

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Dominic W. Lanza, of Arizona, to be United States District Judge for the District of Arizona.

Mitch McConnell, Thom Tillis, David Perdue, Chuck Grassley, Jeff Flake, Todd Young, Richard Burr, Tom Cotton, Tim Scott, Steve Daines, Deb Fischer, Shelley Moore Capito, John Thune, John Kennedy, James E. Risch, Roger F. Wicker, Mike Rounds.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 782.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Charles J. Williams, of Iowa, to be United States District Judge for the Northern District of Iowa.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

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 the nomination of Charles J. Williams, of Iowa, to be United States District Judge for the Northern District of Iowa.

Mitch McConnell, Thom Tillis, David Perdue, Chuck Grassley, Jeff Flake, Todd Young, Richard Burr, Tom Cotton, Tim Scott, Steve Daines, Deb Fischer, Shelley Moore Capito, John Thune, John Kennedy, James E. Risch, Roger F. Wicker, Mike Rounds.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 838.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Robert R. Summerhays, of Louisiana, to be United States District Judge for the Western District of Louisiana.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

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 the nomination of Robert R. Summerhays, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mitch McConnell, Thom Tillis, David Perdue, Chuck Grassley, Jeff Flake, Todd Young, Richard Burr, Tom Cotton, Tim Scott, Steve Daines, Deb Fischer, Shelley Moore Capito, John Thune, John Kennedy, James E. Risch, Roger F. Wicker, Mike Rounds.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 893.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Alan D. Albright, of Texas, to be United States District Judge for the Western District of Texas.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

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 the nomination of Alan D. Albright, of Texas, to be United States District Judge for the Western District of Texas.

Mitch McConnell, Thom Tillis, David Perdue, Chuck Grassley, Jeff Flake,

Todd Young, Richard Burr, Tom Cotton, Tim Scott, Steve Daines, Deb Fischer, Shelley Moore Capito, John Thune, John Kennedy, James E. Risch, Roger F. Wicker, Mike Rounds.

The PRESIDING OFFICER. The Senator from Oklahoma.

SECURE ELECTIONS ACT

Mr. LANKFORD. Mr. President, yesterday Facebook, Google, and Twitter removed hundreds of pages, groups, and accounts of Iranian and Russian individuals who had coordinated attacks to try to influence our election. Earlier this week, conservative think tanks, Republican groups, and Senate official sites were targeted by Russian hackers. Today, the Democratic National Committee just detected and announced what it believes was a sophisticated attack to try to hack into its database system—very similar to the attack Hillary Clinton's campaign had during the 2016 election time period. Today, we postponed in the Senate a committee debating election security.

Clearly, states such as Russia, Iran, North Korea, and others are trying to influence our elections. They demonstrated the capability, the willingness, and the intent to come after us to try to influence us. They are looking for vulnerabilities in States, not to necessarily pick one candidate over another but to sow chaos and use information against us.

These same nation states are also pursuing independent hackers—not necessarily working for their government at all but just individual hackers who are willing to be hired to do whatever these nation states want them to do or to hack in and get information and then sell that information to a nation state that might be interested in it.

Election security is not a partisan issue; it is a democracy issue. We should take the security of our next election seriously, just as we take the security of our infrastructure, our banking system, our power and electrical grid, and our water seriously. Those are areas that need to be secured. I am disappointed that there was yet another delay in working through that on election security. But I do appreciate the work of the Rules Committee and what they are doing to continue to refine this.

I do anticipate that in the days ahead, we will have a hearing on this issue, and it will move to this floor for final passage. The bill that is being debated is pretty straightforward.

It requires voter-verified paper audit trails. In order to receive any kind of Federal funding, they have to have some way to audit their elections.

It requires that all States that take Federal money to help them in their election systems also conduct post-election audits that are determined by the States. It is not a reason for the Federal Government to step in and tell the States how to do that; that is uniquely a role of the States.

It requires communication between the States and the Federal Government on election infrastructure breaches. There are ways to do that, to honor the States' authority to run their elections but still understand that we have vulnerability nationwide if any one State is vulnerable. I heard the arguments on the bill and on information sharing, but I would say that it is clear that an attack on any one State, on any one county, could jeopardize the integrity of our Nation's election security system.

I have heard that States may not need to conduct their own post-election audits. It has been kind of a "trust us; things will work out fine." The challenge I have with that is that five States in the United States right now and as of this election coming up in November will not be able to even do a post-audit election on their systems. Nine additional States have some counties within their States that cannot do a post-election audit. So the problem with "trust me" is that there is no way to be able to verify on the back side. I get "trust me" but no verification.

The bill that is coming through, the Secure Elections Act that AMY KLOBUCHAR from Minnesota and I are working so hard to work through the system, allows the States to run their own election systems and allows for the flexibility that the States absolutely need in the vendors they choose to use and all the details they choose on that, but it requires the simple ability to audit their systems after it is over so that no nation state, no group of hackers can stand up and say "We did it" and there is no way to be able to prove them wrong. Audits are not recounts; audits just give voters confidence that the vote they cast was counted.

To be clear, we have advanced a tremendous amount since the 2016 time period. The Department of Homeland Security has done a lot to help protect our system. States have stepped up significantly to protect their systems, but there is more to go.

The DHS now has security clearances for election officials or has the capability to have an immediate security conversation with every single State in the United States. That is important because in 2016 that didn't occur, and the threat against the United States could not be communicated to the States sometimes for months, sometimes for over a year. That has been fixed.

There has been cyber assistance that has been offered to every single State, and many of those States have taken it. The DHS has been able to work with individual States and to check their systems to make sure they are secure, and it has been able to provide filters so as to filter out malicious hackers on top of their already consistent filters that are there. This is to provide a kind of belt-and-suspenders protection for their election systems.

The DHS has already given priority to any requests from any State that

asks for election assistance. The DHS will literally take people off of other assignments in order to get those individuals to the election officials of any State that asks for it, and all requests from every State that has asked for additional assistance have been fulfilled.

Recently, the DHS also ran what it called the "Tabletop the Vote 2018." It ran a national cyber exercise in order to practice how this would work, what would work, and what vulnerabilities there would be. The DHS received tremendous feedback from the States as it did the exercise. It participated with the States and found out where they could share information. The DHS has set up a tremendous resource for election day itself so as to watch out for malicious attacks during election day and the runup to the election and to make sure it has rapid communication.

None of that existed in 2016. That is real progress, but we have to get some of these legislative solutions in place as well. At the end of the day, States are going to control their elections, but I don't expect every State in the United States to protect itself against a foreign attack. It is the Federal Government's responsibility to step in and help protect our systems. We are trying to hit this balance with the Secure Elections Act, wherein the States would run their elections, the Federal Government would do its part, and the American people would do their part by stepping up to vote and have confidence in knowing their votes actually count.

Congress needs to pass this legislation. We need to move it across the committee line and across this floor because the election issues that we are facing right now are not going away and are not getting easier, and States could use our help. It is about time we stepped up and did it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

CLIMATE CHANGE

Ms. WARREN. Mr. President, I thank Senator WHITEHOUSE for his unwavering commitment to elevating the urgent need for all of us to take action on climate change.

Since 2012, Senator WHITEHOUSE has given over 200 speeches on climate change—faithfully, passionately, intellectually—and has warned us of what is to come if we don't get our act together. So I thank Senator WHITEHOUSE. I am proud to stand shoulder to shoulder with him in the fight to save this Earth. This is on all of us.

The facts are in. The science is irrefutable. Climate change is real. It is real, and it is happening every single day all around us. It is not made up. It is not a Chinese hoax. It is the most existential threat our world has ever known, and we are not doing enough to stop it. That is why I wanted to be here tonight to stand with my friend and my colleague Senator WHITEHOUSE to ring the alarm. It is time for us to wake up.

As I think about the consequences of inaction, I can't help but reflect on the financial crisis that nearly destroyed our global economy 10 years ago. Millions of hard-working people lost their jobs, millions lost their homes, and millions lost their savings. The financial crisis nearly tore apart the global economy for a whole variety of reasons, but the failure to act on credible, verifiable data is what nearly destroyed our economy.

It didn't have to happen. We could have prevented it. Yet here we are again, ignoring clear and blatant warnings of another financial disaster in the making. The evidence is mounting every single day with fires blazing out of control, extreme storms and hurricanes, rising sea levels, and warming oceans. Our planet is in danger, which means our economy is in danger.

Recent data show that a major climate-related disaster could trigger a global financial crisis, the likes of which our economy has never seen. Now, I don't say that to predict some kind of doomsday disaster. This is a real and present threat to our global economy, and here is why: The driving cause of climate change is emissions of carbon dioxide, methane, and other greenhouse gases from humans in their burning of fossil fuels. We are causing this every day.

Scientists estimate that humans can only burn so much more carbon before causing a global temperature rise of 2 degrees. A 2-degree rise in temperatures would be devastating—rising sea levels, droughts, famine. Yet, as of today, the worldwide oil and gas industry has carbon reserves that already far exceed the amount of carbon we can burn to stay under the 2-degree temperature rise.

So what does that actually mean?

All of these carbon resources will become less and less valuable as the environmental costs of burning carbon become more and more severe. That will devastate the global coal, oil, and gas industries. One estimate is that 82 percent of all coal reserves, 49 percent of global gas reserves, and 33 percent of global oil reserves could go unused. Some experts predict that we will cause the value of fossil fuel companies to be cut in half, with the U.S. potentially losing its entire oil and gas industry. That could make the 2008 financial crisis look like a walk in the park. That is what is at stake for our global system.

What about here at home?

Listen to this: Rising sea levels and spreading flood plains appear likely to destroy billions of dollars in property and to displace millions of people. "The economic losses and social disruption may happen gradually, but they are likely to be greater in total than those experienced in the housing crisis and Great Recession."

Who wrote that? Freddie Mac, the government-sponsored company that is responsible for buying millions of mortgages every year. That is not

some partisan view; that is a cold-eyed assessment of the likely damage that climate change will cause to our economy and to our citizens.

Another recent study, conducted by the Union of Concerned Scientists, found that over the next 30 years, 311,000 homes will be in danger of being flooded every 2 weeks—311,000. That means more than half a million Americans could have their homes inundated with water multiple times every single month. Think about the financial toll the constant flooding will take on these families and the homes. Well, after being bombarded with saltwater over and over again, a coastal property meltdown would be inevitable.

Yet here is what gives me comfort and why I am inspired to work with Senator WHITEHOUSE and why I am inspired by his work and why I had to be here tonight. We can prevent this crisis, but only if we act. It is going to take public-private partnerships, CEOs, and Members of Congress to work together to prepare for the worst. That means companies need to begin including the risk of climate change in their investment and risk management practices.

Climate change can be an economic opportunity if we act boldly and decisively, which is something I know Senator WHITEHOUSE will address shortly. If we fail to act, it will be a financial catastrophe as well as an environmental catastrophe, and it will put the 2008 financial crisis to shame. We know it is coming; we need the political will to do something about it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am so grateful to join my colleague today, Senator WARREN, to discuss the financial and economic risks that are posed by climate change.

You have just heard the Senator from my neighboring State of Massachusetts lay out a powerful case. Given the gravity of these risks and given our recent experience of the 2008 financial crisis, we should be doing everything we can to prevent another economic meltdown.

We know exactly what we need to do to mitigate these economic threats. We need to transition from polluting fossil fuels to clean, renewable energy. We can do this simply by giving renewables a fair market chance against the gigantic public subsidies on which the fossil fuel industry float. Put a price on carbon emissions so the price of the polluting product reflects its pollution costs to society. That is the economics 101 answer.

The problem is that fossil fuel behemoths are desperate to duck the costs of their pollution. They want to protect this massive market failure. Why do you suppose they are the biggest special interest political force in the world? It is to do that work. Look over in the House, where just recently an army of fossil fuel lobbyists and front

groups pushed through an industry-scripted resolution and declared, falsely, that pricing carbon would be bad for the American economy. All but eight House Republicans voted the way the industry instructed—for a resolution that was, for them, politically correct in a polluter-obedient kind of way but was factually false.

Today, in my 217th “Time to Wake Up” climate change speech, I am going to relate recent testimony by a respected Nobel Prize-winning economics professor, Joseph Stiglitz. Unlike all of that cheap political chicanery around the House resolution, Professor Stiglitz’ report was presented under oath and was subject to cross-examination. Fat chance the climate deniers would ever let themselves get cross-examined under oath. Truth is kryptonite for them.

Stiglitz’ report came out in *Juliana v. United States*—a case in which the plaintiffs were children who sued the U.S. Government for violating their constitutional rights through a knowing failure to protect them from the costs of unlimited carbon emissions.

Here is what Stiglitz’ testimony states:

[The U.S. Government’s] continuing support and perpetuation of a national fossil-fuel based energy system and continuing delay in addressing climate change is saddling and will continue to saddle Youth Plaintiffs with an enormous cost burden, as well as tremendous risks.

Obviously, when Stiglitz talks about “youth plaintiffs,” his testimony actually covers all of the children and future generations who will bear the terrible, foreseeable costs of climate havoc.

In particular, Stiglitz notes that “rising sea levels will lead to massive reductions in property value,” just as Senator WARREN and Freddie Mac have warned, and children and future generations will have to “bear the enormous cost of relocating the people and infrastructure that are now on this [inundated] land.”

Of all places, the State of Kentucky has a report that warns that its population might rise because people will have to flee coastal States. Even the leader’s own State recognizes this coastal problem.

This testimony echoes other warnings that I have related in recent speeches about this looming coastal property value crash—warnings we hear from sources as diverse as Freddie Mac, as the Union of Concerned Scientists, through insurance trade publications, and now from this Nobel Prize-winning economist. Peer-reviewed research also shows a gap emerging between coastal and inland property values, which is what you would expect as an early warning signal.

Stiglitz’ report, however, isn’t doom and gloom. It actually shows that economic gains result from a wise transition to sustainable energy sources.

Stiglitz writes:

Retrofitting the global economy for a climate change would help to restore aggregate

demand and growth. . . . Climate policies, if well designed and implemented, are consistent with growth, development, and poverty reduction. The transition to a low carbon economy is potentially a powerful, attractive, and sustainable growth story, marked by higher resilience, more innovation, more livable cities, robust agriculture, and stronger ecosystems.

Think about that. The fossil fuel industry and its phony front groups have cooked up a phony hobgoblin of economic harm, which just so happens to protect the industry they serve at the expense of everyone else.

Here is a Nobel Prize-winning economist telling us that shifting to renewable energy would actually help us grow the economy. The need for this transition is also echoed in the warnings, which I have spoken about and which Senator WARREN just so eloquently spoke about, of a carbon bubble and crash.

Why is it that the clean energy economy grows? The same reason the economy grew when we went from horse and buggy to automobile or landline to cell phones. The key word is “innovation.” As Professor Stiglitz says, we get more innovation as we manage this transaction.

Renewable energy, electric cars, battery storage, carbon capture, energy efficiency, low-carbon and zero-carbon fuels—these are technologies of the future, promising millions of great jobs. The question is whether these will be American technologies and American jobs or whether China, Germany, Japan, and other countries will win the transition to a low-carbon economy.

Growth will not just come from new jobs; it will come from lower costs. Stiglitz notes this: “Many energy efficiency technologies actually have a negative cost to implement.” Now, you have to be an economist to use the phrase “negative cost.” Negative cost, obviously, is “economics-ese” for “that’s a good thing.”

The reverse case is the Trump administration’s recent decision to freeze fuel economy standards for cars. That is a bad thing. It will cost American consumers hundreds of billions of dollars more at the pump. It is no surprise that all of that extra cost for consumers in gas money goes to Big Oil, which has the Trump administration obediently in its pocket.

Stiglitz’s testimony estimates the total benefits to the U.S. economy from shifting away from fossil energy sources at around \$1 trillion by 2050—\$1 trillion by 2050. As I said, a \$1 trillion negative cost is a good thing. It is a really good thing, and if we weren’t completely in tow to the fossil fuel industry around here, we would be striving for it.

Stiglitz recommends the policies to get us to that low-carbon economy. First, he says we must put a price on carbon. He testifies that putting a price on carbon could be beneficial to the economy all by itself. He says:

[A] carbon tax . . . could substitute for other more distortionary taxes. If governments made such a substitution, the aggregate cost of curtailing carbon emissions could be even less than zero, providing net benefits to the economy.

Second, he testifies that we must end the enormous, gigantic subsidies we grant to the fossil fuel industry. Here is what he says:

The full amount of post-tax subsidies in the U.S. [to the fossil fuel industry] has been estimated at nearly \$700 billion per year, more than half of the Federal government's forecasted deficit for the next fiscal year. Eliminating all fossil fuel subsidies (implicit and explicit, many of which go to large corporations) could, therefore, both curtail fossil-fuel production, through forcing companies to bear more of the true costs of fossil-fuel production, and substantially reduce our national deficit in one fell swoop.

For the record, Stiglitz adds that "equity would also be improved with corporations paying more and individuals, such as Youth Plaintiffs and Affected Children, benefitting."

Of course, around here, corporate interests get better service than the American people, so that observation doesn't count for much, but there it is.

There is one last bit of Stiglitz's testimony that is important. I quote him again: "The more time that passes, the more expensive it becomes to address climate change."

Time is not our friend. This doesn't get better or go away. Every day we delay is a missed opportunity. Every day we delay bears a cost, and we have been delaying—we are good at that—for decades.

James Hansen appeared before this body 30 years ago—three decades ago—to sound the alarm about climate change in a hearing called by Senator John Chafee. Stiglitz cites a 40-year-old report—four decades—to President Carter that subsidies to the fossil fuel industry were stifling competition from solar.

For decades, the fossil fuel industry has jerked Congress's chain to keep anything from happening. Even now, their mischief is visible in the hobgoblin about economic harm.

By the way, it is not just Nobel Prize-winning economist Joseph Stiglitz who says that pricing carbon emissions would be a good thing. Economists across the political spectrum agree. Just last month, economic researchers at Columbia University found that even if you look only at the pure economic effects, a carbon fee is a winner.

Here is a \$50-per-ton carbon fee, and here is a \$75-per-ton carbon fee, and both show growth compared to the status quo in the economy. You have to roll them back through the payroll tax, which is something we can do, to see this added growth effect from a carbon fee.

Remember, this growth—that is only the tax effects. This doesn't count the health benefits of a cleaner planet; this doesn't count the environmental benefits of a healthier planet. Both are huge. They are not even counted here. This is just the tax effects.

These carbon pricing ideas are a winner on their own, and it becomes a win-win-win when you add the environmental and health benefits.

So who are we going to believe, the front groups paid by the fossil fuel industry? If there were Olympic medals in having a conflict of interest, these phonies would take the gold. Unfortunately, you would have to hose off the medals platform afterward.

On the other side, you have actual experts, honest experts—the ones cited by Senator WARREN, the economists I have mentioned here today, and many others—who all agree. They are all saying that we need to act now. They are all telling us that failure to act puts us in harm's way for serious economic disruption. They are all telling us that pricing carbon and ending fossil fuel subsidies will actually be a boon to the economy.

Our choice is clear. Going with the corrupt guys is not a good look, not when the day of reckoning comes. And warnings are more and more widespread and clear that a day of reckoning draws nigh.

So if you want, go with the oddballs and the fossil fuel flunkies, not the Nobel Prize winners; go with the scripted disinformation, not the sworn testimony; go with the industry protecting a \$700 billion subsidy, not the actual scientists; and good luck looking your grandchildren in the eye.

I yield the floor.

THE PRESIDING OFFICER (Mr. TILLIS). The Senator from Pennsylvania.

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. CASEY. Mr. President, I come to the floor this evening to spend a couple of minutes talking about the nomination of Judge Brett Kavanaugh to the U.S. Supreme Court.

We know that the debate has been engaged now for a number of weeks and that the American people are part of that debate. I have already expressed my views about the process that led to his nomination. I have very strong views about it. I think it was a corrupt bargain between at least two—if not the only two—far-right organizations and the administration to choose from a list of only 25 individuals to serve on the Supreme Court. In other words, if you are not on the list of 25 chosen by those groups or at least certainly ratified by those groups, you cannot be nominated to the Supreme Court.

But tonight I am here to talk about a different set of questions. One is more specific and one is broader, but both are important. I will deal with the broader question at some length, but I will raise the more specific question first; that is, the question of a particular aspect of the Judge's record.

I happen to serve as the ranking member of the Senate Special Committee on Aging, and I am alarmed at

some of the judge's opinions regarding older Americans and Americans with disabilities. I will be walking through some of those cases at a different time, but I have a series of questions that I think are important to have answers to as they relate to his views and the potential opinions he would write that affect older Americans and individuals with disabilities.

Because there has been a failure so far to turn over records of his tenure in the White House—documents that some believe number in the millions of pages—it is very difficult to ascertain or even to formulate questions that relate to just these two topics, among many, the two topics being his views on Americans with disabilities and the laws that protect Americans with disabilities and, of course, his views on programs and policies that relate to older Americans.

Today I have written to Chairman GRASSLEY, the chairman of the Judiciary Committee, and Ranking Member FEINSTEIN, to demand that the Judiciary Committee obtain and share with me and my staff all documents related to older adults and people with disabilities. The Judiciary Committee is attempting to move forward with Judge Kavanaugh's hearing before—before—we have seen and had a chance to review his entire record. Without Judge Kavanaugh's full record to review and without all of the documents being made available to the committee and, therefore, to the Senate, no Senator can fulfill his or her constitutional duty to provide meaningful advice and consent about this nominee for the highest Court in the land and, I would argue, the most powerful—or at least the most important—Court in the world.

This duty could not be more important than it is at this moment.

Yesterday, as so many Americans know, it was a very sad day for the country and one of the saddest days in the history of our Republic for two reasons. The President's former attorney, Michael Cohen, pleaded guilty to breaking campaign finance laws at the President's direction, according to his statement under oath in open court—that statement of Mr. Cohen.

Meanwhile, Paul Manafort, the President's campaign manager, was convicted by a jury on eight counts of tax and bank fraud.

Why is that relevant to this discussion about the Supreme Court? I think it is pretty simple. Serious crimes have been committed by close associates of the President. That President has now nominated Judge Kavanaugh to sit on our highest Court, and that particular nominee, Judge Kavanaugh, has views on Executive power and the power of any President to take action. These views must be thoroughly reviewed. That takes not just a review of the record that we have now; I would argue that to fully examine those views, we have to look at his whole record.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

SOUTH SUDAN

Mr. LEAHY. Mr. President, several of the warring parties in the South Sudanese civil war, including President Kiir and the leader of the main opposition party, Riek Machar, recently signed a power-sharing deal to ostensibly bring to an end a conflict that has resulted in hundreds of thousands of deaths and the largest refugee crisis in Africa. Today in South Sudan, there are nearly 200,000 people sheltering at UN peacekeeping bases, 4.5 million people have been forcibly displaced, and an estimated 7 million people are in need of humanitarian aid. Several ceasefires have been negotiated and broken by both sides since the conflict began in December 2013, and the United States has invested well over \$3 billion in humanitarian aid to help the people of South Sudan who have been largely abandoned by their political leaders.

Unfortunately, the viability of the recent power-sharing deal and the prospects for a broader peace agreement remain in question. What we do know is that decades of corruption, marginalization, political manipulation, and human rights atrocities led to the most recent iteration of catastrophic violence in South Sudan, and it will take decades for the country to fully recover, but there is at least one action that President Kiir should take today that would have immediate benefits: the release of all political prisoners, journalists, academics, and others who have been detained as a result of peacefully exercising their right to free expression.

One such individual is Peter Biar Ajak. Mr. Ajak was resettled in Philadelphia in January 2001 as a teenage refugee of the Sudanese civil war and one of the 40,000 "Lost Boys" left homeless by that conflict. Remarkably, he went on to earn a master's degree from Harvard and is now a doctoral candidate at Cambridge. Mr. Ajak has been a courageous and vocal critic of the failed peace process in South Sudan, particularly the role of President Kiir and opposition leader Machar, who for years have put amassing wealth and power for themselves far above the welfare and rights of the South Sudanese people. It is this criticism that his supporters believe led to his arrest and imprisonment on July 28 by the South Sudan National Security Service, NSS.

While the charges against him have not been publicly confirmed, Mr. Ajak

How can any Senator—how can even the Judiciary Committee—conduct that kind of thorough review when we might have literally millions of pages of documents that are not being made available to the Judiciary Committee and, by extension, to the Senate itself? I don't know how we can complete that kind of an inquiry just on those questions—questions of the power of the President and questions on Executive power more broadly.

So because of what happened yesterday, we are now in uncharted waters, probably territory that very few Americans have ever walked through. I don't want to make any historical comparisons because they are never entirely accurate, but I think it is safe to say that we are in uncharted territory. So under these circumstances, it is more important than ever that our courts, up to and including the Supreme Court, act as independent arbiters in our democracy.

Any Supreme Court nominee, of course, warrants close, careful, and thorough scrutiny. In this case, this nominee, whose views on Executive power I would argue are extreme, and a nominee who has questioned whether the President can be subpoenaed—of course, that nominee, in this context but even outside this context should be the subject of thorough examination. And because of what happened yesterday, the nominee should receive the most substantial, the toughest scrutiny on a range of questions but, in particular, those that relate to Executive power.

I will quote just a few lines from a 1998 *Law Review* article written by Judge Kavanaugh. He said: "Congress should give back to the President the full power to act when he believes that a particular independent counsel is 'out to get him.'"

He went on to say later: "The President should have absolute discretion . . . whether and when to appoint an independent counsel."

So that is just one brief reference in one *Law Review* article. There are other examples we could cite, obviously Executive power—the power of the President generally but, in particular, the power of a President in the context of an independent counsel, what we now call a special counsel—being involved.

These questions are substantial. We know that Judge Kavanaugh, before he was, in fact, Judge Kavanaugh, was a member of a prior administration where he served both as White House Staff Secretary and White House Counsel. Therein lies a lot of information in those documents about his time there, when he assuredly would have expressed opinions on a range of questions, maybe a series of statements or evidence in the record about his views on Executive power, in addition to what he may have said in a speech or in a *Law Review* article or otherwise.

So I believe it would be an abrogation of our constitutional responsi-

bility to move forward on the Kavanaugh nomination without his full—without his full—record set forth for the Judiciary Committee before the hearing begins. And if there are millions of pages still to review, we should give Judiciary Committee members the time to review those documents, formulate questions, and prepare for the hearing.

There is no rule or no law that says this hearing has to begin the day after Labor Day or even a few days after Labor Day. I would think that the Senate would want to have the full record—or as close to the full record as possible—before those hearings begin, especially because we have a particularly urgent set of circumstances or set of facts—in light of what happened yesterday with the two individuals in two different courts of law—which could make as a live issue, potentially, these questions of the exercise of Executive power, especially because we have a nominee who has expressed views on those issues. I don't think what I am outlining is in any way unreasonable. Taking a few extra weeks to review that record should be the subject of bipartisan support.

So I believe Judge Kavanaugh's full record must be made available for review. I also believe the Senate must be given adequate opportunity to review it, and I think because of the facts and circumstances that are presented with this nominee, with this Presidency, and with this set of facts, the stakes could not be higher. We don't want to be finding out down the road in the midst of a confirmation hearing—or even after the confirmation hearing or even after, potentially, a confirmation vote—that there are documents in the record that were not brought to the full light of scrutiny that have a bearing on his views that relate to these fundamental issues of Executive power. If a legislative branch of government, in this case the U.S. Senate and, in particular, the Judiciary Committee—if a legislative branch of government in that circumstance doesn't discharge its duty to obtain and to review and then to formulate questions about issues so fundamental as Executive power and the power of the President, especially in the context of a special counsel investigation, I am not sure what the role of the Senate would be in the absence of that kind of review.

So I think this is fundamental. It has nothing to do with a point of view or a party or a position; this is fundamental to the process of having a full review of the record.

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. 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.