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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 5, 2018, at 9:30 a.m.

Senate

WEDNESDAY, OCTOBER 3, 2018

(Legislative day of Friday, September 28, 2018)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, restorer of the joy of those who find You, we praise Your Holy Name.

Today, strengthen our Senators. Remove from them divisions and strife, infusing them with a spirit of unity and humility. Deliver them from fatigue and irresponsibility, reminding them that careless words have consequences. Lord, empower them to disagree without contentiousness as they seek to protect our constitutional Republic from self-inflicted wounds. Remove clouds of disillusionment as our Senators strive to seize those opportunities that best serve the interests of freedom and human betterment.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Mr. President, it is safe to say the national spectacle of the professional left has created around Judge Brett Kavanaugh's confirmation process has now reached some kind of fever pitch in the 17 days since Dr. Ford's confidential correspondence was leaked to the press—17 days of a feeding frenzy on Judge Kavanaugh and his family, unlike anything we have seen in recent memory.

Since then, a literal mudslide of wild, uncorroborated accusations has literally poured out—each more outlandish than the last. This mudslide has been actively embraced, urged on, and capitalized upon by the Democrats inside this Chamber and by the organized far-left special interests outside. It hasn't been about getting to the truth or giving anyone a fair hearing; it has only been about one thing—the far left's hunger to bring down Judge Kavanaugh's nomination by any means necessary.

If facts and evidence couldn't get the job done, then intimidation tactics and bullying would have to do. Sometimes this intimidation campaign has been aimed at the nominee. Colleagues, including my friend the Democratic lead-

er, have tried to get Judge Kavanaugh to withdraw from this process because of these uncorroborated and sometimes absolutely ridiculous allegations.

When that didn't work, then the far left tried to bully and intimidate Members of this body—Republican U.S. Senators. They tried to bully and intimidate us. One of our colleagues and his family were effectively run out of a restaurant by these people in recent days. Another reported having protesters physically block his car door, and some have seen organized far-left protesters camp out at their homes.

I am not suggesting we are the victims here, but I want to make it clear to these people who are chasing my Members around the hall here or harassing them at the airports or going to their homes: We will not be intimidated by these people. There is no chance in the world they are going to scare us out of doing our duty. I do not care how many Members they chase or how many people they harass here in the halls. I want to make one thing perfectly clear: We will not be intimidated by these people. This is all part of the organized effort to delay, obstruct, and intimidate those of us who will be voting this week.

A few days ago, I did something I rarely do: I offered a prediction. I predicted that here in the last few days before the Senate is to vote on Judge Kavanaugh's confirmation, the Democratic conference would continue to make good on its leader's promise and fight this nomination with everything it has got. I predicted that, on a dime,

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



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the very supplemental background investigation for which my Democratic friends had clamored would suddenly become insufficient and that no matter what accommodations would be made, no matter what agreements would be reached, the Senate Democrats would find more excuses to continue moving the goalposts one more time.

Granted, this was not exactly a radical prediction. This body and this Nation have spent months watching their friends across the aisle grasp at every imaginable excuse to delay this process and damage this nominee. So I felt pretty safe in saying the last goalposts would soon be on the move yet again, but even I was not sure it would happen this quickly.

Let's start with the Democratic leader and the ranking member of the Judiciary Committee. In a letter released on September 23, they suggested that the FBI had ample time to conduct a supplemental investigation before the hearing that was scheduled just 4 days later. They insisted an inquiry would "not take a tremendous amount of time." The Democratic leader brushed aside the notion that this—the seventh background investigation of Judge Kavanaugh—would delay the process, saying, "It will only take a few days." Well, that was, of course, before we agreed last Friday to delay the proceedings by no more than 1 week to accommodate just such an inquiry.

Naturally, we are now hearing a different tune. Yesterday, the ranking member stated her view that voting this Friday on Judge Kavanaugh's nomination as planned would be "too soon." There go those goalposts again, moving right on down. In that same letter, the Democratic leader and the senior Senator from California called for the supplemental investigation because "conducting background investigations on nominees has long been the FBI's standard practice." Here is what "standard practice" means: The FBI conducts interviews, prepares a careful report, and makes it available for Senators to review. "Standard practice" does not mean what the Democratic leader decided to demand for the first time yesterday now that the FBI is concluding its review. You get the picture.

As it concludes the review, it is not enough. We are to have yet another delay so FBI agents are made to appear—listen to this—for in-person briefings and so that Democrats can cross-examine the agents to see if they are satisfied with how they did their jobs. Is anybody surprised about this? There go those goalposts again.

Well, guess what. Our Democratic colleagues have made it abundantly clear they will never ever be satisfied, not ever. Does anyone really think the same people who said any nominee of this President would result "in the destruction of the Constitution" will be satisfied? Does anyone really think the same people who called Judge Kavanaugh "evil" long before they

heard one word of testimony from anyone will be satisfied? Does anyone really think the same people who said their goal was to delay this nomination past the election will be satisfied? To ask the question is to answer it. If my friends across the aisle were to have their way, the goalposts on Judge Kavanaugh's nomination would be in another time zone by now.

Our Democratic colleagues are quickly running out of material. One of their last efforts seems to be the new argument—notwithstanding whether these allegations can be corroborated in any way—that the real crime here is that Judge Kavanaugh stood up for his family and took umbrage at this disgraceful spectacle. He is now expected to witness this disgraceful spectacle and not get upset about it.

I would ask any of my colleagues: How would you feel if your entire reputation had been destroyed in this mudslide? Would you be calm about it?

For weeks now, a national media feeding frenzy has literally dragged Judge Kavanaugh and his family through the mud. He has been subjected to the most vile and disgusting accusations. His wife has been threatened and his young daughters traumatized.

In many instances, my Democratic colleagues have ushered on these absurdly disgusting accusations and tried to give them a veneer of credibility, specifically citing them now as a reason why Judge Kavanaugh should not be confirmed. Our Democratic colleagues are enabling this mudslide and encouraging it. Now the same Democratic Senators have the temerity to say Judge Kavanaugh disqualified himself for the Supreme Court because he got a little testy at the hearing after they drug him through the mud—because he told them how much damage these accusations had caused him and his family.

Let's get one thing straight right now: I don't want to meet the man or woman who wouldn't be frustrated and angry by a coordinated strategy to destroy his or her good name on the altar of partisan politics.

The Senate has received an incredible volume of testimony about Judge Kavanaugh's exemplary judicial temperament. We have heard from faculty of his alma mater, who called him "a fair-minded jurist who believes in the rule of law" and "commands wide and deep respect" among his legal peers, and from his former law clerks who say: "He listens carefully to the views of his colleagues and clerks, even—indeed, especially—when they differ from his own." Yet some still prioritize partisan point-scoring ahead of Judge Kavanaugh's actual record.

We have heard overwhelming testimony that Judge Kavanaugh's time on the Federal bench has been defined by equanimity, even-handedness, and fair treatment of all parties.

It is time to put this embarrassing spectacle behind us. The American peo-

ple are sick of the display that has been put on here in the U.S. Senate in the guise of a confirmation process.

The FBI is finishing up a supplemental background investigation. It will soon add this information to Judge Kavanaugh's file for Senators' consideration. This is the standard practice. Then, pursuant to last week's agreement of a delay no longer than 1 week, the Senate will vote on this nomination this week. The Senate will vote on this nomination this week.

When we do, we will be voting on one of the most impressive and most stunningly qualified Supreme Court nominees in our Nation's history. We will be voting to confirm a new Supreme Court Justice who possesses sterling academic credentials, widely acknowledged legal brilliance, an exemplary legal temperament, and a proven commitment to complete fairness on the bench. That is what the Senate will do this week.

FAA REAUTHORIZATION AND THE OPIOID EPIDEMIC

Mr. McCONNELL. Now, on a completely different matter, Mr. President, the Senate is also attending to other matters of critical, nationwide importance this week.

Today, we will pass a fulsome reauthorization for the critical functions of the Federal Aviation Administration. We will also take up and pass landmark opioids legislation. It is set to deliver major relief to American communities that have been decimated by the scourge of substance abuse and addiction.

Every one of our colleagues represents families who have grappled with the loss of livelihoods and loved ones at the hands of this crisis, and nearly every one of them has contributed provisions to make this a truly comprehensive response.

The legislation before us is the collaborative product of contributions from 70-plus Members of this body. Five different committees had a say. The result is a landmark package that will deliver critical resources to establish opioid-specific recovery centers and equip local medical practitioners. It will help law enforcement to stop the flow of opioids across borders and increase safeguards against overprescription.

I hope each of my colleagues will join me in voting to pass this landmark legislation. I hope they will join me in getting more assistance, more tools, and more training in the hands of first responders.

There will be more access to housing and work opportunities for those in recovery, thanks to my CAREER Act—which, I am proud to say, is included in this legislation—and more resources for State, local, and community leaders as they stand up treatment and recovery programs.

With today's vote, the Senate will say this to every American affected by