

decades ago. We continue to make steps in the right direction there, and I think there are substantial steps in this bill.

There is flexible spending so schools can look at more science, math, and STEM education, more computer science education, and more ability for schools to take some of their funds and look at school safety. Nobody wants to see kids go to school in an environment that is not as safe as we can possibly make it. This allows more flexibility for local administrators and local school boards to decide how they are going to meet that school safety need.

We looked at impact aid, charter schools, and programs that create both competition and fairness in a way I think people we work for will like.

This bill maintains the significant investments made last year on college access. The best way to minimize college debt is to get done, finish. Year-round Pell is something we returned to after several years of having only the normal traditional school year Pell. Year-round Pell is maintained in this as part of our Federal commitment to have people going to school. If you are an adult going back to school, if you are somebody who is a first-time college attender in your family, if, for whatever reason, you are paying for your own school, the most likely way to get done is don't interrupt a pattern that is working. This bill allows that to continue.

We also do things that I think better prepare our workforce for the workplace. It is a bill to look forward to working with Members to see how it can be improved, just like the amendment we will be voting on soon that deals with suicide prevention in ways Senator KENNEDY and Senator REED have suggested, and I support.

With that, I will conclude my remarks.

I ask unanimous consent that there be 2 minutes of debate, equally divided in the usual form, prior to the vote on the Kennedy amendment.

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

Mr. BLUNT. I yield the floor.

VOTE ON AMENDMENT NO. 3773

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment No. 3773.

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 Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. SCHATZ), and the Senator from New

Mexico (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—95

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

NOT VOTING—5

McCain	Schatz	Udall
Murray	Toomey	

The amendment (No. 3733) was agreed to.

VOTE ON AMENDMENT NO. 3703

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to the vote.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, my amendment No. 3703 is pretty straightforward. It would increase funding for the National Suicide Prevention Lifeline by an additional \$2.8 million.

It is a bipartisan amendment. It is fully offset. It is not adding money to the budget. I think it will do a great deal to make sure that anyone battling depression knows there is someone out there who is listening. Our National Suicide Prevention Hotline, as you know, supports the national network of local crisis centers. To date, they have answered more than 10 million calls from people in distress, and they estimate that over the next 4 years, they will take 12 million calls. We underfund them. It is embarrassing how much we underfund them.

Again, this will add an additional \$2.8 million to their budget, and it is fully offset.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REED. I yield back.

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

All time is yielded back.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

Under the previous order, the question now occurs on amendment No. 3703.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. SCHATZ), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—95

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

NOT VOTING—5

McCain	Schatz	Udall
Murray	Toomey	

The amendment (No. 3703) was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:14 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019—Continued

The PRESIDING OFFICER. The Senator from Idaho.

NOMINATION OF BRETT KAVANAUGH

Mr. CRAPO. Mr. President, I rise to speak about the President's nomination of appellate judge Brett Kavanaugh to serve as an Associate Justice of the U.S. Supreme Court. On July 9, President Trump announced his selection of Judge Kavanaugh to be the 114th Justice in our Nation's proud history.

For a practicing lawyer, serving on our highest Court is the pinnacle of achievement, and nomination to the Bench is testament to a distinguished legal career. When we imagine a Supreme Court Justice, we think of respected jurists, well-steeped in legal questions, rigorous in attention to detail, respectful of traditions, faithful to the law, awed by the recognition of the proud and profound responsibility wielded, and fair to all involved. Our legal system requires it, and the American people value it among their highest ideals of government.

Throughout our history, the central tension of our Republic can be defined as the exercise of government power versus liberty. Each expands at the expense of the other. Finding a way for both central authority and individual freedom to coexist and support each other remains our biggest challenge and will remain so long into the future.

To preserve the limits on an ever-expanding Federal Government, our Founding Fathers conceived of a system of interlocking powers that support each other but serve as a necessary restraint against tyrannical behavior of any. We all know it as the principle of separation of powers, with each of the three branches acting as a check on the others.

The Constitution's appointments clause defines one of the most consequential duties of our Federal Government, and it illustrates the working application of the checks and balances dynamic.

Article II, section 2, clause 2 of the Constitution provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court" and others. This provision interlocks the executive branch with the legislature. Neither can succeed without the other. At its best, this is a partnership functioning well. At its worst, either side can deny the other's success.

One popular but misguided criticism made of Judge Kavanaugh centers around his academic study of the separation of powers in our Federal system. In one scholarly writing, he explores the legal structures of our government and the dangers presented by over-politicizing the relationship between the branches. He describes the enormous challenges faced by President Clinton and President Bush in carrying out their constitutional duties while political difficulties swirled about them and the impact that had on the efficient administration of government.

Much hyperbole has been spoken about Judge Kavanaugh's keen observations. Whether you find yourself on the political right or the left, few would dispute his central point—that a government system rendered inoperative benefits no one. To quote Alexander Hamilton in *Federalist Paper No. 70*, "A feeble Executive implies a feeble execution of the government." Judge Kavanaugh offers a number of options for the political branches of government to explore and points out the pros and cons of them. The opposite view held by Judge Kavanaugh's critics is, then, by extension, the status quo of Washington's dysfunction.

As a jurist, in his legal opinions, Judge Kavanaugh has consistently demonstrated a willingness to reign in both Congress and the Executive when they overstep their constitutional bounds. In a town where acquiring power seems ingrained, having a judge committed to preserving the constitutional function of each branch cannot be overstated. Yet some would have you believe that Judge Kavanaugh's understanding of the proper operation of our system of government is a threat to the very Republic and disqualifying to serve on our highest Court. I disagree. His analysis is insightful and should be eagerly embraced by civic students throughout the country.

In the weeks since President Trump nominated Judge Kavanaugh for the Court, special interests have kicked into overdrive, peddling one imagined conspiracy after another. Various, I have heard people suggest that Judge Kavanaugh is a threat to the people of every race, creed, gender, and age. Some have even unleashed prophecies of biblical gloom and doom awaiting the confirmation of a Justice Kavanaugh. Still others have called on opponents of Judge Kavanaugh's to use every possible tool to stop his confirmation, including the extreme step of shutting down the government should things not go their way. So, facing a nominee with impeccable credentials, opponents must imagine a boogeyman. Fortunately, people see past those attacks because they are the same attacks they lobbed when President Bush nominated Justice Souter and when President Reagan nominated Justice Kennedy.

Failing at that, some opponents of Judge Kavanaugh's are hoping to demand an endless stream of documents to delay confirmation proceedings indefinitely. These opponents claim that the process is unfair and lacks transparency, when in reality the opposite is true.

As Chairman GRASSLEY of the Judiciary Committee so eloquently pointed out at a recent Senate Judiciary meeting, none of these criticisms hold any weight.

There will have been 57 days between the announcement of Judge Kavanaugh's nomination and the date of his confirmation hearing—a longer

period than Senators had for Justices Sotomayor, Kagan, and Gorsuch. Judge Kavanaugh has submitted more than 17,000 pages with his bipartisan Judiciary Committee questionnaire, which is the most extensive questionnaire ever sent a nominee. The committee has also received hundreds of thousands of pages of documents from Judge Kavanaugh's service in the executive branch. This, too, is already more than any Supreme Court nominee before him, and documents are continuing to be sent to the committee for review. Chairman GRASSLEY is working tirelessly to make the vast majority publicly available as quickly as possible, and I appreciate and applaud his transparency.

I recognize the politics and the purpose behind these creative but misguided attacks, and so does the American public.

Judge Kavanaugh's experience and legal background are not in dispute. His readiness for the Supreme Court is not contested. His law clerks vouch for him. Lawyers who argue before him commend him for his judgment, his fairness, and his temperament. His peers admire and respect his intellect and draw regularly from his opinions. In short, he is a judge's judge. In fact, nearly every one of his former clerks signed a letter extolling the qualifications that he has, his virtues, and his temperament. So widespread was the support of their former mentor that only those who were prohibited by their employer from signing were left off.

Newspaper editorial boards from across the country have endorsed his nomination. Here are just some of the dozens of glowing testimonials about Judge Kavanaugh:

The Wall Street Journal:

Judge Kavanaugh has an exemplary record that suggests he will help to restore the Supreme Court to its proper, more modest role in American politics and society. . . . He has the experience and intellect to be a leader on the Court, not merely a predictable vote on this or that issue.

The Detroit News:

Brett Kavanaugh's credentials, his commitment to judicial independence, his unsalable character, his record as a judge dedicated to the Constitution and his likability should overwhelm the Senate skeptics who will be tempted to oppose him simply because he was appointed by Trump.

The Richmond Times-Dispatch:

If one were to create an ideal resume for the position of Supreme Court justice, it would not look terribly different from Brett Michael Kavanaugh's curriculum vitae. President Trump's nominee to replace Justice Anthony Kennedy is more than qualified for the job. . . . Indeed, Kavanaugh's qualifications are impeccable—unfortunately, that won't stop him from being lambasted by the opposition on the left concerned about his conservative values.

The Las Vegas Review-Journal:

Judge Kavanaugh is imminently accomplished. . . . Judge Kavanaugh is firmly in the judicial mainstream, although Democrats will no doubt try to twist him into a rabid, dangerous extremist. He is, in fact, a

constitutionalist who believes that judges should follow the nation's founding document rather than interpret law to achieve desired ends.

The Lowell Sun in Massachusetts:

What Democrats cannot question is Brett Kavanaugh's credentials. . . . After all the drama and histrionics, sensible Democrats should put politics aside and vote to make him the ninth member of the Supreme Court.

Judge Kavanaugh is one of the most qualified nominees ever for the Supreme Court. He has been nominated to succeed Justice Kennedy, a man for whom he once clerked and called a "mentor." With over 300 authored opinions and 12 years of service on the bench, he is a judge with a clear record demonstrating that he applies the law as written and enforces the Constitution. He values precedent and wrote, along with Justice Gorsuch and others, "The Law of Judicial Precedent," a scholarly piece on the importance of stare decisis.

Many critics argue that a Justice Kavanaugh would likely be the key to unlocking any number of Supreme Court precedents. I wonder, though, how many have actually read this book and understand that he is someone who has given exhaustive and weighty consideration to important legal questions. But we should take him at his own words:

The judge's job is to interpret the law, not to make the law or make policy. So read the words of the statute as written. Read the text of the Constitution as written, mindful of history and tradition. Don't make up new constitutional rights that are not in the text of the Constitution. Don't shy away from enforcing constitutional rights that are in the text of the Constitution.

Judge Kavanaugh is a respected jurist with a sterling reputation for intellectual rigor and attention to legal detail. He understands the proper role of a judge in our legal system—to fairly interpret the law, not create it. He thinks deeply about the legal questions before him and strives to build consensus on the court.

As stated by his former law clerks, "Judge Kavanaugh never assumes he knows the answers in advance and never takes for granted that his view of the law will prevail." He actively solicits views from all sides of the argument—all the better to form a lasting and well-reasoned opinion.

I look forward to the Senate Judiciary Committee's upcoming hearings, when the public can hear directly from Judge Kavanaugh, in his own words, the proper role of a judge in our legal system. I am confident Judge Kavanaugh will demonstrate the rigorous intellect, the fealty to law, and the judicial temperament that have long defined his career on the bench.

Thank you.

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.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

Mr. YOUNG. Mr. President, I rise today to speak about Judge Kavanaugh, President Trump's second nominee to serve on the Supreme Court of the United States.

Judge Kavanaugh's qualifications are undeniable. He has proven over the last 12 years on the U.S. Court of Appeals for the D.C. Circuit that he is well qualified for this next step in his career.

I had the opportunity to sit down with Judge Kavanaugh in my office just last month. He struck me as a man of great character and integrity. He answered questions directly. He spoke forthrightly. He demonstrated, at once, a strong intellect and a deep humility. He had a wide-ranging conversation with me on issues that are important to the people in my home State of Indiana, including his approach to faithfully interpreting the Constitution of the United States.

As a D.C. Circuit judge, he has carried out his duties faithfully and consistently. He has shown by the record that he understands that the judge's role is to apply the law as it is written; it is not to impose his own policy preferences. He is what you might call a textualist when interpreting statutes, meaning he adheres strictly to the law as it is written. He is an originalist as well, meaning he carefully reviews the history of our Framers when interpreting the Constitution. This is an approach he frequently lectures and writes about as a guest lecturer at Harvard and other top law schools, including Notre Dame Law School back home in Indiana where he gave a guest lecture on his jurisprudential approach in February of 2017. It is also worth noting, it was Supreme Court Justice Elena Kagan who hired Judge Kavanaugh to teach at Harvard when she was the Harvard Law School dean. Justice Kagan clearly thought highly of the Judge's reputation and credentials—so highly, in fact, that she hired him to help shape the minds of Harvard Law School students.

In his writing, Judge Kavanaugh reminds us that federalism and the separation of powers "are not mere matters of etiquette or architecture, but are essential to protecting individual liberty."

Judge Kavanaugh has also exhibited a willingness to rein in administrative agencies when they exceed their authority under the law. He has consistently held that international laws do not govern national security matters if Congress has not adopted them as domestic law.

After carefully reviewing Judge Kavanaugh's record, I am confident he will be faithful to the Constitution and preserve the integrity of the Supreme Court.

I have to say, Judge Kavanaugh is more than just a highly respected ju-

rist. He is more than an eminently qualified legal scholar and a mind that is well suited for the Supreme Court. He is also a father, a husband, a coach to his two daughters' basketball team, and a man of impeccable character.

Earlier this month, a group of more than 30 parents sent a letter to the Senate Judiciary Committee praising Judge Kavanaugh's character. The judge's two daughters are students at Blessed Sacrament School in Washington, DC, and the judge is the girls' basketball coach. The parents wrote: "Brett Kavanaugh has been a devoted coach and mentor to our daughters."

They continued: "In addition to his long list of professional and academic accomplishments—we hope that the Committee will also consider Brett Kavanaugh's contributions as a volunteer youth basketball coach—and the service, selflessness, dedication, and commitment his coaching exhibits."

In 2 weeks, the Senate Judiciary Committee will begin its confirmation hearing for Judge Kavanaugh. He is one of the most qualified nominees to ever come before the U.S. Senate, and when all is said and done, the Judiciary Committee will have reviewed more records than ever before for a Supreme Court nominee.

The importance of protecting individual liberty cannot be overstated. I am pleased we are considering the nomination of someone who, by word and deed, has committed himself to preserving freedom.

I look forward to watching Judge Kavanaugh's confirmation hearing, and after conducting a thorough and objective review of his nomination, I am confident Judge Kavanaugh will be an excellent addition to our Nation's highest Court.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I note my colleagues have come before me to discuss the nomination of Brett Kavanaugh to fill the vacancy on the U.S. Supreme Court after the retirement of Justice Kennedy.

I checked, just to make sure I understood the section of the Constitution. It is article II, relative to the President's powers, which talks about the power of the President to fill that vacancy on the Supreme Court, subject to the advice and consent of the U.S. Senate. One hundred U.S. Senators ultimately have the last word on any nominee. I am fortunate to serve on the Senate Judiciary Committee, where we get the first chance to review any nominee and take a look at their background and vote as a committee before the matter is brought to the floor of the U.S. Senate.

I have listened to my colleagues who support Judge Kavanaugh ascending to the bench and to a lifetime appointment to the highest Court of the land. I am troubled by one particular aspect of this nomination. It is different than

any nomination to the Supreme Court in the history of the United States in this respect: This President made it clear that any person who wanted to be eligible for the U.S. Supreme Court needed to pass a clearance by two organizations. One is called the Federalist Society and the other is the Heritage Foundation. Both of these are conservative organizations which reviewed all of the potential Supreme Court nominees and produced a list of 20 or more men and women who would be eligible for the Supreme Court by their judgment.

Is their judgment important? I will point to one fact in history which illustrates. When Neil Gorsuch was considered by President Trump to serve on the Supreme Court and fill the vacancy of Antonin Scalia, he was not notified by the White House. The White House called the Federalist Society head, Leonard Leo, and asked him to call Mr. Gorsuch and tell him the good news. So to say that the Federalist Society and the Heritage Foundation played a critical role in the selection of a nominee is an understatement. If you don't clear their background test, their litmus test, you cannot be considered by the Trump administration for the Supreme Court.

That is offensive to me. We don't see any reference to the Federalist Society or the Heritage Foundation in the U.S. Constitution. There is a clear reference to a President elected by the people of the United States, but to give to any special interest group, right, left or center, that kind of authority is way beyond what our Founding Fathers imagined would be this process for selecting someone for the Supreme Court.

Then it gets even more complicated. Before we consider a nominee for the Supreme Court, we have to carefully review their records. It takes time. Literally, scores of lawyers sit down and go through the published opinions and speeches and other documents which evidence a person's background, and when it comes to Brett Kavanaugh, it is an extensive background. He has had a role at the highest levels of the Federal Government for years: Ken Starr's Office of Independent Counsel, the Bush v. Gore lawsuit that went down to the State of Florida and beyond.

The cases he was involved in as a member of the court are pretty obvious and published, but many of his other activities—particularly in the White House when he served as Staff Secretary to the President of the United States—were extensive. For a 3-year period of time, for 35 months, he was the gatekeeper in the White House as to the documentation the President would receive and read. It involved a pretty massive amount of time and documentation on all of the major issues facing the Presidency for almost 3 years. Should we take a look at it? Is it worth our investigation and inquiry into what Mr. Kavanaugh said and did during those years?

Well, there was a time here when Republicans thought it was not only important but essential when it came to a nominee named Elena Kagan. Elena Kagan had never served on the Federal judiciary. She was nominated by President Obama. At the time, the ranking Republican on the Senate Judiciary Committee, Jeff Sessions of Alabama, insisted on the full documentation of her role in the White House, and the Democratic Senator, PATRICK LEAHY of Vermont, joined him in making that request. As a result, 170,000 pages of documents were produced because of the request made by Senator Sessions and Senator LEAHY. It was a bipartisan request. It established a standard.

The same standard was applied for Democratic nominee Sonia Sotomayor. Documentation had to be presented to the committee and carefully reviewed before there was a vote on whether that person would serve in a lifetime appointment to the highest Court in the land.

Most of us assumed, at that point, that it was a settled practice in the U.S. Senate Judiciary Committee when it came to the documentary proof we would ask for when nominees came before us for the Supreme Court. We thought that, but we were wrong because when the Republicans took control, everything changed. It changed, of course, with Antonin Scalia's vacancy as a result of his untimely death—a vacancy President Obama sought to fill during his last year in office. He ended up nominating Merrick Garland, a DC Circuit Court judge of impeccable credentials to fill the vacancy. Many Republicans in the Senate refused to even meet with Merrick Garland, let alone consider him and vote on him. So, for a whole year, the vacancy continued at the Supreme Court while the Republicans broke Senate tradition and refused to consider President Obama's nominee.

Then came the election of Donald Trump, the nomination of Judge Neil Gorsuch, and the process went forward to fill the vacancy the Republicans had kept open for more than a year before Neil Gorsuch was finally voted on by the U.S. Senate.

So here came the second vacancy under the Trump administration—a vacancy created by the retirement of Justice Kennedy—and the question was obviously asked: What standard will you use for asking for the documentary evidence of the person's background in public service?

Many of us assumed it would have been the same standard that was pushed by Senator Sessions, a Republican of Alabama, and Senator LEAHY, a Democrat of Vermont. We were wrong. Instead, what the Republicans said is, we are going to have a new rule when it comes to Republican nominees from the Trump administration in the case of Judge Brett Kavanaugh, and that new rule said we will not ask for documentation for the 35 months when he served in the White House as the

closest adviser to the President of the United States. I can tell you there were a myriad of issues that were considered by the President in that period of time, and Brett Kavanaugh, then assistant to the President, was involved in these decisions. We will not know what he said or did because the Republicans have refused to ask for the documentary evidence of his time there.

There is more to the story. The Republicans decided, for those documents they might consider asking for, they would have a final filter, and the final filter is a man named Burck, who has served as an attorney for not only President Bush but also in the past for Steve Bannon. Does the name ring a bell? Steve Bannon of Breitbart News. Burck has served as his counsel and was a deputy to Brett Kavanaugh in the White House.

Mr. Burck is literally going through Kavanaugh's documents from his time in the White House Counsel's Office to decide which ones will be given to the Senate Judiciary Committee to consider. So it means he is the filter of things he doesn't want us to see and he doesn't want the American people to see. This Republican advocate attorney is going to be a decisionmaker when it comes to whether we can see documents that were produced by Brett Kavanaugh when he served in the White House Counsel's Office.

It gets even worse. It turns out, those documents, which he preclears for us to read in the Senate Judiciary Committee, are subject to some sort of committee confidentiality. I have served on the Senate Judiciary Committee for a number of years, and I know there are documents which are considered somewhat committee confidential, but it is rare, and it is usually a case you wouldn't argue over; classified information, for example. In this case, these Republicans on the Senate Judiciary Committee will be the final, final filter as to whether the American people will know the background of Brett Kavanaugh.

Why is there so much secrecy here? Why wouldn't these documents be made public? Well, let's look back in time. When Elena Kagan was asked to produce her documents from the time when she served in the White House, she produced every one of them except those that were personal and private. On how many of those 170,000 pages did she assert executive privilege and say: I can't produce them? None. Every single document was turned over to the Senate Judiciary Committee.

Now, when it comes to Brett Kavanaugh, I can't tell you what is going on here. There is a concealment which is impossible to explain. What would we find in those documents that have been carefully screened by Mr. Burck and then again by the Senate Judiciary Committee Republican majority?

I am concerned about it because this is a lifetime appointment to the highest Court in the land. We know the

Court is carefully divided. It is legitimate for us to ask the questions about Judge Kavanaugh's background because of our constitutional responsibility to advise and consent, but we can't ask those questions if they don't produce the documents, and that is where we are today.

So my colleagues can come to the floor and talk about Judge Kavanaugh's record leading up to this nomination. They are limited in the information they have been given, and the limitations are unprecedented in the U.S. Senate.

The Republicans, when it comes to the Supreme Court, just rewrite the rules. Merrick Garland, President Obama's nominee: Sorry. No thanks. We are not interested in interviewing him or even considering him for that appointment. When it came to this judge, Judge Kavanaugh, the ordinary production of documents, by a standard established by the Republicans and Senator Sessions, is being ignored now when it comes to the nomination of Brett Kavanaugh. We will be given limited information because of this process and have to do our best to carefully review this nominee before he is considered for this lifetime appointment to the highest Court in the land.

I yield 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.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from South Dakota.

Mr. THUNE. 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. THUNE. Mr. President, when it comes to deciding whether to confirm a Supreme Court Justice, there are two important questions: One, is this person well qualified? And, two, does this person understand the proper role of a judge?

When it comes to Brett Kavanaugh, the answer to both questions is yes. I don't need to tell anyone how qualified Judge Kavanaugh is. He is a graduate of Yale Law School and a lecturer at Harvard Law School. He has extensive legal experience in government and private practice, and he has spent the past 12 years serving on the Court of Appeals for the DC Circuit, sometimes referred to as the second highest court in the land.

His opinions have been endorsed by the Supreme Court more than a dozen times, and they are regularly cited by courts around the country. In short, he is eminently qualified to be a Justice on the Supreme Court.

But being qualified, while essential, is not sufficient. A Supreme Court Justice also needs to understand the proper role of a judge, and that role is to interpret the law, not make the law; to

judge, not legislate; to call balls and strikes, not rewrite the rules of the game.

Judge Kavanaugh understands this. He understands that as a Supreme Court Justice, his job will be to rule based on the facts of the case, the law and the Constitution, and nothing else, not his personal opinions, not his political feelings, not his beliefs about what the law should be—just the plain text of the law and the Constitution. And that makes Judge Kavanaugh exactly the kind of judge that all of us, Democrats and Republicans alike, should want on the Supreme Court—the kind of judge who, in the words of Judge Kavanaugh, will decide cases “without regard to policy preferences or political allegiances or which party is on which side in a particular case.”

Of course, that is not the kind of Justice Democrats are looking for. They don't really want an impartial Justice. They want a Justice they can rely on to rubberstamp Democratic policies. So even before President Trump had named a replacement for Justice Kennedy, Democrats were already signaling their intention of rejecting anyone the President put forward. One Democrat Senator formally announced his opposition to the President's nominee the morning of July 9, before the President had actually nominated anyone.

Since Judge Kavanaugh's nomination, Democrats have tried to make a case against Judge Kavanaugh, flinging up accusations in the desperate hope that something will stick. Needless to say, they haven't had much luck. It is difficult to argue that a judge like Judge Kavanaugh isn't eminently suited to serve on the Supreme Court.

Democrats are also doing their best to delay the proceedings by making outlandish demands for documents relating to Judge Kavanaugh's time in the White House. Apparently the up to 1 million pages that the Judiciary Committee expects to receive from Judge Kavanaugh's time in the executive branch and his circuit court confirmation aren't enough, even though it could be more than the amount of material received for the last five Supreme Court nominees combined. Let me repeat that. One million pages that the Judiciary Committee expects to receive from Judge Kavanaugh's time in the executive branch and his circuit court confirmation are more than the amount of material received for the last five Supreme Court nominees combined.

One also has to ask why Democratic leaders feel the need to see any material for Judge Kavanaugh, given the fact that they have already made up their minds to oppose him.

Of course, it is not about the material. We all know that. Democrats aren't really interested in reading every email that happened to be copied to Judge Kavanaugh. They just want to delay his nomination.

It would be nice if Democrats would abandon their partisan opposition to

Judge Kavanaugh and take a serious look at this superbly qualified nominee. Unfortunately, I expect the political posturing to continue, but we will continue to move forward with the confirmation process to deliver another outstanding Justice to the Supreme Court.

ECONOMIC GROWTH

Mr. President, the good economic news continues to pour in. The economy grew at an impressive 4.1 percent in the second quarter of this year, bringing economic growth for the year so far up over 3 percent. Unemployment dropped to 3.9 percent in July, which is close to an 18-year low. Worker pay and benefits are increasing at the fastest pace in a decade. Consumer confidence is at a nearly 18-year high. Disposable income, which is income after taxes, is up 3.5 percent this year. And small business optimism is at a record high.

In short, Republican economic policies are working, and I don't need to tell anyone that economic growth lagged during the Obama administration. Recovery from the recession was historically weak, and some economists were predicting that 2 percent growth would be the new normal.

But Republicans disagreed. We didn't think American workers should have to resign themselves to permanently sluggish economic growth and the diminished opportunities that come with it. We knew that American innovators and job creators were as creative and driven as ever, but we also knew that American businesses, large and small, were weighed down by burdensome regulations and an outdated tax code that discouraged growth. So over the past year and a half, the White House and Republicans in Congress have focused on removing obstacles to economic growth. We have reduced burdensome regulations, and in December, we passed historic, comprehensive tax reform legislation.

Before that bill passed, before the Tax Cuts and Jobs Act passed, the Tax Code was not helping businesses grow and create jobs. In fact, it was doing the opposite, and that had real consequences for American workers.

A small business owner struggling to afford the hefty annual tax bill for her business was highly unlikely to be able to hire a new worker or to raise wages. A larger business struggling to stay competitive in the global marketplace while paying a substantially higher tax rate than its foreign competitors too often had limited funds to expand or increase investment in the United States.

So we took action to improve the playing field for American workers by improving the playing field for businesses as well. We lowered tax rates across the board for owners of small and medium-sized businesses, farms, and ranches. We lowered our Nation's massive corporate tax rate which, until January 1, was the highest corporate

tax rate in the developed world. We expanded business owners' ability to recover investments they make in their businesses, which frees up cash that they can reinvest in their operations and their workers. And we brought the U.S. international tax system into the 21st century so that American businesses are not operating at a disadvantage next to their foreign competitors.

Now we are seeing the results: stronger economic growth, as I mentioned—4.1 percent in the second quarter of this year, giving us an annual growth rate of over 3 percent. That is something we haven't seen in quite a while. Low unemployment—we are seeing the lowest unemployment numbers, literally, in the last 18 years. The number of jobless claims is the lowest in 40 years. There are better wages and benefits. We are seeing companies large and small across this country increasing wages and the benefits they pay to their employees. Wages, as I mentioned earlier, are up—the highest level increase in wages in a decade. And, as I said earlier, disposable income is up 3.5 percent since the first of this year. All of this has happened since tax reform passed last year. One and a half million new jobs have been created since the passage of tax reform, and that means more opportunities for American workers.

I am proud of the progress we have made in getting the economy going again, and I am going to go keep working with my colleagues, hopefully on both sides of the aisle, to expand economic opportunities for Americans even further.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

OPIOD EPIDEMIC

Mr. PORTMAN. Mr. President, I would like to agree with my colleague from South Dakota, who has talked about the importance of the tax relief and regulatory reform and what that has meant for our economy. We are growing at rates that some have said were impossible. People said: Well, you just have to get used to the new normal. We are going to have the economy grow at 1 or 2 percent. It was 4.1 percent last quarter, and it looks as though we are going to continue to see strong growth. That is because of policies that were enacted here, and I think they are making a difference.

I am going to talk about something today that actually is making it more difficult to find the workers to be able to get that economy moving forward the way all of us would like to see because as we have lower unemployment, as we have a growing workforce, we are seeing a number of Americans who are out of the workforce altogether.

There is some new data from the Department of Labor and from the Brookings Institution, some studies that have shown that between the opioid epidemic—which is heroin, prescription drugs, now this new fentanyl—and other issues, there are people who are

not showing up even to apply for jobs. They are not even showing up in the unemployment figures, and they are at historically high levels—8½ million men between the ages of 25 and 55, so able-bodied men between 25 and 55. This recent study from both the Department of Labor and from the Brookings Institution shows that almost one-half of those men acknowledge taking pain medication on a daily basis. In one of the studies, when pushed, two-thirds of those men said that they were taking prescription drug medication on a daily basis. Think about that. This is shocking: 8½ million men out of work between the ages of 25 and 55—about one-half of them are saying that they are taking pain medication on a daily basis; two-thirds are taking prescription drugs. That is not overreported. In my view, that is underreported because there are legal issues involved with the opioid epidemic. Also, there is a stigma attached to the addiction.

So in order to fully take advantage of this growing economy—and my colleague is absolutely right about that—we have to deal with this opioid epidemic.

I will tell you something that is even more tragic is that the Centers for Disease Control just came out with a new report last week talking about what is happening around the country, and it was another year of tragic results for American families, for communities represented by Members all across the country here in the U.S. Senate.

This was the Centers for Disease Control. The new report shows that last year—they just got the final numbers for it—the number of people who overdosed and died from the opioid crisis that we have was greater than the year before, not just at record levels but at levels that really create this epidemic level. Seventy-two thousand Americans died of overdoses last year.

This is the map that shows where it is, and it is all over our country. There were a couple of States that made some progress. Those are the States in purple here. But in all of these other States, you actually see an increase—overall a 9-percent increase in overdose deaths in our country from 2016 to 2017. The problem is not getting better; it is getting worse.

My own State of Ohio increased 9.5 percent from 2016 to 2017. Sadly, that puts Ohio third in the country for total drug overdoses and fourth nationally for the number of overdose deaths per capita, per 100,000 residents.

Seventy-two thousand Americans dying of overdoses—that is more than the deadliest year for car accidents or gun deaths ever. Now, 72,000 Americans died last year by overdose. That is more than the total number of American casualties in the Vietnam war. Remember that this is just 1 year—just last year. Overdoses are now the top cause of accidental death in the United States and the No. 1 cause of all deaths for all Americans under the age of 50.

The most recent CDC report illustrates something a lot of us already

knew. This is a national crisis, and it is gripping every single State represented in this Chamber. By the way, this is despite a lot of good work that has been done by this body, by the House, and by the administration.

Over the last couple of years, Congress has taken on this issue. We passed legislation that is helping. One of the pieces of legislation is called the Comprehensive Addiction and Recovery Act, or CARA legislation, which I coauthored with a colleague on the other side, SHELDON WHITEHOUSE. The other one is called the Cures Act, which is funding going directly to the States. By the way, Ohio just got another \$26 million this year from the Cures Act, and we are putting it to work. In the appropriations bill that is before this body now in the Labor-HHS bill, we again provide funding for the CARA legislation, which does funding directly to groups that are doing a good job on prevention, education, treatment and recovery. It also helps our firefighters and other first responders with the miracle drug Narcan that they need to reverse the effects of an overdose. It is all good, and it is working.

I was recently back home and had a chance to visit, as I do regularly, some of the institutions and some of the entities that are using this funding. Just to give an example, I went to a town called Whitehall, outside of Columbus, OH. We had a roundtable at a fire station, and I got to see what is going on. They are taking this grant money and training their EMS personnel—the firefighters and paramedics—to be able to handle people coming in who are addicted and get them into treatment. This firehouse has opened up its doors, no questions asked. If you come in there, they will get you treatment.

While I was there, coincidentally, a young man showed up. He had been through treatment three times, and it hadn't worked for him. He said he was ready—ready to go. He was shaking and he was nervous, but I watched the firefighter deal with him. They spoke to him, and I spoke to him.

I saw him get into the ambulance and go to another entity that is called the Addiction Stabilization Center in downtown Columbus, which is also doing innovative work and is also funded by these programs, in this case with the Cures Act funding. It is an old hospital they converted into a 50-bed treatment center with an emergency center.

So people can come in from the street, and they have a place to go into treatment immediately. It takes away the excuse. They have about an 80-percent rate of people getting into treatment. That is incredibly high.

One of the big problems with the current crisis is that people who are addicted and who overdose and are saved by this miracle drug Narcan, which reverses the effects of the overdose, typically then go right back into the same environment. How do you get them

into treatment? How do you get them back on track? How do you keep them in treatment? How do you ensure that treatment is successful? That is what the CARA and Cures legislation is helping to do.

I will say that despite the positive stories back home, despite the additional effort we have put in, still there is this data from the Centers for Disease Control and Prevention showing that last year was worse than the year before. Why is that so despite the efforts in Congress and at every level of government?

In all of our communities something is being done. People are starting to step forward. The private sector is starting to get more engaged. That is all good.

I think the primary reason for this is because of the rise of a particular drug—the new scourge. It is the synthetic form of opioids. Just as we were making progress in reducing some of these overdoses and deaths and dealing with the terrible consequences of the opioid epidemic, what happened? We saw a steep increase in a new drug coming into the market. It is more deadly—50 times more deadly than heroin—and it is relatively inexpensive. That is a fatal combination for thousands of our constituents who are dying every year now from the fastest growing and deadliest drug in this epidemic—fentanyl.

This breaks down the types of drugs and the type of drug and the increase or decrease. The one trend that stands out, as you see here, is the growth in synthetic opioids.

In fact, with regard to other drugs, including heroin, you can see a slight decrease—basically, a flattening. For other opioids, there is an increase and, then, a slight flattening. With regard to synthetic opioids, there is a steep increase, and there is a steep increase recently.

Last year there were 30,000 overdose deaths from synthetic drugs like fentanyl. That is up from approximately 20,000 overdose deaths from fentanyl the year earlier. So there are 10,000 more deaths from fentanyl between 2016 and 2017.

To give you an idea of how rapidly this drug is infiltrating our country, in 2013 there were about 3,000 fentanyl overdose deaths nationally. This means that from 2013 to 2017, there has been an 850-percent increase in overdose deaths due to fentanyl.

Last year, fentanyl was involved in more than 60 percent of the 48,600 overdose deaths that the CDC says were from opioids. In my State of Ohio, we think that is consistent. We think it is over 60 percent, or closer to two-thirds.

Looking at the new data coming in this year from Ohio from the various health departments around the State and from our coroners, it looks like it is an even higher percentage in 2018.

When I am home I hear about this a lot. People come up to me and tell me stories that will break your heart

about family members. I have had two tele-townhall meetings in the last month, and both of these involved thousands of Ohioans. People aren't selected for anything other than that they get a phone call and they are asked if they want to talk to their Senator. We pick up the phone and we have 15,000 to 20,000 people on the call, and in both of these last two tele-townhall meetings, somebody called in with a very similar story—a tragic story about the pain and suffering they experienced from a loved one passing away from a fentanyl overdose.

Pauline from Zanesville called in, and she told me her brother had recently passed away. She wondered what we were doing about it. Sam from Shelby County called at the next townhall meeting and told me that his son had tragically overdosed from fentanyl and died. By the way, in both of those cases, they didn't mention that up front. They called and had a discussion with me about some policy issues, and it just kind of came out. Their voices cracked. You could tell when they are overcome with emotion at the end of our conversation. They said: Well, my son—in this guy's case—just died from an overdose of fentanyl.

By the way, in both cases, the brother and the son did not know they had taken fentanyl. They didn't know they had used fentanyl. In one case, with regard to the brother, he thought it was only cocaine that he was using. Instead, it was laced with fentanyl. In the other case, it was heroin, and the person had shot up heroin before and been successful in not dying of an overdose, at least, but in this case fentanyl was laced in the heroin.

Now I tell you this because this new deadly drug is not just about pure fentanyl. It is about evil dealers and drug traffickers actually mixing the fentanyl with other drugs as well. When the coroners' reports come in, often they are finding out it is fentanyl, not the drug the person thought he or she was taking. I had first responders telling me that somebody wakes up and says: Thank you for saving my life on this Narcan. I am OK now.

Unfortunately, that is not what you hope would happen. You hope they will say: I want to go into treatment.

But they wake up, after having been saved by Narcan, and they say: I don't know why I overdosed, because I wasn't taking a strong drug.

They are told: Well, this tested for fentanyl.

They say: Well, I wasn't taking fentanyl.

That is because now any street drug—any street drug—that is taken has the risk of containing fentanyl, which can be deadly.

I hope people who are listening today tell everyone they can think of—at work, in their family, people in the community—just to be sure that this message is getting out. This is a new and deadly threat out on our streets, and it can be in any drug.

We want to turn the tide in this drug epidemic that is depriving the people I represent and the people represented by this Chamber of their God-given purpose in life, whatever it is. It certainly isn't to overdose and die from opioids. We have to confront much more aggressively this rise of fentanyl. This is the reality. None of us wish it were, but it is.

Shockingly, when you do research on this, you will find out that these synthetic drugs come into our country from other countries directly through the U.S. mail system. That is what law enforcement folks have told us—shocking. It is not mostly coming from any place except foreign countries sending it through the U.S. mail system. That is where the majority of this is coming from.

We looked into this issue on the Permanent Subcommittee on Investigations. I chair that subcommittee. We spent 18 months studying this. We found out how easy it was to purchase fentanyl online and have it shipped to the United States of America. We learned through this 18-month undercover investigation that these drugs can be found through a simple Google search and that overseas sellers essentially guaranteed delivery if the fentanyl was sent through a Federal agency—the U.S. Postal Service.

We found out from talking to law enforcement and our own research that this drug is primarily coming from China—one country—where there are scientists and chemical companies that are putting together this deadly mixture and are sending it to our shores.

Why do the traffickers prefer the U.S. Postal Service? Because it has lower screening standards than the other private carriers. International packages that enter the United States are subject to screening. Every private entity—such as FedEx, UPS, DHL, or others—has to provide law enforcement with advanced electronic data as to where the package is from, what is in the package, and where it is going. With that data, they can use big data from around the country and around the world, including from intelligence sources, and they can help to identify suspicious packages. Otherwise it is like finding a needle in a haystack.

The post office, by the way, brings about 900 million packages a year into the country. It is like finding a needle in a haystack, unless you have that information in advance and electronically. It allows Customs and Border Protection, which are doing the best job they can, to identify those suspicious packages, to stop them in transit, to keep these synthetic drugs out of our communities, and to stop the poison.

I have seen them in action. I have visited the Customs and Border Protection port of entry and have seen how they can get packages. They have to take these packages into a sealed room that has adequate ventilation, and they have to wear protective gear to be

able to even open these packages because this stuff is so deadly.

I have been to Columbus, OH, and I have seen there, in one of these distribution centers for one of the private carriers—not Customs and Border Protection—people putting their lives on the line for us and finding deadly packages and taking them offline to avoid this poison coming into our community. Law enforcement, as you can imagine, is desperate to stop these deadly drugs from reaching our shores in the first place. That is the best way to stop it. They need this critical information in advance to be able to do that.

Why doesn't the post office do it? Because we haven't required them to. By law, after 9/11, we have required all private carriers to provide this information. Frankly, we were more focused on explosives than we were on contraband such as drugs. But we didn't require the U.S. Postal Service. Instead, we said: Study this issue and get back to us.

That was 16 years ago. For the last several years, some of us have been pushing the U.S. Postal Service hard on this, and unfortunately, some still continue to oppose this effort to provide 100 percent electronic data.

Because of congressional pressure, they have recently been getting more data on some of these packages. Based on testimony before our subcommittee, last year the Postal Service received electronic data in advance on about 36 percent of the packages that came in, meaning that the United States received more than 318 million international packages with no or little screening.

Even when the post office conducted these pilot programs to screen for the drugs to get to the 36 percent number, 80 percent of the time they presented the packages to Customs and Border Protection and 20 percent of the time they did not present the package. So only 30 percent of the time was screening being provided, and still in 20 percent of those cases, they didn't present the packages to Customs and Border Protection. Instead, they went into circulation in our community.

We have a simple solution: 100 percent screening. This is a deadly epidemic.

Can you imagine tens of thousands of people dying from something that comes in from overseas through our own U.S. Postal Service and we are not stepping up to say: Whoa, let's do everything we can to screen these packages. The best monitoring devices, the best information—that is what we are asking for.

The legislation we have is called the STOP Act. It is a bipartisan bill that I authored with my colleague AMY KLOBUCHAR from Minnesota. It closes the loophole from the U.S. Postal Service that drug traffickers are using and exploiting to ship these deadly drugs into our communities. By holding the Postal Service to the same standard as pri-

vate carriers and requiring them to provide that advance electronic data for all international packages entering the United States of America, we can keep the fentanyl out of our communities.

By the way, talk to your letter carrier about this issue. They will tell you they want to stop this. They don't want to be carrying this poison. The person who walks door-to-door in your community or delivers mail to your post office does not want to have fentanyl in their package. First, it is dangerous for them, but more important to them is that they know what it is doing to our communities. They don't want to be any part of it.

The STOP Act passed the House of Representatives earlier this summer, and more than one-third of the Senators in this Chamber are now cosponsors of this legislation. In my view, it is long past time for the Senate to pass this legislation so that it can become law and begin to make a real difference in our communities.

I would like to thank President Trump for his leadership on this issue. Some of you may have seen yesterday that he sent out a statement—a tweet—supporting moving ahead with the STOP Act because of the scourge of this fentanyl coming into our neighborhoods, coming into our communities, our homes. He recognized the importance of this issue, by the way, and talked about it during the 2016 campaign and has talked about it a lot since then. He appointed an opioid commission to look into this issue. That commission endorsed the STOP Act specifically. I want to thank Governor Christie for working with us on that. That was the final report in November of last year, and still we have not passed it.

On Monday, when President Trump called on the Senate to pass this legislation without delay, I noticed there was more interest and reporters talking about this issue in the halls. I am glad about that. The President is waiting, pen in hand. He is ready to sign the STOP Act. Let's not make him wait any longer.

Last year, an average of 81 Americans died every single day from synthetic opioids. From what I can tell back home, this year is no better and may, in fact, be worse. We can't wait around for this problem to get worse. We can't do nothing. We have to do something. The legislation we passed here to help with prevention, treatment, and recovery is good. It is beginning to work. But we also need to reduce the supply and at least increase the cost of this deadly drug, which is 50 times more powerful than heroin. We need to pass the STOP Act. We need to pass it now so we can make a meaningful difference in combating fentanyl, the new scourge of this opioid epidemic.

I yield back my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

REMEMBERING ED ROLFS

Mr. MORAN. Mr. President, yesterday, my wife Robba and I attended the funeral services of Ed Rolfs of Junction City, KS. I come today to pay honor to this Kansan, to this great individual, and pay tribute to his contributions to his community and to our State.

Mr. Rolfs was born on December 13, 1924, in Junction City, KS, where he lived his entire life. He attended school there and graduated from Junction City High School. He then attended the University of Kansas for his undergraduate degree and later received degrees from Columbia University and the University of Wisconsin-Madison.

Ed was a lifelong student and was always busy. He was an avid reader and researcher. He studied financial markets and economic trends. He also stuck to his roots as a farmer, and he worked on the family farm until his passing this week.

The community and State know him as a strong supporter of schools and education. He continually supported scholarships and mentored many young men and women in the Junction City area.

He was a banker, and he began his career at the bank his father first started in 1915—Central National Bank. In 1967, Ed was promoted. He was named president of the bank, and he served in that capacity for over 25 years. He saw a great deal of growth and expansion in the bank as it spread into communities across the State and region. He was a president of a big bank, but he was a president of a community bank that had relationships with its customers. The banking community knew him to be a visionary leader, and he was, by many accounts, described as having a brilliant mind. His impact on the bank was more than just the bottom line; he took care and focused on his employees and their success.

Ed was a dedicated member of the Junction City community. Junction City is a community that is surrounded by Fort Riley. It is a community that understands the importance of civic engagement and understands the importance of caring for those who serve our Nation and whose families often remain behind while that service occurs. He was active in his community.

It is what you, Mr. President, and I know about many communities across our States in which people devote a significant amount of their time to making sure that good things happen at home. It is also a generational thing where you see those the age of Ed make certain that their lives are more than just their careers.

Ed had been a member of the Rotary Club since 1950. He joined the Masonic Union Lodge in 1953. He had held the post of president of both the Rotary Club and the Junction City Chamber of

Commerce. He was engaged with the Highland Cemetery Association as president; the Central Charities Foundation, where he was chairman; and he was a treasurer and trustee of the Kansas Council for Economic Education.

I have known Ed for many years. I, as well as those who honored him at his funeral service yesterday, described him as a humble man, despite his many successes, who kept quiet about those accomplishments. Over his lifetime, he received many awards, ranging from the Ernst & Young Entrepreneur of the Year to the Kansas Governor's Art Award in 2007.

He served his country, in addition to his community. It makes us proud that he was a veteran of both World War II and the Korean conflict. He was a 73-year member of the American Legion Post No. 45. Serving and sacrificing for others is simply who Ed Rolfs was.

Ed had a deep understanding of the temporary nature of life. He was a devoted and lifelong member of the First Presbyterian Church, where he served in various roles—as treasurer, member of the choir, trustee, and Sunday school teacher.

A dedicated family man and loving husband, father, grandfather, and great-grandfather, Ed leaves behind his wife, Eunice, of nearly 70 years. I would use this as an opportunity to indicate to my colleagues that Eunice is the daughter of Frank Carlson, former Governor and U.S. Senator from Kansas. They were married for nearly 70 years. He has three children, four grandchildren, and four great-grandchildren.

One of the things I observe in judging a person on their abilities, their character, who they are as a human being, is what their family is like. In any dealings I ever had with Ed Rolfs and his family, I knew he was good at what was really important in life. He raised a good family. He and Eunice raised a good family.

Ed represents the kinds of values on which our State was built. His sense of care and compassion and his service to his community, his country, his church, and his family have made the world and our part of the world a better place. He had a vision for a stronger community and a more prosperous Kansas. He will continue to inspire me personally.

Another observation is that my attendance at the funeral services yesterday caused me to remind myself that you hope the people who come to your funeral service are there because they admire and respect you and honor you and the life you lived. Ed had significant responsibility and a significant position in the community, but it is unusual to see so many people of all ages at a funeral. It wasn't about his position; it was about his relationship with those he knew and cared about.

In the coming weeks, Robba and I will continue to keep Ed and his wife Eunice, along with their family and friends, in our prayers. As they cele-

brated his life at the funeral services on Monday, may we continue to live our lives in a way that honors the way he lived his life.

May Ed Rolfs rest in peace.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. 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. INHOFE. After the announcement that was made this morning—it was a great announcement, long awaited—I think it is appropriate that we talk a little bit about it. When Trump withdrew from the Paris Agreement and pulled back from the Clean Power Plan, we heard from the environmental extremists and the liberals declaring that the administration's actions will “endanger public health, our environment and our economic prosperity.” That was Governors Brown and Cuomo. They further declared that “if we don't decarbonize our future, people are going to die.” People are always going to die. That is what the extremists always say. I guess there must be a population out there that actually believes that.

However, the opposite is happening even without a one-sided international agreement or the punishing Clean Power Plan. In effect, in 2017, the United States led the world in CO₂ reductions, while China and India led the world in increasing CO₂ emissions. How many people know that? All you ever hear about is that we are the guilty one in terms of our emissions. That is not true at all. Just think, both China and India led the world in increasing CO₂ emissions. These are the guys our previous President, Barack Obama, would have us believe were actually making great sacrifices, and here they are leading in increasing CO₂ emissions.

When we passed tax reform, the Democrats claimed we would experience “Armageddon”—NANCY PELOSI said that—and taxes on middle-class families would increase. As we have seen, tax reform has been a resounding success, with 4 percent unemployment and nearly 4.1 percent GDP growth in the last quarter.

Right after Congresswoman PELOSI made the statement that taxes would increase on all middle-class families, the Washington Post fact-checked the Democratic claims, giving them four Pinocchios, as 80 percent of middle-class families are paying less in taxes. In other words, 80 percent of middle-class families are paying less in taxes now than they were. Yet she was saying that taxes on all middle-class families were going to have to increase.

You hear these things—they can't look at success and see what is hap-

pening and really appreciate it without rousing everyone on the other side with extreme accusations. With every Executive order and Congressional Review Act resolution that rolled back regulation after burdensome regulation, we heard that the end of days was coming.

Let's pause here for a minute and see how you get rid of some of these regulations. There are two ways of getting rid of regulations. One is you do it with an Executive order. Sometimes that doesn't work. You can't use an Executive order in certain types of regulation, so you have to go with the Congressional Review Act.

It is kind of interesting because we started the Congressional Review Act over 20 years ago. Prior to this administration, it had been used successfully only once in 20 years; now it happens almost every day.

With every Executive order and Congressional Review Act resolution rolling back the regulations, we heard that the end of the world was coming. You would not know it if you looked at the economy and saw what is happening in this country today with the increases in energy production, manufacturing, consumer confidence, GDP, and job opportunities.

Meanwhile, jobless claims have dropped to a 45-year low—a 45-year low of jobless claims this year—and the Social Security disability claims last year were the lowest we have seen since 2002.

I think it is kind of interesting to go back and look at the fact that we have 4 percent unemployment. For as long as I can remember, I have always considered 4 percent unemployment full employment. There are always going to be some unemployables, but 4 percent is considered to be full employment, and that is what we have.

It is kind of interesting. I was in Texas last week, talking to one of my liberal friends down there. I said: What can you say now? Look at the economy. The economy has never been better.

He said: No, the economy is bad. It is hard to find anyone to work in restaurants anymore.

In other words, we have full employment, but that is supposed to be bad. That is the position we are in right now.

In the last quarter, we had 4.1 percent growth in the economy. Let's stop and think about that. This is something that no one disagrees with. For every 1 percent growth in economic activity, that translates into \$2.9 trillion of new income coming into the Federal Government every 10 years.

Let's stop and think about it. We have a President who is trying to undo the damage from the last administration when the military was cut down to the bone and we didn't do anything in the way of infrastructure. This President is committed to that.

People are saying: All right, where is the money going to come from?

There is where it is going to come from. My gosh, if we can average just 3 percent growth—and we have been doing that; we are far exceeding that—that is going to be close to \$6 trillion of new funding that will be there for the next administration.

With each action the President takes, we hear that the consequences are going to be dire and that people will die. It is always that people will die. Yet those predictions have never materialized. We have seen the opposite happen.

When it comes to President Trump's pick to replace Justice Kennedy on the Supreme Court, the predictions are just as hysterical. If there is not any logical reason to be against something, they just start name-calling. That is what has been happening.

In a recent speech, Hillary Clinton worried that with the nomination of Judge Brett Kavanaugh, Republicans "want to turn the clock back . . . to the 1850s." That came from Hillary Clinton. Her meaning was very clear. She wants people to believe that Judge Kavanaugh and the Republicans are taking the country back to the days of slavery, despite no evidence to back up this reckless claim. In fact, Republicans want more freedom, not less.

Others are equally as bold in their predictions in saying that his confirmation will be the death—listen to this—the death of millions, that his confirmation will be the destruction of the Constitution, and that his confirmation will usher in the end of civil rights in America and make us complicit in evil. In other words, it will be the death of millions of Americans. Who, logically, can even look at that without smiling and saying that they have to be totally desperate in the accusations they are making against this guy? All of these baseless and extreme attacks on his nomination mean just one thing—that Judge Kavanaugh is an excellent pick for the Supreme Court.

After meeting with him last week, looking into his record, and reading about his character—some of the stories that I have heard from other people—it is clear that he is a solid choice to become our newest Supreme Court Justice. With 12 years on the DC Court of Appeals, Judge Kavanaugh has amassed a record of over 300 opinions, and the worst opposition research we have seen against him so far is that he charged baseball tickets to his credit card and then paid for them.

By all accounts, from those who know him, Judge Kavanaugh is a respected member of his community and of his profession. Professionally, he is known as a serious jurist who studies the law and is evenhanded in applying the law.

In his op-ed for the New York Times, entitled "A Liberal's Case for Brett Kavanaugh," Yale Law professor Akhil Reed Amar made this statement: "Good appellate judges faithfully follow the Supreme Court; great ones influence and help steer it." He was re-

ferring to Judge Kavanaugh. By this measure, Judge Kavanaugh has been a great appellate judge.

He ranks second among the current judges who have law clerks who have gone on to clerk for the U.S. Supreme Court. More impressively, the Supreme Court has agreed with the positions that Judge Kavanaugh took in the last 13 of his opinions, adopting his logic in the prevailing opinion before the Court. In other words, they came down on his side in the cases that he had decided in the last 13 of his opinions. Nine of those times, the Supreme Court adopted his dissenting opinion as their majority opinion. In fact, he has been reversed by the Supreme Court only once and only in part.

Of those dissenting opinions by Judge Kavanaugh that the Supreme Court adopted as their own, one of them includes his dissent in *Coalition for Responsible Regulation v. EPA*, in which he concluded that the EPA defined "air pollution" too broadly in its regulations on greenhouse gas emissions. He viewed the Obama EPA's burdensome greenhouse gas regulations for powerplants as exceeding its authority and argued that the courts should "not lightly conclude that Congress intended" to "impose the enormous costs on tens of thousands of American businesses, with corresponding effects on American jobs and workers." Again, the Supreme Court agreed with him. They were on his side.

This opinion is also instructive to see his thinking on the proper role of the courts in our system of government. In his opinion, he wrote: "As a court, it is not our job to make the policy choices and set the statutory boundaries, but it is emphatically our job to carefully but firmly enforce the statutory boundaries." This is a consistent part of his jurisprudence.

Because of his position on the DC Circuit Court of Appeals, Judge Kavanaugh has had many opportunities to check the Federal Government's overreach. I served as chairman of the Environment and Public Works Committee for quite a number of years, and one of the big problems we had at that time was that the bureaucrats were actually making the determinations. This is where he has actually overruled the bureaucracy many times. In fact, he has overruled Federal agency actions 75 times in his 12 years on the bench. That is really saying something.

When the EPA wanted to impose massive emissions regulations but did not want to consider the costs, Judge Kavanaugh rejected that effort in *White Stallion Energy Center v. EPA*. The Supreme Court agreed.

In the case of *EME Homer City Generation v. EPA*, Judge Kavanaugh held that the Obama EPA's cross-state air pollution rule was awful and imposed excessive regulatory burdens on the States.

He also rejected the Department of the Interior's position to designate 143 acres of plaintiff's property as critical

habitat for a shrimp based "on a single 2001 sighting of four ant-sized San Diego fairy shrimp" on the property. They would shut that down. He reversed it.

These are just a few examples of Judge Kavanaugh's efforts to ensure that our agencies are acting and regulating within their authorizing statutes and the U.S. Constitution.

This is the real reason we are seeing such vitriol from the left. They have long used our courts and our agencies to impose their unpopular agenda, mostly because they couldn't get it through Congress, as the majority of Americans recognized how stifling and burdensome their agenda is.

Having another judge on the Supreme Court who recognizes the proper role of the courts and the agencies when it comes to setting policy that affects all Americans threatens their ability to force costly, ineffective, unpopular burdens on our economy, our job producers, and our landowners. With Judge Kavanaugh on the court, we will preserve the U.S. Constitution and our system of representative government for decades to come.

As I told Brett in our meeting—he has been good enough to go around and have meetings with all of the Members of the Senate. As a matter of fact, I told him that, from his reputation, he didn't need to waste his time with me because I knew all about him, and I was going to support him. As I told him during that meeting, though, his nomination and the work President Trump and the Senate have done to process judicial nominations are to save our country, not for me but for my 20 kids and grandkids.

So I look forward to the confirmation. We are going to hear more of the accusations, more of the extreme left making comments about this great judicial success. I look forward to having him there for many years to come. I am convinced that it is going to happen.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, as a member of the Defense Appropriations Subcommittee, let me begin my remarks by thanking Chairman SHELBY and Ranking Member DURBIN, as well as Vice Chairman LEAHY, for their leadership on the committee and their advocacy for the men and women who defend our Nation.

At a time when the threats to our Nation are increasing rather than decreasing, the work of the Defense Subcommittee is vitally important to ensure that our men and women in uniform, as well as our DOD civilian employees, have the training, ships,

planes, vehicles, and other equipment they need to defend our country.

The bipartisan bill reported out of the committee reaffirms the strategic importance of our Navy and our shipbuilding programs by including funding for three Arleigh Burke-class destroyers in fiscal year 2019, while also including \$250 million in advance procurement funding for an additional destroyer in fiscal year 2020. This funding signals our strong belief that the Navy should sustain an aggressive rate of growth for large surface combatants in fiscal year 2020 and beyond in order to project strength in an increasingly dangerous and complex world.

In recognition of national security imperatives, the Navy's own 2016 fleet structure assessment increased the target number for large surface combatants to 104 ships from the 88 ships called for under the previous 308-ship Navy requirement. Maintaining a steady and predictable production profile for large ships will not only protect the help of our shipbuilding industrial base but also ensure that the Navy maintains an adequate number of these ships into the future.

In Maine, we are very proud of the vital role Bath Iron Works plays in contributing to our national security by building and maintaining ships for the fleet. BIW is known throughout the fleet for the high quality of its ships that are built there, with many Sailors using the motto "Bath built is best built." BIW employs the finest shipbuilders, engineers, and designers in the world. This bill rightly recognizes the great value that these tried and tested warships bring to the Navy.

I am also proud of the continued investment this bill makes at our Nation's public shipyards. The additional \$350 million provided for facility sustainment, research, restoration, and modernization, as well as the \$176 million for shipyard investment acceleration, will help the Portsmouth Naval Shipyard in Kittery, ME, and other public shipyards keep our Nation's submarines at sea for years to come.

This bill also makes critical investments in research and development programs that are being carried out in partnership with research institutions such as the University of Maine. These programs include producing jet fuel from Maine's forest biomass, using structural thermoplastics for Army ground vehicles, conducting cellulose nanocomposite research for the Army, developing hybrid composite structures for the Navy, and participating in the Navy's advanced hull form development initiative, among many other essential research and development projects.

Our legislation invests in cutting edge, fifth generation aircraft by funding 89 F-35 aircraft. These state-of-the-art planes are truly the future of aviation, and I am proud of Pratt & Whitney's contributions to this program through its construction of the F135 engine at its facility in North Berwick, ME.

Additionally, our legislation procures eight heavy-lift helicopters for the Marine Corps. The rotating drive shafts are a critical component of this aircraft and are produced at Hunting Dearborn's facility in Fryeburg, ME.

The National Guard, as the Presiding Officer is well aware, provides our country with both a strategic and operational reserve which has proven itself time and again.

I applaud the bill's inclusion of providing \$900 million to the National Guard and Reserve equipment account to modernize our Reserve Forces and ensure their full interoperability with the Active-Duty Force.

Finally, the committee report ensures that Congress has sufficient oversight over any efforts to close or realign facilities of the Defense Finance and Accounting Service, DFAS, as it is called, maintains a highly efficient facility in Limestone, ME. It is responsible for payments to our servicemembers, DOD employees, vendors, and contractors. Given this critical responsibility, I applaud the work done by the hundreds of hard-working employees at Limestone, and I welcome their continued support of our Armed Forces.

I am very pleased that we are proceeding the Defense appropriations bill, as well as the Labor-HHS appropriations legislation. I look forward to working with my colleagues to pass both bills in one package this week.

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. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

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

ACCOMPLISHMENTS

Mr. CORNYN. Mr. President, this week marks the continuation of a bipartisan effort to actually do the work we were elected to do.

The New York Times recently published an article that said the Senate got its groove back. I don't know if I would go that far, but certainly we are making some progress when it comes to these important funding bills.

These two appropriation bills are two of the largest ones in the Federal Government. One, of course, is for the Department of Defense which, appropriately, is the No. 1 priority of the Federal Government—to maintain the peace and keep our Nation safe. The other funds the Departments of Labor, Health and Human Services, and Education.

After we pass these bills this week, which we will, we will have passed 9 of the 12 appropriations bills, which cover 87 percent of discretionary spending.

I might add that when I mention discretionary spending, it is noteworthy that about 70 percent of what the Federal Government spends is not discretionary spending. It is mandatory

spending, which is another story in and of itself.

But insofar as the Congress's responsibility to appropriate the funds in discretionary spending, we will have covered about 87 percent of that.

I want to express my gratitude again to Chairman SHELBY and Vice Chairman LEAHY for their efforts in facilitating such a relatively smooth process on all of our appropriations bills so far. They have done a good job of managing the bills and, even more importantly, of managing the people and preventing this process from devolving into a quagmire, as it occasionally does.

To give you an idea of how difficult this can be, it bears mentioning that it has been 15 years since the Senate last passed the Labor-Health-Education bill in time for the start of the fiscal year. So hats off to Mr. SHELBY and Mr. LEAHY. As the majority leader, Senator MCCONNELL, said yesterday, these two bills represent big strides toward avoiding another omnibus, which the President said he wanted to do, and appropriating the taxpayers' money the right way.

The funding bills we are working on this week are important, but they are not the only developments worth noting. Remember, recently we heard that in the second quarter of this year—the second 3-month period of this year—our economy grew at an astounding 4.1 percent after years of economic stagnation and wages that never seemed to go up. We were able to pass the Tax Cuts and Jobs Act at the end of last year, which helped provide a needed stimulus to the economy by putting more money into the pockets of the people who earned it. We were successful in lowering rates across the board and doubled the child tax credit and standard deduction.

Over the last 9 months, my constituents in Texas have been writing to me about the effect it has had on their lives. These are men and women like Virginia Davis, a small business owner who said the changes will help keep expenses down and help her company buy new equipment. Then there is Suzan Casey, a widow in New Braunfels, TX, which is north of San Antonio, who is working part time even when facing health issues. She wrote and said that she appreciated our efforts at reforming our outdated Tax Code and that every little bit helps, especially when she has been saving up the money to go visit her grandson in California.

In Texas, our economy has been robust for a long time now. We heard that last month, more than 23,000 jobs were added—the 25th consecutive month of job growth in my home State. In some places, such as Midland in the Permian Basin, which is the center of the universe when it comes to oil and gas production, it seems, the unemployment rate was as low as 2.2 percent. It is hard to find anybody who will work in the Permian Basin, in the

Midland-Odessa area, because the economy is so strong that every able-bodied, willing worker is essentially employed. These are positive signs, although obviously there are stresses and strains that go along with it.

Tax reform and the good economic news are complemented by other legislative victories we have had on behalf of the American people during this Congress.

We funded rebuilding efforts following natural disasters, such as Hurricane Harvey.

We enacted the Fix NICS Act and the STOP School Violence Act to help protect Americans from gun violence.

We delivered real healthcare choices to American veterans with the VA MISSION Act.

We passed occupational licensing reform, as well as banking reform, which helped our small banks, credit unions, and community banks get rid of some of the rules that never should have been applied to them in the first place because they weren't the cause of the huge crisis that led to the great recession just a few short years ago. It wasn't the community banks—it was Wall Street and some of the overreach there—but community banks in small towns in and around Texas and elsewhere were the collateral damage.

This last year and a half, we fought sex trafficking by passing legislation targeting internet predators, and we have worked hard and I think helped to reduce the rape kit backlog.

We have confirmed a total of 53 judges this Congress, including 26 circuit court judges, 26 district judges, and a Supreme Court Justice, Neil Gorsuch.

NOMINATION OF BRETT KAVANAUGH

Mr. President, 2 weeks from today, we will start the confirmation hearing of the next Supreme Court Justice we will consider, and that is Judge Brett Kavanaugh, who has been nominated to succeed Justice Anthony Kennedy as an Associate Justice on the U.S. Supreme Court.

As I said, his hearing is set for the first week of September, and I hope we will move quickly to vote on his confirmation after the hearing. His confirmation process includes the largest production of documents ever in the Senate's consideration of a Supreme Court nominee. I appreciate Chairman CHUCK GRASSLEY's spearheading the effort in such a transparent, efficient, and thorough manner.

To see how a judge will behave once elevated to the Supreme Court, the best evidence of how they will perform their job is how they have performed as a lower court judge, as Judge Kavanaugh has been over the last 12 years in the DC Circuit Court of Appeals. The best way to find out about his judicial philosophy, his temperament, and how he actually handles cases is to look at how he has done each of those things during the 12 years he has served on the DC Circuit. Yet we have heard some of our colleagues on

the other side, including the minority leader and the former Judiciary chairman, Senator LEAHY, who actually used to agree with us that the best way to evaluate a nominee—for example, during Justice Sotomayor's hearing—was by looking at their judicial record, but now they have changed their tune.

In Judge Kavanaugh's case, what the rulings show consistently is that he is a diligent and thoughtful judge. His rulings are clear, they are impartial, and he strives to achieve justice in each one.

Yesterday, I mentioned some of the cases in which Judge Kavanaugh's opinions, whether written as part of the majority opinion or the dissent, were vindicated by an adoption of that position and that opinion, essentially, by the Supreme Court on a 9-to-0 basis, but I would like to talk about another couple of arguments that have now started to bubble up.

As I like to say, a false charge un rebutted is sometimes a charge believed, so we have to work hard to remind people that just because someone says something about Judge Kavanaugh's record, it is not necessarily true.

The first claim that has now popped up is that he is somehow an "anti-worker radical." This is a phrase coined by the pundit Paul Krugman of the New York Times. It sounds pretty ugly. I guess it means that the judge is predisposed, when deciding cases, to find against employees and hard-working men and women in favor of management and big business. But the fact is, Judge Kavanaugh's record indicates exactly the opposite.

In one case, a pro se litigant had been terminated after filing a discrimination complaint. Judge Kavanaugh joined the majority in a ruling for the employee, finding that a reasonable jury could have found unlawful discrimination, harassment, and retaliation against the plaintiff. That doesn't sound like an anti-worker radical to me.

Judge Kavanaugh wrote a separate concurrence that a racial epithet that may have been used could create a hostile work environment, even if uttered a single time.

In another case, involving a terrible accident involving a trainer of a killer whale at a theme park, Judge Kavanaugh did not simply defer to large corporate interests. In fact, the strict question of liability, which would have implicated State and Federal tort law, was not even before him, nor was the question of whether the work environment at the theme park was unreasonably dangerous. Instead, the question before the court and before Judge Kavanaugh was one of administrative law.

Judge Kavanaugh argued persuasively that a Federal agency had ignored congressional intent when interpreting a statute in self-serving ways to give itself, the Federal agency, authority that Congress had not con-

ferred. He argued that this agency had made arbitrary distinctions between different kinds of sporting and entertainment events and departed from longstanding agency precedent. That actually was the crux of his decision, despite the mischaracterization from some of the critics.

We can count on Judge Kavanaugh to appropriately consider overreach by the administrative state and to enforce the rule of law that protects both corporations and individual workers. I think we have plenty of evidence of that.

One additional line of attack is that the judge has somehow been insufficiently protective of Fourth Amendment privacy rights, but one expert at the libertarian Cato Institute who has analyzed the judge's record in detail found that Judge Kavanaugh is a "big step forward for constitutional liberty." Among other things, this expert noted that Judge Kavanaugh had been a leading advocate of interpreting statutes to include robust mens rea protection. In other words, in criminal statutes, before you can be convicted of a crime, you have to have criminal intent. That is mens rea.

Judge Kavanaugh has authored 307 opinions on the DC Circuit and has attracted praise from across the ideological spectrum for the clarity of his thought and expression and the precision of his legal reasoning. He respects the roles and responsibilities that are assigned to the different branches of our government by the Constitution, and he sees the proper role of the judiciary as a narrow one, albeit an important one. It does not make policy. It interprets the law and applies it to individual cases, one at a time, impartially, with no eye toward the outcome or the politics of the case.

The truth is, I believe that after the hearing we will have the week of September 4, the American people will conclude, as I have concluded based on my knowledge of Judge Kavanaugh for the last 18 years, that he is an eminently qualified and well-respected jurist by all those who know him and are familiar with his work. I look forward to confirming him as a Justice early this fall, hopefully in time for the October term of the Supreme Court, the first Monday in October.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. 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. 3761

Mr. WARNER. Mr. President, I rise to offer an amendment to the legislation we are working on that would make sure security clearances are revoked on a going-forward basis only for valid national security reasons—not to change the subject on a bad news day,

not to threaten career government employees, and especially not to carry out political retribution.

Virginia is home to tens of thousands of dedicated men and women who serve in our intelligence and defense communities. Over the years, as Senator and vice chairman of the Intelligence Committee, I have met literally thousands of FBI agents, CIA officers, military servicemembers, contractors, and other public servants who hold security clearances. These men and women work day in and day out, often thanklessly, to keep America safe.

Do you know what? I have no idea, amongst those Americans who have those security clearances, which of them are Democrats and which of them are Republicans, and that is the way our system is supposed to work.

The Federal Government grants security clearances only to those individuals who can be trusted with our Nation's secrets. Applicants go through intense, lengthy background checks, interviews, and even, in many cases, lie detector tests, not to mention extensive rechecks for suitability every few years. Only then, after this process, do we allow them to serve in some of the toughest intelligence and national security jobs. We ask a great deal of these dedicated professionals, but what we don't ask about are their political views.

Since the mid-1990s, the Code of Federal Regulations has governed the 13 criteria under which personnel are deemed eligible or ineligible for security clearances and access to classified information. Amongst those 13 reasons to actually get a security clearance or to lose a security clearance is included: allegiance to the United States, being subjected to foreign influence, financial considerations, and others. When you look through that list of 13—and I have it over here—none of those criteria includes political speech, nor should they. Our national security is too important to infect with political partisanship.

I believe that more than ever, in light of the President's actions last week when this President revoked the clearance of former CIA Director Brennan and, equally important, if not more important, when he threatened to revoke the clearances of numerous former and even current national security professionals. These individuals collectively have hundreds of years of honorable service to our country under their belts. No one can seriously question their fitness or loyalty to this country.

Unfortunately, what we know—which is what happened last week and which, unfortunately, happens too many times out of this White House—is that this is all about politics. According to media reports, White House officials have discussed how to issue the revocations on a going-forward basis to other enumerated individuals to distract from bad news stories. I hope these reports of the White House's plans are mistaken.

True or not, we need only listen to the President's words to know these efforts are politically motivated. I will admit I had missed the widely publicized press event at which the White House announced the President's "enemies' list." Yet anyone who looks at this list will notice some common factors in that they all served in the previous administration, and in the time since, several have exercised their First Amendment right to criticize this President for his policies. Many of those on the list have also had some involvement in the investigation into Russia's assault on our democracy in 2016. For that—in many cases, for doing their jobs—they are now being punished or will be potentially punished by this President and this White House.

In the President's own words, "These people led it . . . so I think it's something that had to be done."

This is truly a dangerous precedent. For the first time since President Eisenhower created the security clearance process as we know it, the President of the United States is abusing one of his most important national security tools in order to punish his political opponents. As one of my friends on the other side of the aisle mentioned, it is something that would be more akin to something coming out of a banana republic.

Perhaps even more troubling is the message this President is sending to those who are currently serving in government service. It is pretty clear he is sending a message that says to think twice before working on anything this President doesn't like, to think twice before you express a political opinion, even if it is in private. The White House broadcast this message loud and clear when it threatened to revoke the clearance of a midlevel employee at the Department of Justice.

This is a clear attempt of intimidating others in the bureaucracy. If this President is successful in revoking this first wave of clearances, there is no question these actions will threaten the ongoing Russia investigation—an investigation that, again today, claimed two more guilty convictions, an investigation that has already resulted, prior to today, in 5 guilty pleas and 35 indictments. As I mentioned, today included the conviction of the President's campaign manager.

Unfortunately, the President's actions don't just harm the individuals involved; these tactics threaten our national security institutions themselves. The Pentagon, the intelligence community, the FBI, the Department of Justice, and the rest of our national security structures depend on seasoned career professionals who do not act out of partisan motivations. Threatening their clearances—threatening their livelihoods and their families—is a clear attempt at undermining an ongoing, legitimate criminal investigation into what Russia did in 2016. If successful, the President's actions threaten to politicize our national security institu-

tions even more so than they have already done.

The President has significant authority as head of the executive branch, but there is widespread agreement that he should not be able to use these powers to get payback against Americans who criticize him. All of us in this body agree that no President should be able to order the IRS to audit political enemies, and we all agree no President should be able to order wiretaps against those who displease him. We should also all agree that a President should not have the power to remove clearances for reasons that have nothing to do with national security and certainly not because an individual expresses his or her right to free speech.

I ask my colleagues to support the Warner amendment. I ask the majority leader to make sure this amendment gets a fair vote, up or down, on the floor of the Senate because I believe the Senate must take a stand against any attempts to punish political speech or to threaten our national security professionals by arbitrarily taking away their security clearances.

We currently have in place real and prudent guidelines for issuing and revoking clearances, guidelines that are based on national security and not on political considerations. We cannot allow those to be supplemented by crass partisanship or attempts by this President to punish his enemies. We have come way too far from the dark days of Watergate to allow this type of attack against career professionals who have faithfully served our Nation with honor and dignity. We should demand better from this President. We can take that action by passing this amendment.

I yield the floor.

THE PRESIDING OFFICER (Mr. RUBIO). The Senator from Iowa.

NOMINATION OF BRETT KAVANAUGH

Mr. GRASSLEY. Mr. President, as I have now for several weeks spoken to my colleagues about the nomination of Judge Brett Kavanaugh, I return to further elaborate on where we are in that process.

Two weeks from today, Judge Brett Kavanaugh will appear before the Senate Judiciary Committee for the first day of his confirmation hearing. I am quite excited to finally hear from him in that forum. He is one of the most qualified nominees to have ever been picked for the Supreme Court, and he has contributed a great deal to his community and the legal profession, besides being an outstanding judge on the DC Circuit Court of Appeals.

Apparently, the other side has found very little in his record that is objectionable. The only thing I keep hearing is their unprecedented demand for millions and millions of pages of irrelevant documents on top of the hundreds of thousands of pages we have already received. Indeed, the Senate Democratic leaders have demanded the search of every email and every scrap of paper from every one of the hundreds of White House aides who came

and went for the entire 8 years of the George W. Bush Presidency. The Senate Democratic leaders have even refused to utilize search terms—and other ways—in order to limit the universe of millions and millions of pages of records that would require a consecutive review by the Archives and both the former and incumbent Presidents' teams of lawyers even before the Senate Judiciary Committee could have begun its own search. These reviews would have taken many months, and some people have said they would have taken beyond this year.

We know the true reason for their unprecedented document demand, which is to deny Judge Kavanaugh's confirmation until after the midterm elections, when the Senate Democrats hope to win back the Senate and block Judge Kavanaugh's nomination forever.

Democratic leaders announced their opposition to Judge Kavanaugh immediately after he was nominated. Can you believe that? Some Senators announced their opposition to any one of the 25 potential nominees before the President even announced he was picking Judge Kavanaugh. The minority leader said he would oppose Judge Kavanaugh with everything he has.

This desire to obstruct the entire process explains their partisan push to bury the Senate Judiciary Committee in a mountain of irrelevant paperwork. They also want to divert attention from the very impressive record Judge Kavanaugh has. Democratic leaders know Judge Kavanaugh is the exact type of Justice the American people want. By the way, when he was a candidate—way before his election—the President named the people whom he was going to appoint and the types of people he was thinking.

Judge Kavanaugh has served for 12 years on the DC Circuit Court of Appeals. During that time, he has authored more than 300 opinions and has joined in hundreds of others. In 13 separate cases, the U.S. Supreme Court has adopted legal positions that have been advanced by Judge Kavanaugh's opinions on the DC Circuit. That is a very impressive record that few people on the circuit court of appeals can claim.

The majority's staff on the Senate Judiciary Committee has already received more than 10,000 pages of judicial opinions Judge Kavanaugh wrote or joined, more than 17,000 pages of materials Judge Kavanaugh provided in response to the most robust questionnaire ever submitted for a Supreme Court nominee, and more than 260,000 pages of emails and other records from Judge Kavanaugh's executive branch legal service. This morning, the committee received close to 170,000 pages of additional records from Judge Kavanaugh's executive branch legal service. We now have more than 430,000 pages from Judge Kavanaugh's time in the executive branch—by far, the most ever received for a Supreme Court nominee. The majority's staff will fin-

ish reading every one of these pages before Judge Kavanaugh's hearing, which will start the day after Labor Day.

I am following the precedent that was established during Justice Kagan's confirmation, when the Senate asked for many but not all of Justice Kagan's executive branch documents. We received documents from two out of three executive branch positions that Justice Kagan held. We received documents from Justice Kagan's time in the White House Counsel's Office and on the U.S. Domestic Policy Council. Senators from both parties agreed not to request internal documents from her time in the Office of the Solicitor General because of their sensitivity. Likewise, then, we are asking for documents from two of Judge Kavanaugh's positions in the executive branch but not from a third, which follows the practice of Justice Kagan's confirmation.

We have asked for documents from Judge Kavanaugh's time in the White House Counsel's Office and the Office of Independent Counsel, but we didn't ask for documents from his time as Staff Secretary because, even more so than Justice Kagan's Solicitor General documents, they are incredibly sensitive to the executive branch. I will add that both positions for which we requested Judge Kavanaugh's documents were legal positions. Those documents could shed some light on his legal thinking.

The Staff Secretary, another position that Judge Kavanaugh held at the White House, is a nonlegal position, and it wouldn't reveal anything about Judge Kavanaugh's legal thinking.

On the other hand, we didn't receive documents from Justice Kagan's time in one of the two legal positions that she held. We didn't receive her Solicitor General documents, despite a heightened need for them to assess Justice Kagan's legal thinking. After all, Justice Kagan had no legal or judicial experience. In other words, she was not a judge prior to going to the Supreme Court, as Judge Kavanaugh is.

In contrast to Judge Kavanaugh's 12-year judicial track record, the 307 opinions Kavanaugh wrote, and the hundreds more he joined, Judge Kagan wrote or joined zero opinions. Judge Kavanaugh wrote or joined over 10,000 pages of judicial opinions, compared to Justice Kagan's zero pages. In short, we have received many more pages of more relevant documents for Judge Kavanaugh than we did for Justice Kagan.

This more thorough and more transparent production is also on top of the thousands of pages of Judge Kavanaugh's publicly available materials, including his extensive and impressive judicial record. Nevertheless, Democratic leaders accuse me of hiding documents. Consider the hundreds of thousands that are available, and I am being accused of hiding documents.

They are doing that because I have agreed to hold some documents as committee confidential. But during Justice

Kagan's and Justice Gorsuch's nominations, we agreed to receive as committee confidential documents that contain material that are restricted by the Federal law that we call the Presidential Records Act.

As the current chairman, that is exactly what I have agreed to do this time. As I have explained many times over the last month, I agreed to receive documents on a committee-confidential basis as an initial matter to allow the committee to accelerate our review of Judge Kavanaugh's record, while at the same time making sure that restricted material, such as Social Security numbers for individuals, bank information for individuals, or confidential advice given to the President, are not exposed to the public, as everybody would expect us to be that careful.

Then-Chairman LEAHY also agreed to receive documents on a committee-confidential basis in 2010 "to permit the Committee prompt access to them." I have done exactly the same thing in the case of Judge Kavanaugh.

All of those documents don't necessarily remain confidential forever because there is a process. They are reviewed a second time, and if they don't contain any material restricted by law for public access, we quickly release those documents to the public. Thus, we end up in exactly the same place as we did with Justice Kagan and Justice Gorsuch: Material restricted by the statute is held committee confidential, while nonrestricted material is released to the public.

I would like to add that all documents we have received, including committee-confidential documents, at this very moment are available to every Member of the Senate. My staff is happy to make these documents available to any Senator interested in reviewing them.

Now, my friends on the other side of the aisle complain that a lawyer by the name of Bill Burck, rather than the National Archives, is deciding what is considered restricted, but that is not true at all. The National Archives has been reviewing Judge Kavanaugh's emails, as I requested. These archivists are public employees, and they have informed President Bush and President Trump that, in the opinion of the professional archival staff, nearly two-thirds of the emails that these public servants have reviewed thus far contain restricted material and should not be released to the public. That means that under the same standard applied to Justice Kagan and Justice Gorsuch, the Committee will have to hold two-thirds of the documents reviewed by the National Archives as committee confidential when we receive them.

Following historical practice, official records generally are produced to the Senate for our review, and personal records generally are not. The Obama-appointed Archivist of the United States and his team of career archivists are making the ultimate decision

on whether Judge Kavanaugh's executive branch records are official—available to the committee and to the public—or personal. It is simply absurd to suggest that anyone is hiding anything. So I hope I don't hear that complaint anymore.

I hope my colleagues on the other side of the aisle put aside politics and reconsider their reckless demands for the immediate release—for the whole world to see—of documents that contain full names, dates of birth, Social Security numbers, bank account numbers, personal communications with family members, other sensitive matters affecting personal privacy, and, of course, some of the more sensitive issues related to the President's core constitutional duties.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, we are making good progress on the rather large package of appropriations bills, including Defense and Labor and HHS, but just to make sure we are in a position to wrap it up before we depart for the week, I send a cloture motion to the desk for Senate amendment No. 3695.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3695 to Calendar No. 500, H.R. 6157, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Mitch McConnell, Orrin G. Hatch, Jerry Moran, Lindsey Graham, Mike Crapo, Richard C. Shelby, John Thune, John Cornyn, John Hoeven, Shelley Moore Capito, Johnny Isakson, Pat Roberts, Steve Daines, John Boozman, Richard Burr, Lisa Murkowski, Roy Blunt.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for H.R. 6157.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar

No. 500, H.R. 6157, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Mitch McConnell, Orrin G. Hatch, Jerry Moran, Lindsey Graham, Mike Crapo, Richard C. Shelby, John Thune, John Cornyn, John Hoeven, Shelley Moore Capito, Johnny Isakson, Pat Roberts, Steve Daines, John Boozman, Richard Burr, Lisa Murkowski, Roy Blunt.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in 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.

VOTE EXPLANATION

Ms. HEITKAMP. Mr. President, I was necessarily absent for yesterday's votes on S.A. 3705 and S.A. 3706 to H.R. 6157 so I could join the Secretary of the Air Force during her visit to Grand Forks Air Force Base in my home State. Had I been present, I would have voted yea on the amendments.

TRIBUTE TO MICHAEL "TONY" DUNNE AND BRANDON "RAY" SEABOLT

Mr. INHOFE. Mr. President, it is my honor to pay tribute today to two exceptional Oklahomans and patriots, retired Army Chief Warrant Officer Michael "Tony" Dunne of Webber Falls, OK, and retired Army Chief Warrant Officer Brandon "Ray" Seabolt of Skiatook, OK. On August 14, 2018, both were awarded the Office of the Secretary of Defense Medal for Valor, the highest civilian award presented by the Department of Defense.

On August 7, 2015, Tony was working at Camp Integrity, just north of Kabul, Afghanistan, executing duties as contractors for the Department of Defense when a potent vehicle-borne improvised explosive device impaled the main gate and knocked down a guard tower. Without hesitation, Tony rushed to the fight and evacuated a wounded servicemember from the scene, undoubtedly saving their life. From his actions that day and others, Tony has been honored for exceptional gallantry in repeatedly putting himself in harm's way to assist in countering multiple insurgent threats, helping to save lives at the risk of his own.

On December 17, 2015, Ray was serving as a counter-IED expert in congruence with U.S. Special Forces and Afghan partners when they were ambushed by enemy fire. Without regard for his own life, Ray jumped to action and single-handedly fended off the insurgent onslaught, allowing the recovery force to approach the scene with little resistance. Ray has deservedly been recognized for his bravery and confidence in supporting multiple engagements with the enemy with dev-

astating effects and for providing tactical advice and assistance in the successful recovery of servicemembers.

Oklahoma is truly honored and proud to claim Tony and Ray, two patriots that exemplify the ultimate in bravery and courage in support of our country's most critical national security missions both at home and overseas.

Created in the aftermath of the September 11 attacks, the Medal for Valor recognizes government employees and private citizens who perform an act of heroism or sacrifice, with voluntary risk to their personal safety in the face of danger. Tony and Ray's well-deserved medals, along with one other awarded on August 14, bring the total number of Medals for Valor to 17 awarded since September 11, 2001. This exemplifies the recognition of immense sacrifice that this small group has made for our Nation. Now, Tony and Ray's names will permanently reside in the Pentagon's Hall of Heroes, distinguished among our Nation's best.

REMEMBERING OPHA MAY JOHNSON

Mr. YOUNG. Mr. President, August 13, 2018, marked the centennial of women serving in the U.S. Marine Corps. I am proud that Indiana was home to the first woman to serve in the Marine Corps, Opha May Johnson.

Mrs. Johnson was born in Kokomo, IN, on May 4, 1878. Before becoming a marine at the age of 39, she graduated from Wood's Commercial Business College and worked diligently for 14 years in the Interstate Commerce Department.

Like many Americans during WWI, Mrs. Johnson heeded the Nation's call and took the oath without hesitation on August 13, 1918. She was the first of 300 women who worked at the Marine Corps headquarters in Virginia. After 5 weeks in the service, she was promoted to the rank of sergeant and remained on Active Duty until February 1919, 3 months after the end of WWI. Mrs. Johnson remained in civil service until her retirement in 1943.

Mrs. Johnson was the first of a group of trailblazing women in the Marine Corps, and it is with overwhelming pride that I recognize her service to this country. As a marine and Hoosier, I ask that you join me today in honoring Opha May Johnson and all of the courageous marines following in her footsteps.

TRIBUTE TO KEN FLANZ

Mr. CRAPO. Mr. President, today, I wish to salute Ken Flanz, my longtime legislative director and senior-most legislative policy adviser who is retiring from the Senate, for his nearly 30 years of devoted congressional service.

Next month, he joins his loving wife, Meghan, in her hometown in southern California. I was honored to attend their wedding in 2003 at St. John's Church near the White House, with their families and friends.