

the bogus label of “committee confidential” is a dark development for the Senate. “Committee confidential,” by the way, means that Senators on the Judiciary Committee can see the documents, but they can’t tell anyone about it—not their fellow Senators, not the American people. Why shouldn’t the American people see them? There are key issues here that we need to understand better.

On Friday, three of my colleagues raised questions about Judge Kavanaugh’s truthfulness regarding testimony he gave about the Bush administration’s post 9/11 terrorism policies in 2006. We need to understand the issue better, and we also need to know what he thought about the Bush administration’s efforts on warrantless wiretapping, efforts to curtail reproductive rights, and more. He testified in 2006, when he was nominated to join the DC Circuit, and we have to see if he was being truthful. This is such an important position, the Supreme Court. We should see those. The American people should.

Locking up documents in committee, even on those important issues, is an affront to transparency, openness, and to the basic integrity of the confirmation process. We have been given no reason—no legitimate reason—why the committee confidential documents are acceptable for some Senators but not others to see.

My understanding of the Senate rules is that every Senator has the right to access documents in the possession of a Senate committee, any Senate committee. I am now going to ask the Chair to confirm that understanding.

Mr. President, am I correct that under Rule 26.10(a) of the Standing Rules of the Senate, all committee records are the property of the Senate as a whole and that all Senators “shall have access to such records”?

The ACTING PRESIDENT pro tempore. That is, in fact, in part how the rule reads.

Mr. SCHUMER. Thank you. The words say “shall have access to those records.”

Is there anything that undoes those words in the rules?

The ACTING PRESIDENT pro tempore. Will the Senator restate the question?

Mr. SCHUMER. Yes. I asked if, under the rules, all committee Senate records are the property of the Senate as a whole and that all Senators shall have access to those records—shall have access.

The Presiding Officer said: Yes, those are, in part, the rules. Of course, those are not all of the rules.

Is there anything the Presiding Officer knows in the rules that would undercut that ruling in the Senate rules?

The ACTING PRESIDENT pro tempore. Rule 10(a) reads as follows:

All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman

of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

Mr. SCHUMER. Fine. Then it is clear there is nothing that undercuts—I appreciate the Chair’s reading of the entire rule. Nothing in the rest of the rule undercuts what I have said, obviously.

Based on your ruling—the ruling of the Chair—I will therefore be submitting a request to the chairman and the ranking member of the Judiciary Committee for access by all Senators to all of the Kavanaugh documents in the possession of the committee. This request will include approximately 81,000 pages of documents that have been deemed “committee confidential” by the private lawyer, Mr. Burck, and by the chairman of the committee, Senator GRASSLEY. My colleagues should do the same.

Again, the purpose here isn’t dilatory. We will work hard, day and night, to go through these documents to see if anything worth questioning Judge Kavanaugh arises in them. We certainly have that right, by the rules of the Senate, and I am glad the Chair so interpreted it.

This is not just about rules or about having more reading material. This is about the Senate, and by extension the American people, understanding the stakes and consequences of elevating Judge Kavanaugh to a lifetime appointment on our Nation’s highest Court. This is about our constitutional duty to advise and consent on a Supreme Court nominee. Senators cannot do that in an informed manner without fair and full access to a nominee’s record. And, of course, the Constitution assigns this duty to Senators on behalf of the American people. Without access to the nominee’s record, the American people will be in the dark. That is unacceptable.

REVOKING SECURITY CLEARANCES

Mr. SCHUMER. Finally, on another matter—I see that my colleague from Vermont, who, incidentally, is doing an excellent job on the appropriations bills, which I believe he will want to discuss—is waiting. One more matter: Last week, the Trump administration announced it was revoking the security clearance of a former Director of the CIA. The action was taken not after a thorough review of the security clearance process. It did not affect a new policy. The revocation of the former CIA Director’s security clearance was a gratuitous act of political retribution taken out of spite and malice—sometimes, unfortunately, attributes the President shows. It was an attempt to silence critics of the President—something the President regularly tries to do, usually unsuccessfully.

My Republican colleague, Senator CORKER, said this in July about the

possibility of President Trump’s revoking security clearances. This is Republican Senator BOB CORKER, a well-respected man in America. He said:

When you’re going to start taking retribution against people who are your political enemies . . . that’s the kind of thing that happens in Venezuela. . . . it’s a banana republic kind of thing.

Senator CORKER is right. The abuse of the powers of public office to silence critics and punish political enemies is exactly what goes on in dictatorships, in banana republics. We are not one of those, thank God.

Then we found out on Saturday that the President is openly considering reaching into the Justice Department to revoke security clearances of a current career professional—this professional that the President mentioned works drug cases, anti-gang cases—based solely on rumors and innuendo spread by the chairman of the House Intelligence Committee—hardly a credible source—and spurious other sources. Revoking the clearance of current Justice Department officials without cause is so far out of bounds for what can be considered the proper use of Presidential power that it is appalling. The words of Senator CORKER are even more strongly felt.

What is next? Will President Trump decide to revoke the security clearance of everyone working for Special Counsel Mueller because he thinks it is in his craven political interest? There is enormous potential for gross abuse of Presidential power.

Congress, on a bipartisan basis, ought to make sure the President does not politicize the security clearance policy. Revoking a security clearance is a decision that should be done for national security reasons and national security reasons alone.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6157, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Pending:

Shelby amendment No. 3695, in the nature of a substitute.

McConnell (for Shelby) amendment No. 3699 (to amendment No. 3695), of a perfecting nature.

McConnell (for Menendez/Murkowski) amendment No. 3705 (to amendment No. 3695), to provide funding for the Firefighter Cancer Registry Act of 2018.

McConnell (for Fischer) amendment No. 3706 (to amendment No. 3695), to appropriate an additional \$10,000,000 for Operation and Maintenance, Defense-Wide for POW/MIA identification within the Defense Personnel Accounting Agency, and to provide an offset.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know that Senator SHELBY has spoken before and is going to speak again. I also know we are coming up on the time for some votes. Let me speak in my capacity as vice chairman of the Senate Appropriations Committee.

Today, as you know, the Senate begins consideration of the Defense and Labor, Health and Human Services, Education, and Related Agencies omnibus appropriations bill. This will actually be the third appropriations package brought to the Senate floor this year. Once we complete action, the Senate will have passed 9 of the 12 committee-reported appropriations bills for the fiscal year 2019. It is certainly much faster than has been done in years.

I want to thank Chairman SHELBY for his commitment to a bipartisan process. That and the fact we have been friends for decades have made this progress possible. I also want to thank Senators BLUNT, MURRAY, and DURBIN for their work on these bills—again, a bipartisan effort. I think the bipartisan progress is due to the Shelby-Leahy-McConnell-Schumer commitment to move forward on appropriations bills that have bipartisan support, are at spending levels agreed to in the bipartisan budget deal, and reject poison pill riders and controversial authorizing language. The two bills in this package meet this test.

The omnibus before us represents 65 percent of all discretionary spending, but it also demonstrates the importance of the bipartisan budget agreement reached earlier this year. In this package, we see the priorities outlined in that agreement made into real policy to improve the lives of Americans.

It is no secret that the Budget Control Act of 2011 and the resulting sequestration cuts damaged our military readiness, resulting in canceled deployments and deferred maintenance.

It was in July of last year, I remind my fellow Senators, that Secretary Mattis testified before the Senate Appropriations Committee, and he said that “for all the heartache caused by the loss of our troops during these wars, no enemy in the field has done more to harm the readiness of our military than sequestration.”

But damage to our military readiness was not the only consequence of the Budget Control Act. Sequestration has led to schools that fail to prepare students for a challenging world, a steep decline in Federal investment for job training and employment services, healthcare crises left unaddressed, and childcare services eroded.

In fact, when thinking of the defense budget, it was reported in 2017 that 7 out of 10 people—7 out of 10—ages 17 to 24 in America would not qualify for military service because of reasons related to their physical health or education. That means that 24 million out of 34 million young adults are ineligible due to obesity and other health problems or criminal backgrounds or lack of education.

Now, if you want to talk about national security, that strikes at it. This statistic should make it alarmingly clear that investments in our domestic priorities, such as healthcare and education, are also national security investments, and the military agrees with that. That is why we fought so hard for a budget deal to reverse the cuts on both defense and nondefense programs.

But now we have reached a bipartisan budget deal, and because of it, the defense appropriations bill before us gives the men and women of our Armed Services the resources they need to carry out the missions effectively and safely. That is a goal that both Republicans and Democrats have shared throughout this process.

The LHHS bill makes important new investments in healthcare and education. It increases funding for the National Institutes of Health by \$5 billion over fiscal year 2017 so they can aggressively pursue cures for diseases like cancer, diabetes, and Alzheimer's. It backs our commitment to increase access to higher education by increasing college affordability spending by \$2.3 billion over fiscal year 2017. By increasing access to childcare by \$3.2 billion over fiscal year 2017, it supports working families and communities in every part of our country.

In doing this, we have rejected the President's shortsighted budget proposals, which would have cut important programs in the LHHS bill by \$12.5 billion from fiscal year 2018 funding level.

Now, we take into consideration our immediate national security needs, but you can't just stop there, you have to think about the future of the country. The deep ties that run between defense and nondefense priorities make it fitting that we take up these two bills together, and I applaud the chairman for doing that. By combining these bills into one package, we increase the certainty that they will be enacted into law on time and will avoid the devastating effect of long-term continuing resolutions.

I urge our House counterparts, when they come back to Washington, to commit, as we have, to producing a conference report that contains both bills so that we can move swiftly toward final passage.

Finally, I wish to highlight the new funding in this bill that helps our country address the scourge of opioids.

Every Member in this Chamber has seen the toll this epidemic has taken on their States. In 2017, 72,000 people—

a 10-percent increase over 2016—lost their lives to drug overdoses in the opioid epidemic. In that 1 year, more lives were lost than in the entirety of the Vietnam War. Just think of that: 72,000 people in the opioid scourge.

Now, I know Marcelle and I hear frequently from Vermonters recovering from opioid abuse, but we also hear in the grocery stores, at our church, or on the streets of Vermont from families talking about a member who did not recover and talking about their funeral.

Marcelle is a nurse, and I am a former prosecutor.

Some of these tales have brought us to tears because these are men and women with the same hopes and dreams shared by all Americans. That is why I say that mothers and fathers see us and say: We want to talk to you. They have tears streaming from their eyes. We know what we are going to hear—that they have lost children to this epidemic.

This has touched the lives of every American: Black, White, rich, poor, urban, and rural. It is an American problem. It affects all of us. This package represents a second installment in investing in serious solutions.

We invest \$3 billion in new resources over fiscal year 2017 to address this crisis. This is on top of roughly \$500 million in additional funding contained in other appropriations bills and similar funding levels in the fiscal year 2018 omnibus. But it is because of the bipartisan budget deal that these new investments will surpass \$6 billion over 2 years.

Of course there is more we can do to help those Americans who are trying to pull themselves out of addiction and turn their lives around or to keep their children alive, but this is a good start. I think it is a start the American people can be proud of. It is not a Democratic plan, and it is not a Republican plan. It is an American plan, and that should unite us all.

Mr. President, I see my dear friend from Alabama, the distinguished chairman, on the floor, and I yield to him.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, this afternoon, as most of us realize now, the Senate has begun debate on amendments to the fiscal year 2019 Defense-Labor-HHS appropriations bill. These are the two largest bills to come out of the Appropriations Committee as a whole. Both of them together make up a great part of all of the appropriations process and the numbers.

At the end of last week here, I offered a more detailed outline of the critical funding of this bill for America's military. So I will not repeat myself on that. Today, I simply wish to remind my colleagues of what is at stake with this legislation and our path to success, hopefully, this week.

First and foremost, our national security is at stake. Earlier this year, the President signed into law the largest increase in military spending in 15

years. This legislation accelerates that increase and provides our men and women in uniform with the largest pay raise they have seen in nearly a decade. So the No. 1 thing at stake here is rebuilding our military and taking care of our troops.

This bill also provides for a wide range of critical domestic priorities, including education, medical research, and funding to combat the opioid epidemic. All are very important to America.

Recent history suggests that we face a tall task in passing these bills on the Senate floor. The Senate has not passed a Labor-HHS appropriations bill in more than 10 years. It has been even longer since the President was able to sign a Defense appropriations bill into law before the end of the fiscal year, which ends September 30.

Why? Because in the past, poison pills have blown up the process or foreclosed it altogether. I appreciate that one Senator's poison pill is often another Senator's priority, but I strongly urge my colleagues today to focus on accomplishing the big picture priorities that I have underscored here. We know where the fault lines run, and I hope we can avoid them.

There are reasons to believe that this year will be a different year and that we will produce a different outcome. First among them, there is a unified desire to avoid another omnibus spending bill. Second, we come to the floor this week on the heels of a string of recent successes in passing appropriation bills. Third, each of the bills in this package passed the Appropriations Committee by a vote of 30-1.

These factors paved the way for the full Senate to consider this package, and I want to take a minute to thank the leaders on both sides, Senator MCCONNELL and Senator SCHUMER, for agreeing to bring this bill to the floor.

I also want to thank the vice chairman of the Appropriations Committee, Senator LEAHY, for sticking to the agreement he and I made to move these bills in a bipartisan manner.

Mr. Vice Chairman, you are here on the floor. We would not be in this position without your efforts. I want you to know how much I appreciate that. I want you to know how much I believe that most of the Senate appreciates that.

I say to my colleagues, we collectively call for regular order in the appropriations process, and now we have it. I am optimistic that we will continue to show the American people that we are here to work, and that means debating and disposing of amendments, passing appropriation bills, and accomplishing the job they sent us here to do.

I hope my optimism is not misplaced. The stakes are simply too high. We have a lot to do this week, but we can do it.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. NELSON. 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.

EARLY VOTING IN FLORIDA

Mr. NELSON. Mr. President, folks are voting today in Florida. As a matter of fact, they have been voting for some weeks since Florida started voting by mail, which started a couple of weeks ago. They are voting in early voting—a period of time of up to 2 weeks prior to the August 28 primary. They are voting early in these elections. They are exercising their most fundamental right, which is to vote.

Of course, there is so much at stake for Florida and our country in this year's elections. Last month, a Federal judge in Florida overturned a 2014 ban on early voting, and it was a ban on college campuses. Back in 2014, the legislature passed and the Governor signed into law a series of restrictions to make it harder to vote instead of easier. One of them, which was then implemented by the Division of Elections—secretary of state—was that there could not be a voting place on a college campus. Well, we have State universities, just as other States do, that have huge numbers of students. Of course, if you want to make it easier for students to vote, instead of their having to go out in the community, it is quite logical to have a place for them to vote on the campus.

Well, there was an attempt in the past to ban the voting. The particular case I weighed in on a few years ago was one in which they were banning voting from the student union building at the University of Florida in Gainesville—a campus, by the way, that enrolls some tens of thousands of students. In a scathing opinion, a Federal judge overturned that ruling, saying that the ban by Florida law was unconstitutional and that it seemed to put in place a prohibition on a geographical location for voting as a means by which to hinder younger voters—specifically, students—from casting their ballots.

Because of the Federal judge's ruling, there will now be an early voting location on the campus of the University of Florida for the upcoming general election this coming November. According to press reports, it doesn't look as though that is going to be the case in all places around Florida's colleges and universities. We just read a newspaper report that said that the supervisor of elections in Duval County—that is Jacksonville—says he might not be able to set up an early voting location on the campus of the University of Florida in time for the general election due to logistical and financial concerns. I hope that the Federal judge's ruling in this case makes very clear his displeasure about not making it convenient for students to vote by refusing

to set up a precinct on the university campus location. I am hopeful that the logistical and other issues can be resolved as quickly as possible and that Florida's universities can host early voting during the general election.

Early voting is key to ensuring access to the ballot for all voters. We have found that with early voting and voting by mail, increasingly larger percentages of the voting electorate are utilizing that opportunity to vote instead of waiting until the last day, election day, November 6. Unfortunately, we have seen some efforts in Florida over the last decade to curb access to early voting, particularly among young, low-income, and minority voters. We ought to make it easier to vote, not harder.

I hope that in the multiplicity of universities and colleges all around Florida, that the supervisors of elections will pay attention to the Federal judge's ruling and act accordingly.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will 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.

Mr. CORNYN. Madam President, it is August, and the Senate is in session getting the people's work done. As the majority leader said last week, the reason we can't afford to take this time off is because we have so much to do.

Of course, one of the things we could do is agree to an expedited confirmation of noncontroversial nominations—something our Democratic friends have not been willing to do to this point. Indeed, they engaged in unprecedented obstruction of some of President Trump's nominees, even those who are not controversial. For example, we just confirmed two Federal appellate court judges in a strong bipartisan manner last week. These, of course, were both highly distinguished lawyers, and I am sure they will do a great job on the Fourth Circuit. When we see nominations get overwhelmingly bipartisan votes, we wonder why we had to delay these nominations not only for the judiciary but also other important nominations, such as at the State Department and in other areas. Frankly, because of the delay, the vacancies impair the ability of government to be responsive to the needs of the American people. It is a shame we have seen that kind of mindless obstruction to President Trump's nominees who, again, are not even controversial.

While we focus sometimes on how divided we are—and I know the American people sometimes feel like we are unwilling to find common ground—it is not true that we don't occasionally come together and do important things. This week marks the continued collaboration between Republicans and Democrats that started last week when we agreed to address two important

funding bills. One is for the Department of Defense, which is my personal priority, and I know the Presiding Officer would agree with that. The other involves Labor, Health and Human Services, and Education, which I will mention in just a moment.

Working together to do both of these appropriations bills is something the New York Times described as a bipartisan breakthrough because, in the past, we lurched from continuing resolution to Omnibus appropriations bills, much to the frustration of not only our constituents but many of us in the Senate.

We have seen continuing resolutions underfund our national security, for example. We have seen gargantuan Omnibus appropriations bills that basically four Members of Congress negotiate and then present to the rest of us as a fait accompli, which is obviously a terrible way to spend the people's money, but I believe we are doing something good here this week.

These appropriations bills are the two largest of all the appropriations bills. After we pass them this week, we will have passed 9 of the 12 appropriations bills, which fund 87 percent of discretionary spending. Doing this with more than a month before the end of the fiscal year is something we haven't done in a long time. We are ahead of the House, which usually moves at a fast clip—although, we are here working, and the House is taking a little time off, I might add.

I offer my appreciation to Chairman SHELBY, chairman of the Appropriations Committee, and Ranking Member Vice Chairman LEAHY, whom I was just talking to. He was telling me about how pretty the weather is in Vermont and how much he would like to be there instead of here, perhaps, after we finish this bill. I told him if he helped us work on some of this backlog of nominations, maybe that was something we could discuss.

I would like to congratulate both Chairman SHELBY and Vice Chairman LEAHY for their good work, on a bipartisan basis, facilitating a smooth process so far. As I said, there have been seven of them, and the chairman managed to mark up each prior to the Fourth of July State work period. They have done a good job of managing the bills on the floor and avoiding a quagmire—which, if encountered, would only kill the process.

I would like to highlight a few of the aspects of each appropriations bill we will be working on this week. In the Defense bill, we will be including a provision requiring the Department of Defense to issue two reports to Congress on the implementation of a bill called Fix NICS. To refresh everybody's memory, this was a piece of legislation we passed with broad bipartisan support that went to the President. I introduced it in light of the shooting last fall in Sutherland Springs, TX, that killed 26 people and wounded about 20 more. The gunman in that case had

been in the Air Force and was discharged, but his criminal convictions while he served in the Air Force were not uploaded into the relevant FBI databases. That is how he got his hands on a gun that he was already legally prohibited from purchasing or possessing and committed this mayhem and inflicted this misery.

That is why this report from the Department of Defense is so important. Hopefully, they have remedied this failure to upload derogatory and disqualifying information for people who cannot legally purchase or possess firearms. We want to make sure—in light of this legislative change—that the right changes are being implemented and that lives will be saved as a consequence.

The Defense bill will also greatly benefit the Nation by providing additional funding for the F-35 Joint Strike Fighters and the V-22 Osprey aircraft, which are both made in Texas. This is important not only to make sure our warfighters have the most advanced airframes and aircraft available but also to make sure the jobs that go along with it are secured as well.

The F-35 Joint Strike Fighter is the latest and greatest warplane in the American arsenal, and we have put, literally, all of our eggs in that basket. As the saying goes, when you put all your eggs in one basket, you better take care of that basket. We need to make sure these Joint Strike Fighters are being produced in a responsible sort of way and that both of these aircraft are being provided so our warfighters can have the very best equipment they need in order to do the job we asked them to do.

This bill also provides \$30 billion for local school districts that provide education to military children. Sometimes this is called impact aid because our military bases aren't taxed by local school districts when they are then called upon to provide education to the children of Active-Duty military or military dependents. It is important the Federal Government make sure they have the financial resources they need in order to make that happen. Indeed, \$30 million in impact aid will be provided for local school districts.

Finally, this includes a 2.6-percent increase in military pay and increases Active-Duty troop levels by more than 7,000. Both of those are really important. Obviously, in an all-volunteer military, it is important that we compensate our servicemembers appropriately. This isn't about the money for them, but we have to make sure they can provide for their families while they serve our Nation and help keep us safe.

In terms of troop levels, it is important the troop levels match the commitments we have made around the world to help stabilize unstable regions and to provide safety not only for ourselves but for our friends and allies around the world. Unfortunately, because of extensive and lengthy com-

mitments we made with a small force, our Active-Duty servicemembers are likely to be deployed over and over again, with a lot of stress not only on their families but on the force effectiveness in general. Both of these are very important—a 2.6-percent increase in pay for Active-Duty military and increasing troop levels by about 7,000.

In the second bill we will be passing, in addition to the Defense appropriations bill, this will fund the Department of Labor, Health and Human Services, and provide more funds for biomedical facilities to expand, remodel, and renovate their existing research capabilities that will benefit a multitude of institutions. Those include the Texas Biomedical Research Institute in San Antonio. We know that in the healthcare field, nurses are always in short supply. This bill will also benefit nursing programs, like the one at Texas Tech University, which will assist veterans in making the transition from military life to civilian life. Finally, in the education sphere, it will provide more than \$475 million for charter school programs.

NOMINATION OF BRETT KAVANAUGH

Madam President, at the same time, we are continuing our work on the nomination of Judge Brett Kavanaugh, who will succeed Justice Anthony Kennedy as Associate Justice on the U.S. Supreme Court. His hearing is set for the first week of September—September 4. I hope we will move quickly thereafter to vote on his confirmation.

I have perhaps benefited from my familiarity and my acquaintance with Judge Kavanaugh, dating back to 2000. Many of our colleagues are just now meeting him for the first time and becoming acquainted with his outstanding record as a lawyer for the White House and as a judge.

Late last week, the Senate Judiciary Committee received another production of documents on Judge Kavanaugh. This batch amounted to about 64,000 pages. Just so everybody can keep count of all the documents that are being produced as part of his confirmation hearing, the committee now has more than 248,000 pages of executive branch material related to the nominee. The reason I mention that number is because it really dwarfs the previous record for Judge Gorsuch, which was roughly 180,000 documents.

The committee was also handed a list of documents that were withheld on grounds that they are personal records as opposed to government records under the Presidential Records Act. Chairman GRASSLEY has appropriately—and I think wisely—asked the National Archives to review those withheld documents and confirm this determination by making their own determination as to whether they are responsive or should be withheld. I think this speaks volumes to the transparency of the process since day one.

I am particularly grateful to Chairman GRASSLEY for his leadership, as

well as for the efficiency and thoroughness the committee has so far displayed in reviewing the documents. We worked hard to accommodate our Democratic colleagues' requests all along the way. Let's not forget that for nearly 2 weeks before issuing the committee's request to the George W. Bush Presidential Library, Chairman GRASSLEY attempted to seek a good-faith agreement from the ranking member to jointly request documents relating to Judge Kavanaugh's legal work at the White House. These efforts at goodwill collaboration, unfortunately, were to no avail. The chairman received, instead, unprecedented counterproposals designed to unnecessarily draw out the process.

Although the chairman is right to prioritize review of some of the documents coming from President George W. Bush's administration, we all know the best evidence of how Judge Kavanaugh will perform as a member of the Supreme Court is how he has already performed as a judge during the last 12 years on the DC Circuit Court of Appeals. He has written more than 300 opinions during that time. Of course, his work as a judge is the best lens for how he will evaluate real cases in the future. Our friends on the other side used to agree with that.

Back during Justice Sotomayor's hearings, they made this identical comment that her judicial record was far more important than any comments or speeches she may have made outside of that context. Maybe belatedly for them, we now agree with them that this is the best evidence. It is just common sense.

In Judge Kavanaugh's case, reviewing his judicial record, I think what the record reveals is, he is diligent and thoughtful in his reasoning. His rulings are clear, impartial, and just.

In the recent questionnaire he returned to the Judiciary Committee—which is a standard part of the vetting process. Nominees are sent a questionnaire, and they respond and attach copies of speeches, law review articles, and other things they have spoken on or written. Judge Kavanaugh listed what he saw as his most significant cases. I want to mention a couple of those. I think they are illustrative of the work he has done not only on the DC Circuit Court of Appeals but the kind of work he will do as a member of the Supreme Court and his standing in the Federal Judiciary.

First is a case called *Free Enterprise Fund*. Judge Kavanaugh found himself in dissent. In other words, he didn't join the majority decision, finding that the structure of an independent agency in the executive branch violated the Constitution. Interestingly, when the case was appealed thereafter to the Supreme Court, a majority of the Justices on the Court cited Judge Kavanaugh's dissent in reversing the panel's decision on the District of Columbia Circuit Court. When the Supreme Court agrees with a lower court judge and

cites that author's opinion, that is a pretty good sign that he or she deserves to be taken seriously. In Judge Kavanaugh's case, it didn't just happen once.

Consider a second case, *Bluman*, which involved a Federal ban on election contributions made by foreign nationals. Judge Kavanaugh authored the majority opinion, which rejected the plaintiff's challenge. When the Supreme Court took the case thereafter, it unanimously agreed with Judge Kavanaugh. All nine members of the Court sided with Judge Kavanaugh's position.

In a third case, *Wesby*, Judge Kavanaugh filed a dissenting opinion on a question of qualified immunity afforded to law enforcement officers. Even though Judge Kavanaugh's views did not win the day in the DC Circuit, the Supreme Court took the case and reversed the panel decision and embraced Judge Kavanaugh's position in the end. Once again, it bears repeating that the decision was unanimous—9 to 0. Judge Kavanaugh's view was vindicated.

These are just a few of the 307 opinions he authored while he was on the DC Circuit, and, of course, there are many more. In the coming weeks, I know the lawyers on the Judiciary Committee, as well as my colleagues, will have a chance to thoroughly delve into each of them and then ask the nominee probing questions about them when he testifies before the committee during the first week of September.

For now, we will continue with the great paper chase, which includes the largest production of documents ever in the Senate's consideration of a Supreme Court nominee. Unfortunately, as I have said before, many of our Democratic colleagues aren't likely to ever be satisfied with the boxes upon boxes of written materials. It will never be enough. In some cases, it is because they have already decided to vote no against the nominee even before having met the nominee or having reviewed any documents whatsoever.

Emblematic of this phenomenon is one of our colleagues on the Senate Judiciary Committee who has threatened to sue to obtain even more records. The problem for that Senator is, on the night Judge Kavanaugh was nominated by President Trump, he said he had done enough due diligence to have reached a conclusion on whether the nominee should be confirmed and had said he would not vote for the nominee. Yet this is the same Senator who is now saying we ought to file a suit to get more documents. I think the American people are smart enough to figure out what is going on. It is gamesmanship, plain and simple.

So my question is, If our colleagues have done enough due diligence to make a decision to not support the nomination, why do they need more paper? To what avail? Why should we extend this process that will cost the taxpayers more money and create a lot

of confusion when they have already made their decision?

Despite these games, the truth is, Judge Kavanaugh is eminently qualified and well respected by all who know him, and I look forward to confirming him as Justice Kavanaugh early this fall, following the Judiciary Committee's hearings during the first week of September.

I yield the floor.

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

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

AMENDMENT NO. 3705

Mr. MENENDEZ. Madam President, I rise today to call on my colleagues to vote in favor of the Menendez-Murkowski amendment No. 3705, which I understand we will be shortly voting on on the floor, to provide implementation funding for the Firefighter Cancer Registry Act. Many of our colleagues supported the authorizing bill when it was before the Senate earlier this year, and it was subsequently passed and signed into law by President Trump.

There are many words that come to mind when we think of firefighters—"courage," "heroism," and "compassion"—but tragically there is another word all too often associated with firefighters, and that word is "cancer."

According to the International Association of Firefighters, cancer is now the leading cause of death among firefighters. We know that firefighters confront more than smoke and flames while on the job; they also encounter dangerous fumes and toxins and known carcinogens that pose serious health risks.

The Firefighter Cancer Registry Act we created is the first ever national cancer registry for firefighters, and the law directs the Centers for Disease Control and Prevention to study the relationship between career-long exposure to dangerous fumes and toxins and cancer. Our Nation's first responders put their lives on the line every day, whether it was charging into a burning building on September 11 or fighting wildfires out West today. Every day, our firefighters strive to protect us. This is the least we can do as a nation to protect them.

I hope all of us can unite in support of this amendment, which will enable the Centers for Disease Control and Prevention to carry out its mission in the Firefighter Cancer Registry Act.

I thank my colleague from Alaska, Senator MURKOWSKI, for her stalwart commitment to this effort, both on the legislation that became law and in the process of trying to get this appropriation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Nebraska.

DPAA FUNDING AMENDMENT

Mrs. FISCHER. Mr. President, I rise today to offer a bipartisan amendment with my colleague, the junior Senator from Wisconsin. Our measure would provide much needed funding for the Defense POW/MIA Accounting Agency, or the DPAA, so they can continue the important work of identifying and accounting for our missing servicemembers from conflicts around the globe.

Tragically, more than 83,000 Americans remain missing from World War II, the Korean war, the Cold War, and the Vietnam war. Many more remain unaccounted for as a result of more recent conflicts. The Defense POW/MIA Accounting Agency is an agency within the Department of Defense whose mission is to recover personnel listed as prisoners of war or missing in action. Their core task is to provide the fullest possible accounting for these personnel to their families and to this Nation. The value of the work being done by DPAA cannot be overstated. No matter when an American servicemember goes missing, our commitment to fully investigating what happened and bringing closure to their family should never waver.

I am honored to represent one of DPAA's forensic laboratories, located at Offutt Air Force Base. There, they are currently working to identify the sailors lost in the sinking of the USS Oklahoma during World War II and conducting forensic identification of the Tuskegee Airmen who remain listed as missing in action.

As a result of North Korea's recent agreement with the United States, DPAA's work has taken on added significance. In July, North Korea turned over 55 boxes containing the possible remains of DOD personnel lost during the Korean war, who must now be processed and identified. On several occasions, North Korean officials have indicated they possess as many as 200 sets of remains they have recovered over the years. To this day, there are still 5,300 U.S. military personnel who remain listed as missing in action and are presumed deceased during the Korean war, their remains still located in North Korea.

For the families of those lost, this is a long-awaited opportunity to gain closure and to give their loved ones the respectful, dignified remembrance they deserve. For that to happen, we must ensure that DPAA has the resources it needs to conduct the forensic analysis of these new remains and continue working to locate and account for American servicemembers. That is why I am offering this amendment, which will provide \$10 million in fully offset funding to allow DPAA to cover this additional workload. By supporting this amendment, we can ensure that this influx of new work can be handled without delay and that the talented men and women of DPAA have the support necessary to continue this important task.

For the families of those lost in service, it is never too late to offer closure,

and for our heroes in uniform, it is never too late to remember and to honor their sacrifice.

I thank the junior Senator from Wisconsin, the junior Senator from Massachusetts, and all of our cosponsors who have aided in this effort. I urge all of my colleagues to join me in supporting this amendment and lending our voice to the memory of our missing and fallen servicemembers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

ORDER OF PROCEDURE

Mrs. FISCHER. Mr. President, I ask unanimous consent that the 5:30 votes take place immediately.

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

VOTE ON AMENDMENT NO. 3705

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3705.

Mrs. FISCHER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. RISCH), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea".

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Mrs. MURRAY), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The PRESIDING OFFICER (Mr. DAINES). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 0, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—85

Alexander	Corker	Grassley
Baldwin	Cornyn	Harris
Barrasso	Cortez Masto	Hassan
Blumenthal	Cotton	Hatch
Blunt	Crapo	Heinrich
Booker	Daines	Hirono
Boozman	Donnelly	Isakson
Brown	Duckworth	Johnson
Burr	Durbin	Jones
Cantwell	Enzi	Kaine
Capito	Ernst	Kennedy
Cardin	Feinstein	King
Carper	Fischer	Klobuchar
Casey	Flake	Lankford
Cassidy	Gardner	Leahy
Collins	Gillibrand	Manchin
Coons	Graham	Markey

McCaskill	Rounds	Thune
McConnell	Rubio	Tillis
Menendez	Sanders	Udall
Murkowski	Sasse	Van Hollen
Murphy	Schumer	Warner
Nelson	Scott	Warren
Paul	Shaheen	Whitehouse
Perdue	Shelby	Wicker
Peters	Smith	Wyden
Portman	Stabenow	Young
Reed	Sullivan	
Roberts	Tester	

NOT VOTING—15

Bennet	Hyde-Smith	Moran
Cruz	Inhofe	Murray
Heitkamp	Lee	Risch
Heller	McCain	Schatz
Hoeben	Merkley	Toomey

Amendment (No. 3705) was agreed to.

VOTE ON AMENDMENT NO. 3706

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3706.

Mr. BLUNT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. RISCH), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Mrs. MURRAY), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 0, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—85

Alexander	Daines	Kennedy
Baldwin	Donnelly	King
Barrasso	Duckworth	Klobuchar
Blumenthal	Durbin	Lankford
Blunt	Enzi	Leahy
Booker	Ernst	Manchin
Boozman	Feinstein	Markey
Brown	Fischer	McCaskill
Burr	Flake	McConnell
Cantwell	Gardner	Menendez
Capito	Gillibrand	Murkowski
Cardin	Graham	Murphy
Carper	Grassley	Nelson
Casey	Harris	Paul
Cassidy	Hassan	Perdue
Collins	Hatch	Peters
Coons	Heinrich	Portman
Corker	Hirono	Reed
Cornyn	Isakson	Roberts
Cortez Masto	Johnson	Rounds
Cotton	Jones	Rubio
Crapo	Kaine	Sanders

Sasse
Schumer
Scott
Shaheen
Shelby
Smith
Stabenow

Sullivan
Tester
Thune
Tillis
Udall
Van Hollen
Warner

Warren
Whitehouse
Wicker
Wyden
Young

NOT VOTING—15

Bennet
Cruz
Heitkamp
Heller
Hoeven

Hyde-Smith
Inhofe
Lee
McCain
Merkley

Moran
Murray
Risch
Schatz
Toomey

The amendment (No. 3706) was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NOS. 3773 AND 3703

Mr. McCONNELL. Mr. President, I ask unanimous consent that the following amendments be called up en bloc and reported by number: Nelson No. 3773, Kennedy No. 3703. I further ask consent that at 12:10 p.m. on Tuesday, August 21, the Senate vote in relation to the amendments in the order listed and that there be no second-degree amendments in order to the amendments prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments en bloc by number.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for others, proposes amendments numbered 3773 and 3703.

The amendments are as follows:

AMENDMENT NO. 3773

(Purpose: To require a Comptroller General of the United States report on the implementation of the Military Health System Genesis electronic health record)

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on a study, conducted by the Comptroller General for purposes of the report, on the implementation of the Military Health System (MHS) Genesis electronic health record at the four currently active sites.

(b) The report shall include the following:

(1) A description and assessment of the manner in which the Military Health System Genesis electronic health record is addressing the concerns raised by the partial Initial Operational Test and Evaluation (IOT&E) report on the implementation of the record.

(2) A description and assessment of the performance of Military Health System Genesis in meeting the demands of the four currently active sites.

(3) A description and assessment of underlying issues in connection with the implementation of Military Health System Genesis.

(4) A description and assessment of any anticipated delays in the implementation of Military Health System Genesis, including the effect of such delays on the execution of funds.

(5) Any other matters in connection with the implementation of Military Health System Genesis that the Comptroller General considers appropriate.

AMENDMENT NO. 3703

(Purpose: To increase funding for the National Suicide Prevention Lifeline)

At the appropriate place in title II of division B, insert the following:

SEC. _____. (a) There are appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services", in addition to any other amounts made available under such heading and in order to provide additional funding for the National Suicide Prevention Lifeline, \$2,802,000.

(b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Substance Abuse Treatment" under the heading "Substance Abuse and Mental Health Services" is hereby reduced by \$2,802,000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar Nos. 1033 through 1038; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Christopher P. Weggeman

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. John M. Murray

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Maryanne Miller

The following named officer for appointment as the Chief of Chaplains, United States Air Force, and appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8039:

To be major general

Brig. Gen. Steven A. Schaick

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Ronald M. Harvell

IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Charles L. Knowles

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. McCONNELL. 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 PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING EARL FIELDS

Mr. McCONNELL. Mr. President, the Commonwealth of Kentucky recently lost a remarkable man and a longtime public servant, Earl Fields. At the age of 96, Earl passed away earlier this month. My friend and fellow Kentuckian, Congressman HAL ROGERS, called Earl, "one of our region's greatest treasures." I couldn't agree more, and today it is my privilege to honor his memory.

A member of the Greatest Generation, Earl left his position as a school teacher in 1942 to join the U.S. Navy. During his 4 years of service aboard the U.S.S. *Nicholson*, Earl served in 10 major conflicts and engaged both German and Japanese enemy forces. As a Navy radioman, he was tasked with copying incoming coded messages. Among his many experiences during his service, Earl remembered receiving the fateful news of President Franklin D. Roosevelt's death in 1945.

After the war, Earl returned home and married Gloria, the love of his life. Together, they raised six children and built a life together in eastern Kentucky. In subsequent years, Earl once again felt called to public service, and he ran to become the Leslie County clerk. He won his race and served his community in the role for 24 years.

When Earl left the clerk's office, he moved to Laurel County to enjoy his retirement. That doesn't mean he slowed down, however. Earl kept a number of hobbies, including hunting, fishing, and beekeeping, throughout the rest of his life.

Elaine and I would like to extend our condolences to Earl's wonderful family and his many devoted friends. His life impacted our country and so many communities in eastern Kentucky, and he will surely be missed. I ask my Senate colleagues to join me in remembering the life of a great man, Earl Fields.