

the opioid epidemic: America is fighting back against this crisis. More help is on the way.

UNANIMOUS CONSENT AGREEMENT—H.R. 302

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following disposition of the House message to accompany H.R. 302, the majority leader or his designee be recognized to make a motion to concur in the House message to accompany H.R. 6, and that notwithstanding the previous order in relation to H.R. 6, the Senate vote on the motion to concur without further intervening action or debate at 3:15 p.m. today, all as in legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, first, I am glad that the majority leader and I get along. I am glad we are able to do certain things together, like the opioid bill and the appropriations bill, but that cannot hold me back from responding to the blatant falsehoods he tells day after day after day on this floor.

First, from the man who singlehandedly delayed the filling of Justice Scalia's seat for 10 months to complain about a 1-week delay to get the truth—give me a break. It is classic, diversionary, blame-the-other-person tactics, when he himself is the master of delay. It is galling and appalling day after day to hear the majority leader get on his high horse about delay, when he almost invented the word when it comes to judicial nominations.

Second, he blames Democrats for the delay, which is about the most blatant falsehood I have heard uttered on the floor in a long time. The majority leader knows darn well that he has the sole power to determine when to put the Kavanaugh nomination on the floor. He could have done it 2 weeks ago. He could have done it last week. He is now insisting he will do it this week.

Democrats have no say. He talked about an agreement that caused a week's delay. Who was the agreement with? Three Republican Senators.

The majority leader knows—knows—that it was Republicans who caused him to delay, both for the FBI investigation and for Judge Kavanaugh and Dr. Ford to testify. He didn't have to do that. He had the power. He is to blame for the delay, but he couldn't do anything otherwise because his own Republicans insisted on it.

Again, it is a blatant falsehood. I am so tempted to use the L word, but he is

my friend. To say that Democrats caused the delay—Mr. Leader, assert your power to determine what is put on the floor, and be a man. Man up and say it is your decision, not ours. We have nothing to do with it.

Third, he says he is one of the most qualified nominees we have ever seen. We know what is going on here. Everyone—everyone—including the majority leader himself, knows that Kavanaugh is a deeply flawed candidate for a whole lot of reasons. Knowing that, the majority leader and the Republican majority have to divert attention from Kavanaugh. So they are focusing on people who did nothing wrong, like Senator FEINSTEIN, like the Judiciary Democratic minority, and like the Democratic Party.

It is outrageous, but they know that Kavanaugh is not very good, and they know his testimony hurt him across America. I was talking to a CEO, a Republican of a major company. He said his board was watching the debate, and every one of them changed their mind after seeing Kavanaugh testify. They said: This guy doesn't belong on the bench. We can do better. That is the overwhelming reaction of Americans.

Judge Kavanaugh hurt himself dramatically and permanently by his screed—his nasty, partisan screed. That is something of a new, unschooled, two-bit politician, not someone who wants to be on the Supreme Court of the United States.

He hurt himself. Leader MCCONNELL knows that. The Republican leadership knows it. Donald Trump knows it, but they have to get the focus off of Kavanaugh. So they come up with these straw men and women. They come up with these false innuendos, distortions, and dishonesty. It is not going to work. It is not going to work.

Now, let me turn to the President, and in the strongest possible terms, let me condemn the comments by President Trump last night about Dr. Ford. President Trump's outright mockery of a sexual assault survivor, riddled as it was with falsehoods, was reprehensible, beneath the office of the Presidency, and beneath common decency from one person to another. President Trump owes Dr. Ford an immediate apology.

For too long—far too long—survivors of sexual assaults have been afraid to come forward because they thought that powerful men would shout them down and destroy their character. The President of the United States, the most powerful man there is, confirmed those fears for millions of women in the most despicable way possible.

President Trump should send a message to the women of America right now that he is sorry for saying what he said about Dr. Blasey Ford and that survivors of sexual assault should not only be heard but treated with dignity and respect and compassion.

You don't have to believe everything Dr. Ford said—and I do—to refrain from the nasty and vicious attacks, riddled with lies, in sort of a moboc-

racy-type way, and yet Donald Trump shows no restraint and no regulator. He is the prime example of why the norms in America, regardless of politics and regardless of party, are declining, and we don't hear a peep out of my colleagues on the other side, with a few notable and noble exceptions.

He is ruining the norms of America. He is so degrading the way people treat each other. It is pathetic, and it does permanent damage to this Republic, unless his own party members or others close to him speak up.

Anyone who watched Dr. Blasey Ford saw a credible and courageous woman, who elected to relive the worst night of her life because she felt a civic duty to come forward. That action took immense courage.

She is not the first. It is not unusual anymore. We know thousands of women who were hurt and then afraid to come forward mainly because they thought they would be ridiculed and disbelieved, just as President Trump appallingly, despicably, and lowly did last night.

Dr. Ford's actions took courage. She is a woman who is far more honest than Donald Trump. She admitted that she was "terrified" to speak in public about her very private pain and trauma.

I have been disappointed by President Trump's comments before, but this is a new low. I repeat, President Trump should apologize immediately.

Now, what will my colleagues on the other side do? They will ignore President Trump's comments, sidestep President Trump's comments, and spend their time blaming Democrats, even though we had no say in the delay. The delay was through Republicans. We know what they will do. It is shameful.

The President is day by day tearing down the norms that have built this country up. We have had the greatest norms, the greatest character, and the greatest behavior of any Nation ever, but it is declining now because people of goodwill allow Trump to do it without criticizing him. It is about time they did. It is about time they did.

Now, shifting focus back to events here in Congress. We have to get back to reality and truth and focus on treating the Supreme Court nomination debate the right way. When all is said and done, this is about the nominee's credibility and temperament.

I have said it before, and I will say it again: There are many who say what happened when someone was 15 and 18 doesn't indicate their personality and what kind of person they are when they are 53.

Well, I believe Dr. Ford, and I believe what she said is very relevant. There are many who don't want to consider that, but there is an issue that should matter even to them, and that is the credibility and temperament of Judge Kavanaugh.

This is what he is at 53. If he can't tell the truth about previous encounters, engagements, behavior, and activity, which we have found over and over

with Judge Kavanaugh, he doesn't deserve to be on the bench. He doesn't deserve to be on the bench.

That is why we need an FBI investigation. That is why Republicans stymied Leader McConnell in his headlong rush to have a vote and demanded an FBI investigation—it wasn't Democrats, we know that—because they wanted to get to the truth, because credibility of a Justice on the Supreme Court is a very, very important characteristic, right below it is temperament, and then lack of partisanship. Unfortunately, at least from initial indications, Judge Kavanaugh is not high on any of those three lists. That is why we need the investigation, and that is why we need it to be thorough, but we still don't know how thorough of an investigation the FBI is conducting.

As of last night, Dr. Blasey Ford and her list of corroborating witnesses have not been interviewed. While Deborah Ramirez has reportedly been interviewed, her attorney says her list of corroborating witnesses have not. NBC News is reporting that more than 40 people with potential information for the investigation have not been contacted for interviews by the FBI. I heard this story over and over. People call the tips line—that is what they are supposed to do—and they don't get a call back. This may be vital information. We want to know the truth. It can all be done in a week, the week Senator Flake and Senator Collins and Senator Murkowski asked for, not the Democrats asked for—although we certainly agree with them—but that is not what caused Leader McConnell to delay, and every Republican Senator knows it. So that is why we need this to be a thorough investigation.

Without a clear sense of what the White House has told the FBI to look at in this investigation, we have no idea if the FBI is doing a real investigation or simply preparing a figleaf—at the direction of the White House—for Republicans to vote yes.

I understand the difficulty for the FBI. I have a great deal of respect for Director Wray. He has been pushed around. They have been ridiculed by the President—the brave men and women who risk their lives for us as part of law enforcement, but the FBI has a duty to do, and Director Wray has a duty to their reputation. If he is being constrained by the White House, he has an obligation to let us know, and certainly Counsel McGhan has an obligation to let us know what constraints he has placed upon the FBI.

So here is what needs to happen: First, the White House must publicly release in writing what the White House Counsel has instructed the FBI to pursue. If the FBI is not interviewing these witnesses that Ms. Ramirez's attorney presented to them because Counsel McGhan or Donald Trump has said don't do it, we ought to know that, and certainly not just we ought to know that, the Senators who requested the FBI investigation ought to know that.

Second, Leader McConnell should arrange an all-Senators briefing from the agent in charge of the investigation before the vote. We should know what he did and what he didn't do and why.

Third, the findings of the FBI investigation, upon completion, should be released publicly, with any personal information redacted. This is not the usual practice, but it has been done in the past when it is needed, and it is sure needed now. The FBI should do it.

These three steps would go a long way to ensure the public's faith that the investigation has been conducted fairly, fully, and properly.

This debate, this nomination, is about whether Judge Brett Kavanaugh has the character, the credibility, and the impartiality to serve on the Nation's highest Court. In order to be an effective judge at any level, you need to be impartial. You need to be dispassionate. We don't ask our judges to be perfectly neutral, but we can't tolerate judges who are nakedly partisan either. Judge Kavanaugh himself has said that “most obviously, a judge cannot be a political partisan.” Those are his words, but that is just what he has shown us he is, through his long history and now with his recent rant.

The testimony Judge Kavanaugh prepared for the Judiciary Committee last Thursday—prepared testimony, this was not just on the spur—showed who he was, and it was steeped in partisan resentment and acrimony. He tried to implicate sitting Senators in a “calculated and orchestrated political hit job.” That is what he said to the Senators he was being interviewed by. He denounced “left-wing opposition groups” who don't have close to the power the hard right has had in pushing our Republican colleagues around to rush this nomination through, but we don't hear about them. Then, topping it off, he portrayed the recent allegations against him as “revenge on behalf of the Clintons.”

I dare say, Dr. Ford didn't have the Clintons on her mind once when she wrestled and struggled with whether to come forward. It is an absurd charge—absurd.

He even told Democratic Senators: “What goes around comes around,” which, to many here, sounds just like a threat. A judge telling people “what goes around comes around”? A judge, a Supreme Court Justice says that when he is nominated? We can certainly do better. Even if someone who has the same ideology as Kavanaugh is chosen, someone who doesn't do things like that should be before us. I hope that person will not be chosen, of course, if he has Judge Kavanaugh's ideology, which is one of the main reasons I was against him to begin with.

We should never forget it is likely Judge Kavanaugh will greatly impede or eliminate a woman's right to choose. It is likely—it is very likely—he will get rid of healthcare, including preexisting conditions. It is likely he

will allow Presidential overreach. Those three substantive bases motivated most of us to come out against Kavanaugh, even before his awful testimony.

I understand Judge Kavanaugh felt his character was under assault. I understand how he is feeling angry and upset. I understand responding to questions in the heat of the moment with words you might later regret, but these were prepared remarks. It takes a partisan to see a partisan conspiracy against him.

As conservative fellow at the Brookings Institute and former Kavanaugh defender Benjamin Wittes wrote in a column entitled “I know Brett Kavanaugh, but I wouldn't confirm him”:

Judge Kavanaugh's opening statement was an unprecedentedly partisan outburst of emotion from a would-be judge. I do not begrudge him the emotion, even the anger. . . . But I cannot condone the partisanship—which was raw, undisguised, naked, and conspiratorial—from someone who asks for public faith as a dispassionate and impartial judicial actor. His performance was wholly inconsistent with the conduct we should expect from a member of the judiciary.

That is from somebody who is a conservative and a Kavanaugh supporter. The courage that a good number of both Kavanaugh's friends and observers like Wittes are showing and realizing that this guy is too much, I wish we saw a little more of that from the Republican side because they know, deep in their hearts, this guy shouldn't be on the bench. We know they know.

Now, the judge's partisanship at a hearing raises questions, as I have mentioned, but the biggest issue against Judge Kavanaugh, in my judgment, is credibility. It is the No. 1 issue. Does Kavanaugh always tell the truth, the whole truth, and nothing but the truth? Whatever you think of what he did as a 17- or 18-year-old, what Judge Kavanaugh has said as a 53-year-old matters, whether you think the 17- or 18-year-old behavior should be part of the decision, which I do, or whether you don't.

The harsh fact is, Judge Kavanaugh has repeatedly—repeatedly—danced around the truth on issues large and small in 2004, his first confirmation hearings; in 2006, his second; and now again in 2018. On things such as what happened when he was in high school and college and law school, to things such as grand jury proceedings and White House controversies, again, he has danced around the truth, never been direct, and often tried to mislead. We cannot have a Supreme Court Justice whose credibility is in doubt. That will hurt the Nation for a generation.

So I ask my colleagues, whatever you think about what Judge Kavanaugh did at 17 or 18, think about what he said at age 53. Think about the credibility of the man now as a grown adult and a judge. Think about whether you want to put someone who has been so partisan, with questionable credibility, on the Court or whether there is someone better.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

SPORTS MEDICINE LICENSURE CLARITY ACT OF 2017

The PRESIDING OFFICER. The clerk will report the unfinished business.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 302, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 4026 (to the motion to concur in the amendment of the House to the amendment of the Senate), to change the enactment date.

McConnell amendment No. 4027 (to amendment No. 4026), of a perfecting nature.

The PRESIDING OFFICER. The majority whip is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, I unfortunately don't have enough time right now to respond to everything the Democratic leader has said, but I do want to say this: The most accurate statement the minority leader made is, he was against Judge Kavanaugh from the start. No one should be confused about this being a search for the truth. This is about search and destroy.

Now, I think the Judiciary Committee conducted itself appropriately in giving Dr. Ford a chance to tell her story. I have said all along I want Dr. Ford to be treated just the same way my daughters or my wife or my mother would be treated under similar circumstances, and I think we met that standard, but we know the goalpost continues to be moved by our colleagues. This idea that you can assassinate a man's character, resulting in threats against his family, ruin his reputation and his future, and expect him to be a human punching bag and not respond forcefully—it is incredible to me.

This should be about a fair process, but a fair process means the people who ultimately decide should have an open mind at the beginning. You wouldn't want to walk into a courtroom and talk to a jury or a judge where the judge and jury had already made up their mind; you would want them to listen to the evidence. That is what a fundamentally fair process means.

It also means, if somebody is going to make an accusation against an individual for a crime, which is what has been alleged against Judge Kavanaugh,

they would have to come forward with more than just an allegation; they would have to come forward with witnesses, proof, evidence because under our Constitution, people are presumed to be innocent of crimes unless proven guilty. They are accorded due process of law, a fair hearing, a fair process.

Unfortunately, as a result of the mishandling of Dr. Ford's confidential letter to the ranking member, contrary to her wishes and without her consent, leaked to the press, she has been thrust into this three-ring circus. She was not told by her lawyers that the Judiciary Committee had offered to send a bipartisan team of professional staff out to her home in California to interview her confidentially. Why would her lawyers not tell her that? Because they wanted this three-ring circus. Despite Dr. Ford's wishes not to be thrust into the spotlight, they evidently thrust her into that spotlight, raising the question in my mind: For whom are they working? Are these lawyers actually working for Dr. Ford or do they have another agenda and another client in mind?

Well, the idea that now this has all come down to what somebody wrote in their high school yearbook is beyond parody. I mean, you can't make stuff like this up. Oh, we know the judge is belligerent because he allegedly threw ice on somebody in a bar in college. Of course, the reporter who wrote that had previously sent out a tweet demonstrating his bias against Judge Kavanaugh, but now it is accepted as fact—and, man, we are going to defeat this man because he threw ice on somebody when he was in college.

Or we are going to go through his high school yearbook. I wonder what the high school yearbook of every Senator in this Chamber says. I hope that is not the standard.

The Senate as an institution is one that operates based on precedent. If this is the precedent for future nominees, woe be to us because we will not be able to recruit the best and brightest people to serve in the judiciary or be subjected to this inquisition of a confirmation process.

As I said, there is more I want to say responding to the Democratic leader's comments, which I couldn't disagree with more. He had already made up his mind, so this is now about trying to build a case against the nominee. The problem is, there isn't any evidence, so in its place, what he wants to do is presume guilt: Because somebody said something in their high school yearbook, they ought to be disqualified; because they allegedly threw ice on somebody when they were in college, that is disqualifying. That is making this whole process a laughingstock. This is the opposite of the sort of fair and dignified process we should be following.

Now, at the request of many Senators, the FBI is going to be reporting back to the Senate on their supplemental background investigation. Will

that be enough to satisfy those who had said, "All we need is one more week in order to allow the FBI to question more witnesses"? We see now that they have moved on. Regardless of what happens with this supplemental background investigation, they will not be satisfied because they had their minds made up already, even before Dr. Ford's letter became public.

This is an embarrassing, disgraceful way for the Senate to conduct itself. We do not honor ourselves or this institution by handling this nominee, this nomination, and these witnesses—including Dr. Ford—like this.

I don't know what it is going to take for us to change. But one thing that can't happen is we can't let these despicable tactics and this strategy win because if they are able to destroy the reputation of a sitting judge based on such flimsy stuff, that means this same precedent will be applied to future nominees. Woe be to us and what a terrible disservice, not only to the good men and women who want to serve in government but also to the American people.

The thing I hate most about Washington, DC, and its insular culture is that some people don't just want to win the argument; some people don't want to just win the election or win the vote; they want to destroy their opposition—destroy them. That is why people are saying that, even if the judge is confirmed, maybe over in the House they will start impeachment proceedings. One of the Members of the Judiciary Committee said: If the judge is confirmed, it will not stop there; I am not going to stop. What does that mean?

We need to vote. We need to get the FBI report and we need to vote because the longer this circus continues, the more embarrassing it becomes to the Senate and to the Senators who work here.

The PRESIDING OFFICER. The Senator from Maryland.

OPIOID CRISIS RESPONSE ACT

Mr. CARDIN. Mr. President, later today we are going to have an opportunity to vote on the Opioid Crisis Response Act. I want to take some time to compliment all involved in bringing this legislation forward.

First, let me start by acknowledging the problem in Maryland. The problem we have in Maryland is throughout our entire country.

Recently, I was at the MedMark Treatment Center in Baltimore City, and I had a chance to see firsthand the efforts being made by the local community, by the private sector, and by the government to deal with those who have addiction issues as a result of the opioid crisis. I must tell you, they are making progress, but the problem continues. The problem continues in every community in Maryland.

I have had similar roundtable discussions in western Maryland, on the Eastern Shore, in the Baltimore and Washington metro areas, and in all