

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.

is allegedly being charged with treason and other crimes against the state and has reportedly been denied access to a lawyer. Reports suggest he is one of several dozen detainees being held by the NSS at the infamous Blue House prison in Juba.

Mr. Ajak's detention is consistent with a pattern of abuses by the NSS, which has been implicated in the arbitrary arrest and detention of journalists, national staff of the United Nations, academics, civil society activists, and young business leaders like Kerbino Wol; the forced disappearance of human rights lawyers and members of the political opposition, such as Dong Samuel Luak and Aggrey Idri, respectively; and other human rights violations and denials of due process. Although President Kiir has previously announced that he would release all political prisoners and his government has committed under a recent deal to release detainees, human rights monitors continue to report that dozens of people remain detained without charge at the Blue House and other detention sites in the capital.

No matter what documents are signed to move the country beyond its civil war, true peace and stability will not be achieved if the government continues to repress free speech and arrest, detain, and forcibly disappear journalists, politicians, academics, and members of civil society. If and when the U.S. government is again called on to support the government of South Sudan and to help rebuild its security services, their actions in this conflict—and their treatment of people like Peter Biar Ajak—will not be forgotten. I urge all Senators to join me in calling for the immediate release of Mr. Ajak and other prisoners of conscience and accountability for the perpetrators of such abuses.

TRIBUTE TO CLARA AYER

Mr. LEAHY. Mr. President, on behalf of all Vermonters, I want to honor Clara Ayer of East Montpelier, VT, who will this month be inducted into the Vermont Agricultural Hall of Fame, in recognition of her status as an emerging leader in the Vermont agriculture community. Clara is a proud 2010 alumna of Cornell University with a degree dairy science who, after graduation, went to work for Yankee Farm Credit. She began working full time at Fairmount Farm, a third-generation dairy farm, alongside her brother Ricky in 2014. Clara is married to Dana Ayer, and the couple has a little boy, Carson. She is a well-respected advocate for agriculture, both in Montpelier and Washington, DC.

In addition to her membership in several dairy-related organizations, Clara also promotes dairy to young people, through a "Life on the Farm" summer camp, through educational field trips by the local elementary school, and through the formation of a Dairy 4-H Club. As Clara has provided exceptional

service to the Vermont dairy community, further described in her well-deserved nomination to the Vermont Agricultural Hall of Fame, I ask unanimous consent that the citation of her nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT AGRICULTURAL HALL OF FAME 2018 INDUCTEE CLARA AYER

Clara is a third-generation dairy farmer and family farm advocate. She works alongside her family at Fairmount Farm, where she wears many hats from overseeing human resources for their staff of fifty employees, to bookkeeping, to marketing, and events management. She plays an active role in shaping agricultural policy through her advocacy at the Vermont Statehouse, and in Washington D.C. as part of her work as an Agri-Mark Young Cooperator and member of the National Milk Producers' Federation. She currently serves as the secretary of the Vermont Holstein Association, and is a delegate of both Vermont and New England Dairy Promotion. Clara also created and manages a "Life on the Farm" summer camp for youth, which offers kids the opportunity to experience agriculture through fun, educational on-farm activities. Clara graduated from Cornell University in 2010 with a B.A. in Dairy Science. She and her husband Dana are excited to be raising their two-year-old son, Carson, on the family farm.

TRIBUTE TO BOB FOSTER

Mr. LEAHY. Mr. President, on behalf of all Vermonters, I would like to honor Bob Foster of Middlebury, VT, who this month will be inducted into the Vermont Agricultural Hall of Fame in recognition of more than 30 years of outstanding service to Vermont agriculture. For as long as I have served in this body and especially in my work on the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, I have often looked to Bob for input and advice. In addition being a partner in an iconic fifth-generation Vermont dairy, Bob's leadership in Vermont has been extraordinary. During his 37 years of service on the Agri-Mark Dairy Cooperative Board, the co-op has become a critical resource for many Vermont dairy farms and a mainstay of the Vermont economy. Bob is an innovator, taking risks and leading the way in Vermont for bio-digesters and sustainable value-added products and working nationally on renewable energy as an adviser to the 25X25 effort. The extent of his service on local, State, and national leadership teams is exceptional and is further described in his well-deserved nomination to the Vermont Agricultural Hall of Fame, I ask unanimous consent that the nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT AGRICULTURAL HALL OF FAME LIFETIME ACHIEVEMENT: 30+ YEARS OF OUTSTANDING SERVICE TO VERMONT AGRICULTURE. ROBERT FOSTER, MIDDLEBURY

Robert is a partner in Foster Brothers Farm, a fifth-generation dairy, who served

on the Agrimark Board of Directors for 37 consecutive years, before retiring in 2015. He also chairs the University of Vermont, College of Agriculture and Life Sciences' Board of Advisors. Sustainability has always been one of Robert's passions. Foster Brothers Farm was the first in the state to install and operate a methane digester. Robert is also co-owner and operator of Vermont Natural Ag Products, a sustainable business which supplies wholesale products, formulated from cow, horse and poultry compost, to the horticultural, agricultural, and turf industries. He currently serves on the Board of Directors for The Soil Health Institute. Within the Agrimark Co-op, Robert has been a champion for renewable energy and sustainability, helping to pioneer the Vital Capital Index, which helps member farms measure and manage their impact on their community, the environment and their bottom line. He has been a tireless advocate for Vermont agriculture, and a mentor and leader to young farmers, over the course of his prestigious career. Together with his wife, Nancy, he has three grown daughters; Robin Cole, Jennifer Foster, and Heather Foster-Provencher, and six grandchildren.

TRIBUTE TO BETH KENNETT

Mr. LEAHY. Mr. President, on behalf of all Vermonters, I want to honor Beth Kennett of Rochester, VT, who this month will be inducted into the Vermont Agricultural Hall of Fame in recognition of her multifaceted leadership of agriculture in the Green Mountain State. Beth, with her husband, Bob, and their family, have for many years run a multigenerational diversified dairy farm in the White River Valley. I have often looked to Beth for her advice and insights into Vermont agriculture. She has been a strong leader on many fronts, including serving on the USDA Farm Service Agency State Committee, as founding member of the Connecticut River Watershed Farmers Alliance, as founding member of the White River Partnership, and especially as a leader in agritourism in Vermont, nationally and internationally.

Beth's induction into the Vermont Agricultural Hall of Fame is well earned, and I ask unanimous consent that her nomination for this honor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT AGRICULTURAL HALL OF FAME INDUCTEE BETH KENNETT

Beth is a dairy farmer and innkeeper who helped forge the path for Vermont's agritourism industry. For more than 30 years, she has helped educate Vermont farmers, government officials, and the public about the economic, social, and educational benefits of agri-tourism. As the former president of Vermont Farms!, she has traveled and spoken both nationally and internationally to build awareness for agri-tourism and create new opportunities for Vermont farmers. Her tireless outreach and desire to educate has enabled many farms to diversify and realize the economic advantages of connecting directly with the public. Since 1984, Beth, her husband Bob, and three generations of her family have opened their home for farm stays, providing educational, hands-on vacations for thousands of domestic and international guests.