

Supreme Court nominees should be like icebergs, only a small portion showing, while the real nominee lurks unseen underwater and potentially dangerous?

So I strongly support and commend the Democrats on the Judiciary Committee in their efforts to make these confidential documents public. I stand with them. They did the right thing. The American people desire to see these documents.

In this case, committee confidential is a complete fiction, a subterfuge to avoid the American people knowing the real Brett Kavanaugh. The members of the committee should be praised, not chastised, for making these documents available. They did the right thing, and they had an obligation to do it. The Republican members of the committee should be ashamed of themselves—ashamed of themselves—for participating in the administration and Judge Kavanaugh's coverup of his record. The Senate and the American people have a right to see the nominee's record, especially now, since the nominee appears unwilling to answer substantive questions about his views.

Whatever the rules may be of the Senate, they should not be twisted to ensure partisan advantage and prevent transparency and openness. They should not be twisted to cover up the truth rather than reveal it.

There is so much at stake in this Supreme Court nomination. Will Americans with preexisting conditions be able to get healthcare? Will women be able to make private personal choices about their medical care? Will LGBTQ Americans be able to marry whom they love? Will every American's constitutional right to vote be protected? Can the President of the United States be held accountable, especially at this time? We know how much we need that. Yet, at every turn, the Republican majority, the Trump administration, and Brett Kavanaugh have prevented the Senate and the American people from being truly able to vet a nominee who could affect the lives of Americans for a generation.

I yield the floor.

Mr. COTTON. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

NOMINATION OF DOMINIC W. LANZA

Mr. COTTON. Madam President, I speak in support of the nomination of Dominic Lanza to be a district judge for the District of Arizona.

Dominic is my old friend and law school classmate and, maybe most importantly, intramural basketball teammate, when he was known as "Dom" or perhaps "The Dominator."

Now, I can't claim the credit for Dominic's nomination. He has the highest qualifications, and his whole life has prepared him for this moment to be a U.S. district judge. Dom graduated with highest honors from Dart-

mouth in 1998, where he was also an All-Ivy League and Academic All-American offensive lineman on the Dartmouth football team. He received the Barrett Award for being the outstanding graduate of his class in achievement, character, and leadership.

In law school together, he excelled, graduating with honors, serving as a member of the law review.

He went on to clerk for Judge Pam Rymer on the Ninth Circuit Court of Appeals. For 5 years, he worked in private practice with Gibson Dunn & Crutcher in their constitutional and appellate law practice, and won awards for his pro bono work.

For the last 10 years, Dom has served the people of Arizona and the people of this country in the U.S. attorney's office from the District of Arizona. As an assistant U.S. attorney, from 2008 to 2012, he prosecuted over 300 defendants for a wide variety of crimes, including immigration offenses, drug trafficking, and public corruption.

He authored more than 20 appellate briefs and argued more than 11 cases in the Ninth Circuit Court of Appeals. From 2012 to 2015, he served as chief of the district's Financial Crimes and Public Integrity section, and he is now the chief and executive assistant U.S. attorney—the No. 2 position in the district—where he oversees the Phoenix office.

Dom said that the most important lesson he has learned in his time at the U.S. Attorney's Office is the need to represent the facts and the law fairly and accurately to the court and opposing counsel. He has also learned the necessity of treating everybody involved in the legal process—from judges to jurors, support staff, opposing counsel, and parties—with courtesy, dignity, patience, and respect.

Dom has volunteered in the Court Works Program, in which students from at-risk schools perform simulated trials. He participated in the Veterans Court Program, which provides increased support and guidance to Federal criminal defendants who are veterans.

Dom participated in, completed, and received the highest marks from Senator McCain and Senator FLAKE's judicial nomination panel. He now has the support, as well, of Senator JON KYL. I commend all three men for an outstanding selection.

As I said, I can't take credit for Dom's nomination, but I can perhaps add a little bit of perspective to the kind of judge he will be from the man I knew on the basketball courts.

Dom was tough. If you were driving to the basket or fighting for a rebound, you did not want him in your way.

Dom was fairminded. If he fouled an opposing player or knocked a ball out of bounds, you would get no argument from him. He would admit that he knocked the ball out of bounds or that he had committed the foul, and play would go on.

I would say Dominic was even-tempered, something of a gentle giant. When tempers flared on the basketball courts at Hemingway, as they, in retrospect, did too often—and over silly matters—Dom was a peacemaker, separating those who might otherwise be in an altercation.

Dom was a team player. When it was time for him to take the shot because that is what the team needed, that is what he would do, but he was just as happy to pass the ball off, to set a screen, to box-out for a rebound.

Dom was good-natured—competitive to be sure, but he understood that in the grand scheme of things, we were all just a bunch of washed-up high school and college athletes enjoying a few hours off from our studies.

These are all traits that are going to put him in the best position possible to deliver justice not only for the people of Arizona but for the people of the United States. Everyone who comes before him is fortunate that Dominic Lanza will soon be a district judge.

For 42 years, Dominic has been known as Dom or the Dominator, but in just a few hours, he will be known as Your Honor. Few men, by their character and by their lives, better deserve that title than the Dominator, Dominic Lanza.

Madam President, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF BRETT KAVANAUGH

Mr. BLUNT. Madam President, I want to speak for a few minutes about the hearings going on today with Judge Brett Kavanaugh. I had a chance, as you did, to meet him a little over a month ago. It was clear from that conversation that he is clearly the best person available, in my view, to fill the vacancy left by Justice Anthony Kennedy. I think his opening remarks this week gave great evidence to that. He said, as he described himself, that "a judge must be an umpire—a neutral and impartial arbiter who favors no litigant or policy. . . . I do not decide cases based on personal or policy preferences. I am not a pro-plaintiff or pro-defendant judge. I am not a pro-prosecution or pro-defense judge. I am a pro-law judge."

What does it mean to be a "pro-law" judge? It means that you see your job as a judge who will look at the law and determine what the law says, whether that is criminal law or civil law.

I am not an attorney, but if you hire an attorney to give you advice on civil law, the greatest benefit you can have

in making a decision based on that advice is that judges at all levels, up to the Supreme Court, will look at the law as hopefully your good attorney did and say: This is what this law means. If you make this decision based on what the law says, the courts in the United States of America will reach that same, likely, conclusion. Your attorney might say that the law is not clear on this issue, and that is a different scenario. But the judge's job is not to decide what is the right thing. The judge's job is not to decide what the law should say. The judge's job is not to decide what the people who wrote the Constitution should have written or should have meant if they had known everything we know today. The judge's job is to look at the law and look at the Constitution and decide that is what it said.

Nothing would be a better example of Judge Kavanaugh's philosophy than the 300 opinions he has issued as a judge. There is a lot of discussion: Well, there is not enough material out there. We haven't seen everything. We haven't seen everything that went through the White House when he was the Staff Secretary for President George W. Bush. We haven't seen all of that.

Of course, that is not the case. There is plenty to be seen. In fact, there is more paperwork available to look at from Judge Kavanaugh than from the last five Supreme Court Justices put together. I will state that if you are looking for paper, you have paper. If you are looking for the judge's position, you also have 300 cases, some of which were appealed to the Supreme Court. Thirteen of his opinions—and I think some of them were when he was in the minority on the circuit court bench—became the opinions that the Supreme Court essentially adopted almost exactly as Judge Kavanaugh had written them.

What we are trying to do is put somebody on the Supreme Court for a lifetime appointment. This individual happens to be somebody who for 12 years has been on what is often described as the second most important court in the country.

Why would the DC Circuit—that is the court of appeals for the DC area—be the second most important court in the country? The reason is that most of the cases that involve new Federal law, that involve expansive Federal law, wind up right here. For 12 years, Judge Kavanaugh has been one of those judges.

Believe me, if the Supreme Court had said over and over again, when there was an appeal from the DC Circuit, that Judge Kavanaugh's opinion really makes no sense or that Judge Kavanaugh's opinion wasn't based on the law, the facts, and the Constitution, we would have heard about that. In 300 opinions, we would have heard about that if that had been the case, and we have not heard that. In fact, what we have heard over and over

again is about the job this judge has done and the skill he brings to the court.

Going back to the idea that a judge's goal is not to decide what the judge would like the outcome to be but what the law says, Justice Scalia, who was replaced last year by Judge Gorsuch, said that "the judge who always likes the results he reaches is a bad judge." Why would you be a bad judge if you always liked the decisions you reached? The reason is that you couldn't have always been looking at the law. The judge doesn't write the law. The judge doesn't come up with the law. The judge doesn't even have to agree with the law. The judge's job is to decide what the law says. If you look at every case before you and evaluate it based on the facts and apply the rule of law, you are going to come up with a conclusion you won't always like, but you will come up with a conclusion that the people who are in the case will understand as far as how you came up with it because you came up with it based on the law and the facts.

Judge Kavanaugh's credentials have been discussed before. Frankly, they are not being very widely discussed this week because the hearing—at least half the time—appears not to have much to do with Judge Kavanaugh at all but whether there is enough paperwork to look at or whether a judge would have reached a different conclusion than he reached. But his qualifications are pretty significant. He is a graduate of Yale Law School. He clerked for three Federal judges, including the Justice he is about to replace. Of course, being a clerk for a judge means that you have graduated from law school. Someone has looked at all the applicants to be their clerk, and—it is almost like graduate work after you have graduated from law school—you are chosen to be that clerk. So that happened three times with Judge Kavanaugh, including for Justice Kennedy. He clerked for Justice Kennedy alongside Justice Gorsuch.

In 2006, President Bush nominated him to serve on the DC Circuit Court of Appeals. In addition to that, since 2009, he has been the Samuel Williston Lecturer on Law at Harvard Law School. He was hired by Justice Kagan before she was nominated to the Court by President Obama and who was then dean of Harvard Law School. He has the interesting opportunity to be confirmed to the Court—and I believe he will be—and to be sitting on the Court with a Justice nominated by President Obama who hired him to be a lecturer at Harvard Law School.

In addition to his legal career, he has devoted himself to his community. He coaches his daughter's basketball team with some pride, Coach K—not always the Coach K I would think of but the Coach K the girls on that team think of when they think of Coach K. He is a church volunteer. He has mentored

people at schools. He has been widely supported by those who have dealt with him—his classmates, colleagues, clerks, and legal scholars.

This week, he received a unanimously "well qualified" rating from the American Bar Association. That is the very highest rating they can give, and it was unanimous. That is a pretty good signal that he must have been well prepared as a lawyer to be a judge.

The Judiciary Committee has received letters from more than 140 law professors, more than 40 members of the Supreme Court Bar, 34 of his former law clerks, 80 former Harvard Law students, 31 Governors, and many more.

His nomination isn't just widely supported, it is thoroughly vetted. There are 480,000 pages of documents and, in 300 cases, the opinions he has written.

I continue to believe that the Supreme Court is one of the longstanding and most important legacies of a President, but it is also one of the important legacies of the Senate. The Constitution says the President nominates but the Senate advises and consents. This is not just about advice, it is about becoming a partner in that process of becoming a member of the Supreme Court for as long as you live, unless you decide to leave earlier than that.

I am disappointed that almost half of this Senate announced they wouldn't be for Judge Kavanaugh before his confirmation hearings. At least one-fourth of the Senate announced they wouldn't be for Judge Kavanaugh before he was nominated. No matter who was going to be nominated, one-fourth of the Senate was not going to be there.

I think we will find that a majority of the Senate will be there later this month. I think we will find the majority of the Senate will be there before the first Monday in October, which is the day the Court starts to hear cases for the coming year.

I think Judge Kavanaugh is going to serve our country well and, I hope, long. I look forward to his confirmation later this month.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

APPROPRIATIONS PROCESS

Mrs. MURRAY. Madam President, I come to the floor today to join the vice chairman of the Appropriations Committee, who will be joining me shortly, in urging our colleagues to avoid a completely unnecessary crisis and work together with us to get out our spending bills and get all of our spending bills signed into law.

We should be able to do this. I am very proud of the work we have done so far. Under the leadership of the chairman and vice chairman of the Appropriations Committee, we have been able to negotiate and pass bills under regular order in a way we have been unable to do for years.