

Further, if present and voting, the Senator from Texas (Mr. CRUZ) would have voted “yea.”

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

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

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—85

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

NAYS—7

Crapo	Paul	Toomey
Flake	Risch	
Lee	Sanders	

NOT VOTING—8

Corker	Fischer	Murray
Cornyn	Hirono	Schatz
Cruz	McCain	

The bill (H.R. 6157), as amended, was passed.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, is it appropriate to give a speech at this time?

The PRESIDING OFFICER. The Senator is recognized.

SPORTS BETTING

Mr. HATCH. Mr. President, I wish to begin on the topic of sports betting.

In May, the Supreme Court cleared the way for any State to legalize sports betting, which had been prohibited in all but a handful of States since 1992.

I would like to say upfront, I am not a fan of sports betting. I have grave concerns about gambling in general and sports betting in particular. There is no question that sports betting, like other types of gambling and addictive behavior, has ruined far too many lives. Add to those deleterious social effects the threat sports betting poses to the integrity of the game, and we can see why the prohibition on sports wagering in the Professional and Amateur Sports Protection Act passed the Senate 88 to 5. I authored this legisla-

tion—and fought tooth and nail to get it passed—because I knew that without it, sports gambling would corrupt the integrity of the game.

Despite these views, I am also a realist. With the nearly \$5 billion annually in legal sports wagers in Nevada, plus an estimated \$150 billion a year in illegal sports wagers in the United States, we can't put the genie back in the bottle. Prohibition is not a possibility or a prudent path forward.

Instead, now that States are free to legalize sports betting, our goal should be to bring that illegal wagering activity into well-regulated, legal markets that can better protect consumers and the integrity of sports. As I wrote in *Sports Illustrated* earlier this year, “Sports Betting is Inevitable—Let's Make Sure It's Done Right.”

To do it right, we need to ensure that State regulatory frameworks are not a race to the bottom. I firmly believe we need a set of fundamental Federal standards that will protect the integrity of the game, that will protect consumers and the sports wagering market.

Since the Supreme Court decision in May, sports betting has been conspicuously absent from the public dialogue on Capitol Hill. A hearing on the issue was scheduled by the House Judiciary Committee but then postponed, and I hope it will be rescheduled so Congress can explore what a post-PASPA world would look like.

Sports betting implicates a whole host of complex issues, and I have been diving into those issues as I work toward draft legislation that will establish some much needed guardrails to protect the integrity of the game. I am grateful for all the guidance and insight many stakeholders have provided, and I invite others who are interested to do the same.

Let me pause for a moment to discuss integrity—a word frequently used in the sports betting debate but often left undefined. In the context of sports, integrity is used to describe events that are recognized as honest and genuine competition. There is a reason predetermined outcomes in professional wrestling attract a small fraction of the following enjoyed by baseball, football, basketball, and other sports. The integrity of sport—the sense that the game is a real competition free from outside influence—is what attracts fans and keeps them coming back.

Integrity can be compromised in various ways. Take, for example, the doping scandals in cycling that took down Lance Armstrong and led fans to question whether races were won by the best athlete or the rider on the best drug regimen, but there is no greater threat to sports integrity than match fixing. There is no question a big payoff in the sports betting market is the leading reason criminals and cheaters get involved with match fixing.

This relationship between sports integrity and sports betting, including

match fixing, cannot be ignored. In the world of gambling, sports betting is a unique product with unique risks. When a casino patron pulls the handle on a slot machine or rolls the dice at a crap table, money may change hands, but there is little connection to the outside world. When a patron places a sports bet, however, there is the potential—and in far too many cases it has been the reality—that the sports wagering market is being used to profit off match fixing. There is a connection, and not always a positive one, between the bets placed in a casino and the outcome on the field.

The integrity concerns related to sports wagering are nothing new. For years, billions of dollars in bets have been placed on sports each year, presenting these very concerns, but the offshore books where the vast majority of these wagers have been placed are under no obligation to take steps to mitigate the threats to integrity. As States move to legalize sports betting and bring that offshore activity into the regulated market, they should be taking reasonable steps to protect the integrity of sports and the marketplace. We can, and should, expect more from the legal operators than those in the illicit market, and those legal operators are quickly getting in the game. It would be a mistake to think that seeming disinterest in the issue at the Federal level has carried over to the States. States, understandably so, seek legalized sports betting as a way to bring in much needed tax revenue. It is amazing how quickly things get done when money is a motivator.

At the beginning of May, full-scale sports betting was available only in Nevada. Today you can also place sports wagers in Delaware, New Jersey, and Mississippi. Sports betting in West Virginia will officially launch on September 1. Pennsylvania and Rhode Island may have sports betting by the end of the year, and more than a dozen other States have taken steps to move toward legalization. All of this is progress in just the past 3 months.

Watching this flurry of activity in the States has only underscored for me the need for some consistent, minimum standards to protect the integrity of sports and the sports wagering market.

Let's look at a specific example. Who should be allowed to place a sports wager? Imagine if players or referees were able to place wagers on games in which they were participating. They certainly have the ability to influence the outcome, and if players or referees were betting on the game, there could be reason to question their actions on the field. How could fans have faith that the outcome is the result of honest competition and not an intentional effort to get the biggest payout?

I suspect there is a fairly broad consensus that certain categories of folks should not be able to place bets on certain events. For instance, players should not be allowed to place bets, and certainly not referees. But the

West Virginia sports-betting regulations approved in June don't say that. In fact, they leave it to each sports book to decide whose participation in sports betting might undermine the integrity of a sports event.

It is odd that this decision would be left to the sports books, such that an individual may be prohibited from placing the bet at one sports book in the State but would be permitted to do so at another. The decision to leave this integrity decision to the sports books is even more concerning when you consider the potential conflict in the duties and motivation of the sports books.

Operators certainly want to protect integrity so that they are not accepting wagers on fixed games, but the West Virginia sports-betting law also requires sports book operators to "assist the commission in maximizing sports wagering revenues." How many folks will they really be turning away to protect the integrity of the game if they are also under a statutory mandate to maximize the amount of money coming in the door?

Other States have been more specific on this point but still leave open questions. Mississippi prohibits only coaches or participants from betting on a particular event. What is a participant? Does it include referees? Maybe they are a participant because they are on the field. But what about an athletic trainer or league executives? While Mississippi law does not answer that question, New Jersey put in place robust laws that specifically prohibit athletic trainers and members of a sport's governing body from placing wagers.

There is nothing wrong with there being differences among the States. That is the beauty of our Federal system. But it does seem that when it comes to protecting the integrity of the game and sports-betting market, there should be some consensus—at least some minimum standards—about who can place a wager. If States are allowed to fall behind, those looking to illegally profit off sports betting will simply migrate to where there are the fewest restrictions.

Protecting the integrity of sports from the dark side of sports betting is not a theoretical exercise. We are all familiar with the fixing of the 1919 World Series, Pete Rose's expulsion from baseball, and points shaving at Boston college. More recently, NBA referee Tim Donaghy both bet on games that he officiated and passed along tips to bookies. The qualifying match for this year's World Cup had to be replayed after the referee was found to have fixed the match. Just last month, there were signs of possible match fixing in a men's doubles match at Wimbledon.

As States move to legalize sports wagering, we must seize the opportunity to put in place world-class measures to protect the integrity of our sporting events and the sports-betting market.

To that end, an important part of the legislation I will be proposing is improvements to monitoring and enforcement that will benefit all of the stakeholders—sports books, regulators, governing bodies, and consumers.

These are complex issues, but I am happy to announce that much progress is being made. I look forward to continuing engagement with stakeholders and in the coming weeks releasing a legislative proposal to kick-start the much needed sports-betting discussion on Capitol Hill.

#### NOMINATION OF BRETT KAVANAUGH

Mr. HATCH. Now I would like to pivot to what would ordinarily be a subject unrelated to sports—the nomination of Judge Brett Kavanaugh to be an Associate Justice on the U.S. Supreme Court—but this is no ordinary nomination. Not only is Judge Kavanaugh an avid sports fan, he also moonlighted as a sports reporter for the Yale Daily News.

For Democrats looking to evaluate Judge Kavanaugh on the basis of documents other than his judicial record, his writings about college sports are apparently a gold mine. Take, for example, Kavanaugh's account of a midseason game between Yale and Cornell: "In basketball, as in few other team sports, it is possible for one person to completely dominate a game."

Prominent legal scholar Laurence Tribe, a Harvard law professor and adviser to Barack Obama—a friend of mine, actually—strained to make a connection between this casual observation and Judge Kavanaugh's judicial philosophy. He noted: "Kavanaugh's seeming fascination with single-player domination might be a muscular view of executive power." I had a good laugh at this. The idea that Judge Kavanaugh's observations about basketball somehow reveal his views about Executive power is beyond absurd.

What is next? What other hidden insights into the nominee's character can we glean from the most obscure sources? Should we do a deep dive on Judge Kavanaugh's zodiac sign to see what it might say about his judicial temperament? He is an Aquarius, by the way, and Mars is in retrograde. So we all know what that means: Judge Kavanaugh is going to destroy America. He is going to burn down the Capitol, coronate himself King, and make confetti of the Constitution. The stars are literally aligned for this man to usher in Armageddon. The real question is, How am I the only one seeing this? Why hasn't The New Yorker written a think piece about it already?

It should go without saying that if you really want to understand Judge Kavanaugh's view on the constitutional separation of powers, you won't find it by reading sports articles from a college newspaper, and you won't find it by reading his wife's work emails; you will find it by reading Judge

Kavanaugh's actual opinions as a Federal judge. Of course, Democrats know this, but like a kid procrastinating his homework—playing video games and microwaving Bagel Bites—they are looking for any distraction at all to avoid actually analyzing Judge Kavanaugh's judicial record. That is because Democrats know what they will find when they do: a nominee who is indisputably qualified for the Supreme Court.

When my friends on the other side of the aisle decide they are done procrastinating and actually want to examine his judicial record on separation of powers issues, I would point them to Judge Kavanaugh's opinions in three cases I highlighted here on the Senate floor earlier this month: *Free Enterprise Fund v. Public Company Oversight Board*, *Loving v. Internal Revenue Service*, and *PHH Corporation v. CFPB*.

Once you have gone through Judge Kavanaugh's highly regarded opinions and sterling record and concluded, as I have, that he is eminently qualified and possesses the judicial temperament and ability to be a great Justice on the U.S. Supreme Court, you will by all means turn to his college sports writing for a little light reading. You are sure to walk away with insight into the championship prospect of Yale's basketball and football teams in the 1980s; I just wouldn't hold out for any insight into his judicial philosophy.

While we are on the subject of documents outside his judicial record, I am surprised Democrats have yet to mention Professor Kavanaugh's student evaluations. The evaluations may not predict how Judge Kavanaugh would rule on hot-button issues, but they do add actual substance to the mountain of evidence that Judge Kavanaugh is, as 80 of his former students described him, "a rigorous thinker, a devoted teacher, and a gracious person." Notably, the evaluations reveal that Judge Kavanaugh was fair and balanced in the classroom—the opposite of the partisan hack some are now trying to make him out to be. One student wrote that "Judge Kavanaugh's presentation seemed very evenhanded." Another said that he "presented the other side quite well, even though he likely shared most of those conservative views," adding that "many of the Harvard Law School professors could learn from his acceptance of views across the political spectrum."

I am looking forward to Judge Kavanaugh's public confirmation hearings—now just 12 days away—where his judicial record on substantive legal issues will take center stage. That is what matters. But those things that are not front and center, be they his student evaluations or college sports reports, remind us that there is more to Judge Kavanaugh than his professional record and accomplishments, and they remind us that he is exactly the kind of standup person we should want on the Supreme Court.