

Kavanaugh said never occurred 35-plus years ago.

I can't tell you where I was on any given day of the week 35 years ago at a certain time of day. That is why our job is so difficult, but we are going to do our very best, in fairness to Dr. Ford and Judge Kavanaugh, to try to bring this matter to a fair conclusion.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE).

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TAX REFORM

Mr. THUNE. Mr. President, America has always been a place of economic promise. Millions of people have come to this country in search of a better life for themselves and an even better life for their children, but in recent years this dream had started to dim.

Under the Obama administration, our economy stagnated. Too many American families struggled. Worse, some economists were predicting that weak economic growth would be the new normal. Republicans disagree with that assessment. We didn't think the United States was doomed to a future of weak growth and diminished opportunity. We knew American workers and American businesses were as driven, creative, and innovative as ever. We also knew they were facing a lot of obstacles, including burdensome regulations and an outdated tax code that acted as a drag on economic growth. So instead of giving up on the economy, we decided we were going to get the economy going again by removing obstacles to economic growth and job creation.

Over the past 21 months, that is exactly what we have done. We have removed burdensome regulations, and last December we passed a historic and comprehensive reform of our Tax Code.

The Tax Code isn't necessarily the first thing people think of when they think of economic growth, but in actual fact, the Tax Code has a huge effect on our economy.

A small business owner facing a huge tax bill is highly unlikely to be able to expand her business or hire a new employee. In fact, if her tax burden is heavy enough, she may not even be able to keep her business open. Similarly, a large business is going to find it pretty hard to create jobs or improve benefits for employees if it is struggling to stay competitive against foreign businesses that are paying much less in taxes.

Prior to the passage of the Tax Cuts and Jobs Act, our Tax Code was not helping our economy. It was doing the opposite, and so we took action. We lowered tax rates across the board for owners of small and medium-sized businesses, farms, and ranches. We lowered our Nation's massive corporate tax

rate, which up until January 1, was the highest corporate tax rate in the developed world. We expanded business owners' ability to recover the cost of investments they make in their businesses, which frees up cash they can reinvest in their operations and their workers. We brought the U.S. international tax system into the 21st century so American businesses are not operating at a disadvantage next to their foreign competitors.

Now we are seeing the results. Our economy is thriving. The economy grew at a vigorous 4.2-percent pace in the second quarter of 2018. Since the Tax Cuts and Jobs Act was signed into law less than a year ago, 1.7 million jobs have been created. U.S. job openings have hit a record high of 6.94 million. In fact, the number of job openings has exceeded the number of unemployed for 5 straight months. Think about that. The number of job openings has exceeded the number of people who are looking for jobs for the past 5 months.

Wages are rising at the fastest rate since 2009. Middle-class income hit its highest level ever last year—ever—and the poverty rate dropped to its lowest level since 2006. Small business optimism shattered its previous record to reach a new high in August. I could go on.

So what does this all mean? It means that if you need a job, there are more jobs available and jobs with good benefits. It means there are more opportunities for workers to advance and build rewarding and secure careers. It means fewer families are having to live paycheck to paycheck and that more families have money available to plan for the future, such as for their kids' college or for their retirement. It means small business owners can think about expanding their businesses and hiring new workers instead of wondering how they are going to make ends meet.

When the American people elected us to the majority almost 2 years ago, we had one priority, and that was making life better for American families. I am very proud we are succeeding, but we are certainly not stopping here. We are going to continue working to expand opportunity for Americans even further. We are going to continue to build on the work we have done on other priorities, from equipping our military and supporting our veterans to fighting the opioid crisis.

NOMINATION OF BRETT KAVANAUGH

Mr. President, before I close, I want to take a moment to express my profound disappointment with my Democratic colleagues.

It came as no surprise that Democrats were determined to oppose Judge Kavanaugh's nomination. It has become abundantly clear in this Congress that Democrats consider being nominated by a Republican President disqualifies a person from serving on the Supreme Court. It doesn't matter how mainstream you are, how widely respected, or how fair and impartial, if

you are nominated by a Republican President, you are out.

As I said, it came as no surprise that Democrats were determined to fight Judge Kavanaugh's nomination. The ink on the nomination was scarcely dry before the Democratic leader had announced he was going to "fight this nomination with everything I've got."

While I expect the Democrats to fight Judge Kavanaugh's nomination, I expected them to do so honorably. I expected them to make their objections known, to grill Judge Kavanaugh in the hearing, and then to cast their votes against the judge, but that is not what happened.

As it became clear that Judge Kavanaugh was headed toward a vote and confirmation, it was leaked that the ranking member on the Senate Judiciary Committee had a letter containing an unsubstantiated allegation against Judge Kavanaugh regarding an alleged incident when he was in high school. The ranking member had received this letter at the end of July but chose to sit on it for a month and a half without discussing its existence with Republicans.

If the ranking member thought this allegation was credible, she had an absolute responsibility to bring it up immediately so it could be addressed. Holding it until a politically opportune moment was a betrayal of her obligation as a leader on the committee.

On the other hand, if she thought the allegation to be false—which is the only possible justification for her decision to sit on the allegation for 6 weeks—then the subsequent decision by Democrats to exploit the allegation in an attempt to derail Judge Kavanaugh's confirmation is, frankly, despicable. Either way, it is clear that from the beginning, Democrats operated without a shred of real concern for either the individual who made the allegation against Judge Kavanaugh or for the integrity of the confirmation process.

Now, after a fishing expedition by Democrats, the New Yorker has reported an accusation from Judge Kavanaugh's freshman year in college made by a woman who has admitted her memory of the event is hazy and that she can't be sure Judge Kavanaugh is the individual she has in mind.

The New York Times—not what anyone would call a conservative newspaper—declined to publish the allegation because it could not find anyone to corroborate the story, despite contacting "several dozen people." Yet Democrats have seized on this hazy, unsubstantiated story—a story so shaky that as I have mentioned, the New York Times refused to even print it—and are using that to call for further delays in the confirmation process.

That is not a concern for the truth; it is politics, pure and simple; it is attacking someone's character; and it is a serious matter. If you are going to

impugn someone's character, you need to have actual evidence to back it up, not a story that even the accuser herself has called into question.

Is this what Democrats want subsequent Supreme Court confirmations to look like, a hyperpartisan process in which character attacks don't have to be backed up with actual evidence, in which innuendo can substitute for information, and where a presumption of guilt is the order of the day, no matter how shaky or unsubstantiated the allegations?

I will say it again. I am deeply disappointed in my Democratic colleagues.

I look forward to hearing from Judge Kavanaugh later this week.

NOMINATION OF PETER FELDMAN

Mr. President, I rise today to voice my strong support for the nomination of Peter Feldman to be a Commissioner at the Consumer Product Safety Commission.

Peter has been an exceptional member of my staff throughout my time as chairman and ranking member of the Senate Commerce Committee. Serving as senior counsel for consumer protection on the committee for over 7 years, Peter has been instrumental in drafting and negotiating bipartisan legislation and conducting meaningful oversight of Federal agencies related to consumer product safety, unfair and deceptive trade practices, and sports policy. Those who have had the privilege of working with Peter would attest to his well-earned reputation for building consensus and forming coalitions to improve consumer safety.

Peter's work on significant consumer safety legislation began even before his tenure on my staff. As a staffer for former Senator Mike DeWine, for example, he worked directly on the Virginia Graeme Baker Pool and Spa Safety Act. More recently, on the Senate Commerce Committee, Peter led our work on numerous bipartisan legislative initiatives, including the Consumer Review Freedom Act, the Better Online Ticket Sales Act, and the Child Nicotine Poisoning Prevention Act.

Peter is very well qualified to serve as a Commissioner on the CPSC and enjoys the support of a wide range of stakeholder groups, including safety advocates who describe him as "a professional, thoughtful, and committed public servant." Nevertheless, it is my understanding that some on the other side of the aisle are requiring us to hold multiple votes on his confirmation for reasons that have nothing to do with his qualifications. In a nutshell, Democrats have expressed no objection—no objection—to Peter's qualifications to be a CPSC Commissioner. Instead, Democrats object to the fact that, in addition to being nominated to complete the remainder of a term expiring next year, President Trump has also nominated him to a full 7-year term on the CPSC.

While Peter's situation is somewhat unique, it is not unprecedented. In fact,

in 2005, the Senate confirmed former CPSC Commissioner Nancy Ann Nord to similar successive terms—a remainder term and a second full term—and the Senate did it by voice vote.

What is unprecedented is the level of partisanship that CPSC nominees are facing in the current environment. In fact, since Congress established the CPSC in 1972, there have been only three rollcall votes to confirm CPSC Commissioners. One of those rollcall votes occurred this past May for Commissioner Dana Baiocco after Democrats delayed her confirmation for over 6 months. The other two were in 2014 and in 1976.

Put another way, when we finish voting on Peter's confirmation, we will have doubled in a single year the amount of votes on CPSC Commissioners since Congress established the agency in 1972. That is how easy, in the past, it has been to confirm Commissioners to this agency.

My hope is that we are not yet done confirming CPSC nominees. I am hoping that soon the Senate will turn to the nomination of Acting CPSC Chairman Ann Marie Buerkle. The Commerce Committee held a hearing on Acting Chairman Buerkle's confirmation almost a year ago; nevertheless, Democrats still haven't allowed a vote on her confirmation. While she continues to lead the agency in an acting capacity, the CPSC deserves a Senate-confirmed leader, and we are committed to confirming her nomination as soon as possible.

Let me be clear. I expect and appreciate that more Democrats will likely vote for Peter Feldman's initial term at the CPSC. I expect that we are going to have Democrats here—many Democrats, I hope—who will vote for that initial term. Peter's history of bipartisanship, depth of experience, and mastery of the critical consumer safety issues before the agency will undoubtedly benefit the agency greatly and more than merit such support from both sides of the aisle. Peter's confirmation will also ensure that the CPSC has its full complement of Commissioners to execute its important safety mission. Nevertheless, I find it deeply regrettable that a well-qualified nominee like Peter will face objections from some who have expressed no substantive concerns about his qualifications to be a CPSC Commissioner.

It is my hope that the Senate will soon return to its tradition of bipartisanship in the confirmation of nominees to critical independent safety agencies such as the CPSC.

I urge my colleagues to support Peter Feldman's confirmation for both the remainder of the existing term and for the full term to which he has been nominated.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all time has expired.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, all time has expired.

The question is, Will the Senate advise and consent to the Feldman nomination?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. FLAKE).

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

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 215 Ex.]

YEAS—80

Alexander	Fischer	Murphy
Baldwin	Gardner	Murray
Barrasso	Graham	Nelson
Bennet	Grassley	Paul
Blunt	Hassan	Perdue
Boozman	Hatch	Peters
Burr	Heitkamp	Portman
Cantwell	Heller	Risch
Capito	Hoeben	Roberts
Cardin	Hyde-Smith	Rounds
Carper	Inhofe	Rubio
Casey	Isakson	Sasse
Cassidy	Johnson	Scott
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Corker	Kennedy	Smith
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Kyl	Thune
Crapo	Lankford	Tillis
Cruz	Leahy	Toomey
Daines	Lee	Udall
Donnelly	Manchin	Van Hollen
Duckworth	McCaskill	Warner
Enzi	McConnell	Wicker
Ernst	Moran	Young
Feinstein	Murkowski	

NAYS—19

Blumenthal	Hirono	Schumer
Booker	Markey	Stabenow
Brown	Menendez	Warren
Durbin	Merkley	Whitehouse
Gillibrand	Reed	Wyden
Harris	Sanders	
Heinrich	Schatz	

NOT VOTING—1

Flake

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.