

session of the Senate on Wednesday, October 3, 2018, at 2:30 p.m., to conduct a hearing entitled “Oversight of the Enforcement of the Antitrust Laws.”

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Berenice Vargas-Sierra be granted privileges of the floor for the balance of the day.

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

#### CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY ACT OF 2017

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 3359 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3359) to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Murkowski amendment at the desk be agreed to; that the Johnson substitute amendment, as amended, be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 4044) was agreed to, as follows:

(Purpose: To improve the amendment)

On page 17, line 16, insert “, including the authority provided to the Sector-Specific Agency specified in section 61003(c) of division F of the Fixing America’s Surface Transportation Act (6 U.S.C. 121 note; Public Law 114-94)” after “agency”.

The amendment (No. 4043) in the nature of a substitute, as amended, was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3359), as amended, was passed.

EXPRESSING THE SENSE OF THE SENATE THAT THE 85TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932–1933, KNOWN AS THE HOLODOMOR, SHOULD SERVE AS A REMINDER OF REPRESSIVE SOVIET POLICIES AGAINST THE PEOPLE OF UKRAINE

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 608, S. Res. 435.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 435) expressing the sense of the Senate that the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor, should serve as a reminder of repressive Soviet policies against the people of Ukraine.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations, without amendment, and with amendments to the preamble.

Mr. SULLIVAN. Mr. President, I ask further that the resolution be agreed to; that the committee-reported amendments to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 435) was agreed to.

The committee-reported amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution with its preamble, as amended, reads as follows:

#### S. RES. 435

Whereas 2017–2018 marks the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor;

Whereas, in 1932 and 1933, millions of Ukrainian people perished at the will of the totalitarian Stalinist government of the former Soviet Union, which perpetrated a premeditated famine in Ukraine in an effort to break the nation’s resistance to collectivization and communist occupation;

Whereas the Soviet government deliberately confiscated grain harvests and starved millions of Ukrainian men, women, and children by a policy of forced collectivization that sought to destroy the nationally conscious movement for independence;

Whereas Soviet dictator Joseph Stalin ordered the borders of Ukraine sealed to prevent anyone from escaping the manmade starvation and to prevent the delivery of any international food aid that would provide relief to the starving;

Whereas numerous scholars worldwide have worked to uncover the scale of the famine, including Canadian wheat expert Andrew Cairns, who visited Ukraine in 1932 and was told that there was no grain “because the government had collected so much grain and exported it to England and Italy,” while Joseph Stalin simultaneously denied food aid to the people of Ukraine;

Whereas nearly a quarter of Ukraine’s rural population perished or were forced into exile due to the induced starvation, and the entire nation suffered from the consequences of the prolonged famine;

Whereas noted correspondents of the time were refuted for their courage in depicting and reporting on the forced famine in Ukraine, including Gareth Jones, William Henry Chamberlin, and Malcolm Muggeridge, who wrote, “They [the peasants] will tell you that many have already died of famine and that many are dying every day; that thousands have been shot by the Government and hundreds of thousands exiled . . .”;

Whereas title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1986 (Public Law 99–180; 99 Stat. 1157), signed into law on December 13, 1985, established the Commission on the Ukraine Famine to “conduct a study of the Ukrainian Famine of 1932–1933 in order to expand the world’s knowledge of the famine and provide the American public with a better understanding of the Soviet system by revealing the Soviet role” in it;

Whereas, with the dissolution of the Soviet Union, archival documents became available that confirmed the deliberate and premeditated deadly nature of the famine, and that exposed the atrocities committed by the Soviet government against the Ukrainian people;

Whereas Raphael Lemkin, who devoted his life to the development of legal concepts and norms for containing mass atrocities and whose tireless advocacy swayed the United Nations in 1948 to adopt the Convention on the Prevention and Punishment of the Crime of Genocide, authored an essay in 1953 entitled, “Soviet Genocide in [the] Ukraine,” which highlighted the “classic example of Soviet genocide,” characterizing it “not simply a case of mass murder [but as] a case of genocide, of destruction, not of individuals only, but of a culture and a nation”;

Whereas Ukraine’s law N 376-V “About the 1932–1933 Holodomor in Ukraine” of November 28, 2006, gave official recognition to the Holodomor as an act of genocide against the Ukrainian people;

Whereas President George W. Bush signed into law Public Law 109–340 on October 13, 2006, authorizing the Government of Ukraine “to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932–1933,” which was officially dedicated in November 2015;

Whereas the Government of Ukraine and the Ukrainian communities in the United States and worldwide continue their efforts to secure greater international awareness and understanding of the 1932–1933 tragedy; and

Whereas victims of the Holodomor of 1932–1933 will be commemorated by Ukrainian communities around the globe, and in Ukraine, through November 2018: Now, therefore, be it

*Resolved*, That the Senate—

(1) solemnly remembers the 85th anniversary of the Holodomor of 1932–1933 and extends its deepest sympathies to the victims, survivors, and families of this tragedy;

(2) condemns the systematic violations of human rights, including the freedom of self-determination and freedom of speech, of the Ukrainian people by the Soviet government;

(3) recognizes the findings of the Commission on the Ukraine Famine as submitted to Congress on April 22, 1988, including that “Joseph Stalin and those around him committed genocide against the Ukrainians in 1932–1933”;

(4) encourages dissemination of information regarding the Holodomor of 1932–1933 in order to expand the world's knowledge of this manmade tragedy; and

(5) supports the continuing efforts of the people of Ukraine to work toward ensuring democratic principles, a free-market economy, and full respect for human rights, in order to enable Ukraine to achieve its potential as an important strategic partner of the United States in that region of the world, and to reflect the will of its people.

#### EXPRESSING THE SENSE OF THE SENATE REGARDING THE 688TH CENTRAL POSTAL DIRECTORY BATTALION AND CELEBRATING BLACK HISTORY MONTH

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration and the Senate now proceed to S. Res. 412.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 412) expressing the sense of the Senate regarding the 688th Central Postal Directory Battalion and celebrating Black History Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 412) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 15, 2018 under "Submitted Resolutions.")

Mr. SULLIVAN. Mr. President, I suggest the absence of a quorum.

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

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

(Mr. GARDNER assumed the chair.)

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Nebraska.

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

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. SASSE. Mr. President, I rise to say in public today what I have been discussing with many individual Nebraskans over the last 17 days about the "me too." movement, the important "me too." movement, about a nation that is accelerating our descent into tribalism and about our continuing decline here in the Senate as a deliberative body—or as a Nebraska woman put it a little more bluntly to

me 2 nights ago: What the hell is happening in my country?

One part of the answer to her urgent question is that the Senate is being swallowed whole by 24/7 cable news, and that inclination—that temptation—probably just can't be reconciled with being a great deliberative body. Doing reality TV and wrestling with big, hard, complicated, long-term problems are just fundamentally different things.

I am not here tonight to talk about the Supreme Court confirmation votes that we will probably be taking this weekend. I am here to talk about the nasty process we have been navigating over the past 86 days and about the false choices some people are claiming stand before us and about where we in the Senate will go next week, next month, and next year after that vote.

I am not here to talk about how fundamentally broken the Senate Judiciary Committee is or how absurd it is to think that the problems in our committee structures are going to be solved by preening and grandstanding Senators looking for sound bites, although both of those things are obviously true.

No, I am here to talk tonight about the false choice that is being repeated hour after hour after hour on television that this confirmation vote about one vacant seat on the Supreme Court—in that vote we are somehow going to be making a giant binary choice about the much broader issue of whether we do or don't care about women. That is simply not true. That is not what we are doing this weekend.

Fortunately, many Nebraskans the last 2 weekends when I have been home have been much more nuanced than the kind of screaming we hear on battling cable news channels.

A Supreme Court confirmation vote isn't a grand choice about whether we love our daughters or whether we trust our sons. That is not the choice before us. This is a consent decision about one person for one seat.

Again, I am not here to talk tonight about the particular vote. There is lots of lobbying going on around this body right now. I am not here to talk about that particular vote. But I will say that I have spent more than 150 hours at this point reviewing documents and in hearings and consulting investigators and experts related to this confirmation.

Moreover, I will also say that although I have said many complimentary things about Judge Brett Kavanaugh and his distinguished record of 12 years of service on the DC Circuit Court, I will say that I urged the President back in June and early July to make a different choice before he announced this nomination. I urged him to nominate a different individual. I urged the President to nominate a woman.

Part of my argument then was that the very important "me too." movement was also very new and that this

Senate is not at all well prepared to handle potential allegations of sexual harassment and assault that might have come forward, absent knowing a particular nominee.

Let me be clear. There is some academic literature that suggests that very few allegations of sexual assault in the broader culture are fabricated. Or stated conversely, the hefty majority of allegations of sexual assault in our broader culture are probably true.

But in politics, in this city, a place filled with politicians who constantly believe that the end justifies the means, that situation might well have been different, I argued in June. So in the interest of cautious prudence, I urged a different path than the one that was chosen. But so what?

Once the decision was made, once the President made his nomination, that meant that the work the Senate needed to do was to evaluate the specific evidence and claims about the specific individual who was on the floor before us.

But we are being told now that our vote isn't about a specific individual, a specific seat, or specific evidence; rather, we are being told that the choice before us in this confirmation is a much broader choice about whether we do or don't care about women.

If you turn on cable news or if you open up social media—and I highly recommend against both of those things in times like this; for the last 2½ weeks I have stayed clear almost entirely of those two ugly places, and it is been good for my soul. But what you hear if you turn on cable or if you look at social media is this: Pick a side. It is good versus evil. Everything is immediate. Everything is certain. There is no doubt. There is no gray. There are only tribes of Hatfields and McCoys, Israelis and Palestinians—a world of generational hatred without end. There is no listening, no understanding, no empathy, no possibility that perhaps, just maybe in a broken world, violence, pain, and shame are all too real. Perhaps trying to make angels and devils out of your fellow countrymen and women is not the most useful way for us to try to make sense of the world. Everything might not be black-and-white simple.

We regularly seem—in this body and in the politicized culture that we are trying to serve on cable news—to lack any awareness of the possibility that maybe, just maybe, constant, instant certainty about political battle lines might not be a good way to go forward. We might be undermining rather than building a better world for our kids.

Well, I don't believe this is what most Americans want. I don't believe most Americans are political addicts. I don't believe most Americans trust us in this institution. I don't believe most Americans want our political class to be our leaders right now. I don't believe most Americans want to see each and every question, each and every sphere of life, each and every institution across the land politicized.