underscores a fact that should be a real source of pride for this Senate: Bill by bill, we are rebuilding a

regular process for responsibly appropriating taxpayers' money. We are achieving what we set out to do, and we are doing it together.

Because of the leadership of Chairman SHELBY, Senator LEAHY, and our subcommittee chairs and ranking members, all 12 appropriations bills for this fiscal year were reported out prior to the July 4th recess. The process was so bipartisan that, cumulatively across all 12 bills, the committee votes were 363 to 9.

Here on the floor, we have already approved—with bipartisan support—measures to fund Energy and Water Development, Military Construction, Veterans Affairs, Transportation, Housing and Urban Development, Interior, Environment, Agriculture, and other priorities.

We have had a normal committee process. We have had amendment votes here on the floor of the Senate. We have considered these bills thoroughly but efficiently and then passed each of them with bipartisan majorities. That is exactly the momentum we need to keep up right now.

The legislation now before us will be a major milestone. It addresses vital priorities: a pay raise for our troops, plus funding for their missions and work to restore combat readiness, training programs for American workers, and new tools for combating the opioid epidemic. These bills will bring billions of dollars and resources and relief to the families and communities that are fighting every day against the crisis of drug abuse and addiction that has inflicted so much pain on our country. I will have more to say this week

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



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on the important things this legislation will accomplish, but first I want to pause and take stock of our progress.

When we finish and pass the legislation before us, we will have approved 9 of the 12 bills to appropriate money for the government. Together, they will account for more than 87 percent of the discretionary spending for next year, and it will be the first time in 15 years that the Senate will have passed the Labor-HHS-Education appropriations bill before the start of the fiscal year.

I am glad we will be voting on a pair of amendments later this afternoon, and I hope that, with consent, we will be able to vote on more amendments this week. Then I will look forward to passing this legislation for our servicemembers and for middle-class families across our country.

ECONOMIC GROWTH

Mr. McCONNELL. Mr. President, now on another matter, if I sound like a broken record discussing the pro-growth, pro-worker trend in our Nation's economy, it is because the headlines continue to roll in faster than I can relate them.

Here is one headline from last week: "Small-business confidence hits another record high." And one industry survey reports more optimism among small business owners this month than at any time in the past 35 years.

Another headline: "U.S. jobless claims fall for a second straight week." That one comes not long after the number of Americans filing for unemployment benefits hit a 49-year low last month.

And another: "U.S. retail sales increase strongly in July." In fact, they are up 6.4 percent over 1 year ago.

An economy that is expanding, bringing more people into the workforce, and encouraging investment at all levels—reports like these are exactly what Republicans had in mind when we began implementing our pro-growth, pro-opportunity agenda last year.

But while we worked to pass the historic tax reform and regulatory reforms that are helping create these conditions, our Democratic colleagues offered up a different set of predictions. They shared our belief that 2018 would be a headline-making year for the U.S. economy, but they insisted the headlines would be catastrophic. The House Democratic leader talked about "Armageddon." My friend, the Senate Democratic leader, proclaimed that "nothing"—nothing—in tax reform was "suited to the needs of the American worker."

I don't think I have heard my friends revisit those arguments recently.

I haven't heard too many Democrats eager to remind middle-class American families and small business owners that every single Democrat in the House and in the Senate tried to kill their tax cuts with completely partisan opposition.

But Republicans were undeterred. We pressed on and got tax reform and so many other pro-growth policies accomplished for the American people.

And now, unlike our friends across the aisle, we are talking about these victories practically every day. American enterprise, American ingenuity, and the talent and work ethic of our people are what made these headlines happen. Republicans are just proud we could play a part by getting Washington's foot off the brake and leaving them more free to build their lives and pursue their happiness.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, as we continue the review of the nomination of Brett Kavanaugh to the Supreme Court, let's recap what we already know about the judge.

Judge Kavanaugh's judicial opinions reveal a man skeptical about our healthcare laws, reproductive rights, contraceptive coverage, and the basic powers and independence of Federal agencies. His public speeches and writings reveal a man with a nearly unbounded, almost monarchical view of Executive power, and yet an incredibly limited interpretation of Executive accountability. Those beliefs are profoundly troubling at any moment in time, but they are particularly troubling at this moment in time as the President of the United States routinely belittles the rule of law and as his lawyers pronounce that they will fight a duly authorized subpoena—a subpoena that has been obeyed in the past by previous Presidents.

There is still much about Judge Kavanaugh we don't know because Senate Republicans have engaged in a blatant, historic obstruction of a large portion of his record.

First, Chairman GRASSLEY broke with tradition and fired off a one-sided, partisan request for documents. Senator FEINSTEIN is known as the most reasonable of Members, and if she couldn't join with Senator GRASSLEY in a request for documents, clearly, it indicates how biased that request was.

Chairman GRASSLEY unilaterally declared papers from Judge Kavanaugh's time as Staff Secretary irrelevant,

even though those documents constitute the bulk of Judge Kavanaugh's record, and Judge Kavanaugh himself has said those years were among the most instructive as to his work as a judge.

They keep chipping away at what we are allowed to see, what the American public is allowed to see about Judge Kavanaugh. Then it was revealed that a small percentage of the documents we will receive are being prescreened by a political operative named Bill Burck, a longtime Republican lawyer and former deputy to Brett Kavanaugh—a man who has counted among his clients Steve Bannon, Reince Priebus, and Don McGahn. This man is hardly a fount of impartiality. He is a partisan. Mr. Burck also refuses to provide us with a log of the documents he has withheld.

Why are you withholding this one but not this one? No one is going to know.

Could it be that some of the information being withheld would be embarrassing to Judge Kavanaugh or, at the very least, harmful to his quest to become a Supreme Court Justice? Possibly. The American people have a right to know.

We have been denied the opportunity to evaluate whether the documents are being withheld for legitimate or self-interested purposes by a lawyer who is clearly a partisan.

That is two layers of obfuscation already. First, we are not allowed to see the most important documents of Judge Kavanaugh's time as Secretary. Second, of the counsel documents, which are a small percentage of his total documents, those are being prescreened by a Republican lawyer, not an impartial observer, who tells us which ones we can have and which ones we can't, without giving us any reason as to why one is OK and one isn't.

To make matters worse, Chairman GRASSLEY has added a third level of withholding documents. He has declared that one-third of the small prescreened universe of documents only from the counsel's office, only prescreened by Burck—that wasn't good enough for people who want to avoid Judge Kavanaugh's record coming out in full. So those are now deemed "committee confidential," meaning no one outside of the Judiciary Committee, not even other Senators, can see those documents, at least by Chairman GRASSLEY's determination. It is outrageous.

Chairman GRASSLEY is usually a fair-minded man. I have enjoyed working with him on many issues. We are the two Charles E's of the Senate. We carry, for instance, rural hospital legislation all the time and help our rural hospitals. When it comes to this area, Chairman GRASSLEY's actions are manifestly unfair, not typical of his character. I understand the pressures he is under, but that doesn't forgive the result.

Withholding documents from the Senate and the American people under