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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Pastor Sam Steele of Chapel by the Sea from South Padre Island, TX.

The guest Chaplain offered the following prayer:

Good morning.

Christ Jesus sent people out two by two.

Let us pray.

Eternal God, as our Senators gather—two from each State—they break down barriers that divide, create an environment of honest dialogue, and bring about positive compromise so that there is unity in our diversity and so our Nation is steadfast in the foundation of the people, by the people, and for the people.

Loving God, we lift up to You our brothers and sisters touched by the weather across our land. May we reach out our hands of love and help. Comfort those who suffer, and strengthen those who serve.

Creator God, pour Your wisdom upon each Senator. Bless them with humility as they serve, and make us once again "we the people."

In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 25, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2019.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Madam President, in the past week and a half, the American people have seen a confusing and chaotic process play out right here in the Senate.

They have seen uncorroborated, decades-old allegations of wrongdoing pop up in the press at the last minute, just as Judge Brett Kavanaugh's confirmation process was winding down.

They have seen an accuser's request for privacy disregarded and ordinary standards of fairness completely discarded.

They have seen a disturbing pattern play out on two separate occasions already. It goes like this: No. 1, our Democratic colleagues on the Judiciary Committee get wind of or maybe even go looking for a sensitive allegation. Second, they decline to share it with the majority, meaning the committee cannot promptly take appropriate action. Third, they allow the allegation to leak to the press at the last moment.

Fortunately, in stark contrast to this malpractice, the American people have also seen the exemplary manner in which Chairman GRASSLEY has led the Judiciary Committee throughout the entire process. The chairman has acted swiftly and transparently in pursuit of the truth. He has treated Dr. Ford with kindness and respect. Acknowledging that the irresponsible and irregular manner in which her allegation was brought to light was no fault of hers, the chairman opened a dialogue with Dr. Ford's counsel. He deferred to her preferences on the timing of her hearing and a number of other details.

I will quote from a letter the chairman wrote to Dr. Ford yesterday. Here is what Chairman GRASSLEY had to say:

I am committed to fair and respectful treatment of you. . . . [The] hearing on Thursday will allow you to testify and also will allow the nominee to address the allegations. . . . Both of you deserve a credible and fair process in a secure and professional setting.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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That was Chairman GRASSLEY.

So we have one side that is handling these sensitive matters with dignity, with professionalism, by the book, and we have another side that chose to sit on allegations and keep them secret until they were leaked to the press—the same side as the Democratic leader's, who had already made up his mind mere hours after Judge Kavanaugh was chosen and said: "I will oppose him with everything I've got." Well, apparently so.

Look, the American people know that sexual misconduct is gravely serious. They expect this to be treated seriously and addressed promptly. That is precisely what Chairman GRASSLEY has done and is doing. But the American people also insist that vague, unsubstantiated, and uncorroborated allegations of 30-plus-year-old misconduct—where all the supposed witnesses either totally deny it or can't confirm it—is nowhere near grounds to nullify someone's career or destroy their good name. Justice matters. Evidence matters. Facts matter.

Let's look at one of the supposed witnesses, Ms. Leland Keyser. She is not a friend of Judge Kavanaugh's. In fact, she says she doesn't even know him. Rather, she is a longtime friend of Professor Ford's. What does Ms. Keyser say about the allegations? Through her lawyer, she says that she "does not know Mr. Kavanaugh and she has no recollection of ever being at a party where he was present, with, or without, Dr. Ford." In other words, she backs up Judge Kavanaugh's statement.

Look, this is America here we are talking about. We are supposed to uphold fairness and a presumption of innocence. Everyone deserves better than this—not just Judge Kavanaugh; everyone deserves better than this.

I was surprised and disappointed by the recent statements on television from some of my Democratic colleagues, including one statement this weekend that Judge Kavanaugh is not owed the presumption of innocence. One of our Democratic colleagues said Judge Kavanaugh is not owed the presumption of innocence, because they disagree with his judicial philosophy. That is not a standard we want to set in America.

No matter how loudly my Democratic colleagues try to say otherwise, we have never been and do not wish to be a society in which a single, uncorroborated allegation—disputed by everyone who supposedly has some knowledge of it—can float out across decades and wield veto power over somebody's life.

Judge Kavanaugh is an immensely bright and qualified nominee. We have heard from legal experts and scholars that he is one of the fairest and most brilliant jurists anywhere in our country. We have heard from hundreds of character witnesses from his high school days to the present who vouch for his character and his integrity.

Yet the need for a fair process runs even deeper than Judge Kavanaugh

himself. As he wrote in his own letter to Chairman GRASSLEY yesterday, the weaponization of unsubstantiated smears—that is what we have here, the weaponization of unsubstantiated smears—"will dissuade competent and good people of all political persuasions from service."

This isn't what Members want the Senate to be. This isn't what Americans want our society to be. So I look forward to hearing from both Dr. Ford and Judge Kavanaugh under oath this Thursday morning. I am glad we will be able to hear testimony from both. Then I look forward to an up-or-down vote on this nomination right here on the Senate floor.

THE WEEK'S BUSINESS

Madam President, on an entirely different matter, as I noted yesterday, the Senate continues to make progress on critical national priorities. We are restoring the regular order appropriations process; we are securing common-sense reforms to infrastructure policy and the longest authorization of FAA in over 35 years; and, this week, we are confirming more of the President's well-qualified nominees. Yesterday, the Senate voted to confirm Jackie Wolcott as the U.S. Representative to the International Atomic Energy Agency and to the United Nations in Vienna. Today, we turn to consider the nomination of Peter A. Feldman to be a Commissioner of the Consumer Product Safety Commission.

I urge each of our colleagues to join me in voting to confirm Mr. Feldman and in continuing to process nominees for vital roles in the executive branch.

TAX REFORM

Madam President, on one final matter, for months, we have heard the firsthand accounts of American workers and job creators who have felt the immediate impacts of the Republicans' pro-growth, pro-opportunity agenda.

We have heard from working parents who have received raises and special bonuses as a result of once-in-a-generation tax reform. We have heard from small- and medium-sized business owners who have been able to make larger investments in their workers, facilities, and products, thanks to increased regulatory certainty. With every new job created and every pay raise passed along, we have seen that these stories are not disconnected anecdotes. Rather, they are part of larger trends in an American economy that is reaching new heights.

For example, here on the floor, I have highlighted small businesses in Montana and the ways they are using tax reform savings to drive their local economies forward—how Stricks Ag has awarded worker bonuses and how Thompson River Lumber has invested in new equipment. Well, earlier this month, Governor Bullock and the Montana Department of Labor released a report that that suggests the State's economy is showing signs of wide-reaching prosperity. In other words, the stories my colleagues and I have

been hearing for months are no fluke. In the last year, Montana's entrepreneurs founded nearly 3,000 new enterprises, and according to Governor Bullock, the employment rate is the lowest it has been in over a decade in Montana.

Over the past year and a half, this united Republican government has implemented a bold, pro-growth agenda to help create the conditions for Montana's workers and job creators to write this new chapter. The signs we are seeing today are truly remarkable, but they shouldn't come as a surprise, for the trends we are seeing across the country today are exactly what this united Republican government had in mind when we passed generational tax reform. They are exactly what one of Montana's Senators had in mind when he voted to deliver it. What a shame that the other Senator joined Senate Democrats in lockstep opposition.

These days, the ball is in the American people's court. They will keep taking it and running with it—creating jobs and new prosperity all across our country. Here in Congress, the Republicans will keep working hard to help them do it.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

Mr. DURBIN. Madam President, what is the business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is considering the Feldman nomination.

Mr. DURBIN. Thank you.

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. DURBIN. Madam President, plow through this nomination. That is what the Republican majority leader said over the weekend, that we are going to plow through this nomination of Brett Kavanaugh for the Supreme Court. It doesn't sound to me like a recipe for fairness, and it certainly doesn't sound like a recipe for getting to the truth. Plow through. That was what the Republican majority leader said the Republican majority would do.

When this all started, I was surprised when a spokesperson for President Trump—Kellyanne Conway, who is not noted for her moderation—made what I thought was a very moderate and thoughtful statement at the beginning of the consideration of Dr. Ford's charges. She said that we are neither going to ignore nor insult Dr. Ford. I thought that was a good standard. Unfortunately, since she has said that, neither the President nor many Republican leaders have lived up to it.

I really come to this as a member of the Senate Judiciary Committee who is trying to think about the gravity of the situation and what is fair. In this situation, we have Dr. Ford's coming forward. I have thought long and hard and have talked to many of my staffers