

ought to be the bill funding the Department of Defense. Our fundamental obligation is to provide for the common defense of our country, and all Members feel our responsibility to keep the Nation safe.

Fortunately, the caps agreement specifically allows us to increase defense funding to meet the growing threats our Nation faces. Yet here is where we are: One week in, our Democratic colleagues tried to stonewall the defense funding bill in committee and are now indicating they may even filibuster a motion to begin considering the House-passed defense funding bill later this week.

There is only one way to read this. Some of our Democratic colleagues have determined they would rather stage a political fight with President Trump than secure the resources that our uniformed commanders urgently need to do their jobs. National security is taking a back seat to partisan politics.

Let's be absolutely clear about the concerns and the priorities that our Democratic friends are de-prioritizing. The defense spending measure would bolster efforts to modernize our forces and build the U.S. military of the future. Russia is actively modernizing its own forces, just as we have seen the Putin regime step up its brazen steps to exert its destabilizing influence well beyond its borders. In China, the last decade has seen military spending nearly double. Our regional partners continue to feel the tightening grip of the Chinese Communist Party on trade and strategic activity throughout the Indo-Pacific region while the technological ripples of Chinese cyber meddling are felt right here at home.

In the face of surging great-power adversaries, simple upkeep is not enough to keep America and our allies safe from aggression. Comprehensive funding for research, development, and readiness programs is what is needed. In Afghanistan, Syria, Somalia, Yemen, and beyond, we continue to face sustained threats from terrorist organizations. In the Middle East, we have seen how Iran's bid for regional hegemony and its investment in terror, missiles, and cyber activities threaten the United States, our allies and partners, key shipping lanes, and global energy markets.

This bipartisan Defense bill would help us to adapt to meet these new threats while ensuring our commanders can prosecute existing operations without being consumed by the instability of short-term continuing resolutions. Yet our Democratic colleagues would rather provoke a partisan feud with the President. They would rather have a fight with the President than stick to the agreement we all made. At least that is where we are as of the moment.

I remain hopeful that my friends on the Democratic side will join us in honoring the terms of the agreement that has been struck by the President and

the Speaker and help us to reboot a bipartisan funding process. The readiness and modernization of America's military and the safety of the American people should not play second fiddle to our Democratic colleagues' political strategy.

#### BRETT KAVANAUGH

Mr. MCCONNELL. Mr. President, on a completely different matter, for anybody who has been reading the news over the past few days, it has probably felt a little like Groundhog Day because over the last couple of days, leading Democrats have tried to grab on to yet another poorly sourced, thinly reported, unsubstantiated allegation against Justice Brett Kavanaugh. There they go again. Call it a 1-year anniversary reenactment with Senate Democrats reopening the sad and embarrassing chapter they wrote last September.

The latest allegation was blasted out by a major newspaper despite the apparent lack of any corroborating evidence whatsoever. The reporting was so thin that the story ran not in the news section but on the opinion page. In fact, they have already had to issue an enormous correction. The writers conveniently failed to note that the supposed victim herself declined to be interviewed, and several of her friends say she has no memory of any such thing happening.

We all remember this pattern from the last time around: Shoot first, and correct the facts later. Here is another familiar pattern: Just like last September, little things like facts and evidence didn't stop the Democrats from rushing to exploit this. Even as the media was trying to backpedal, a number of the Democratic Presidential candidates were hysterically calling for Justice Kavanaugh to be impeached on the basis of this flimsy, uncorroborated story. They were calling for Justice Kavanaugh to be impeached. That includes several of our own Senate colleagues. Even after the massive correction, no one in that group has backed off his ridiculous threat.

This laughable suggestion is already earning scorn throughout the country and across the political spectrum. A majority of Senators and the American people rightly rejected the politics of unsubstantiated personal destruction just last year. It is just as transparent and self-serving today, 1 year later.

Yet it would be a mistake to dismiss this as a bad case of sour grapes. This is not just a leftwing obsession with one man; it is part of a deliberate effort to attack judicial independence. Six of the Democratic Presidential candidates—plus one who has now quit to run for the Senate—have publicly flirted with packing the Supreme Court—Court packing. Today's bold, new Democratic idea is a failed power grab from back in the 1930s.

Just a few weeks ago, some Senate Democrats nakedly threatened the Su-

preme Court Justices in writing. Our colleagues sent the Court an outlandish brief, gravely intoning that the "Supreme Court is not well," they said. "The Supreme Court is not well." Here was the punch line: Either issue rulings we like or we will pack the Court.

This is not normal political behavior. These are the actions of a political party whose agenda is so alien to the Constitution that it feels threatened by fair and faithful judges.

This is what I would say: When the simple notion that judges should be faithful to the Constitution looks like an attack on your agenda, maybe it is your agenda that needs a makeover, not our independent judiciary. When you are this willing to launch unhinged personal attacks, you reveal a whole lot more about your own radicalism than about the men and women you target.

This is my commitment and the commitment of all of my Republican colleagues: As long as we remain in the Senate, we will fight to preserve our fair and independent judiciary.

#### LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, DEFENSE, STATE, FOREIGN OPERATIONS, AND ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2020—Motion to Proceed

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 140, H.R. 2740.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 140, H.R. 2740, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2740, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes.

Mitch McConnell, Roger F. Wicker, John Cornyn, Richard C. Shelby, John Barrasso, Johnny Isakson, Richard Burr, Thom Tillis, Mike Rounds, Jerry Moran, Mike Crapo, James E. Risch, John Boozman, Roy Blunt, John Thune, David Perdue, John Hoeven.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### APPROPRIATIONS

Mr. SCHUMER. Mr. President, before I begin, I just want to comment on the Republican leader's remarks.

I listened to Leader MCCONNELL's remarks about the appropriations process. He accused Democrats of wanting to provoke a partisan fight with the President rather than fund our military.

It was a bold accusation considering that it was the President and the Republican majority on the Appropriations Committee who proposed taking funding from the military to spend on the President's wall. That is what Democrats oppose. That is what Leader MCCONNELL called staging a political fight.

Across the country we see communities, military bases, and people in the military saying: Taking away this money hurts us. All Democrats are asking for is to protect the troops from having their resources robbed for a border wall—resources that Congress said should go to the military. By the way, the President promised Mexico would pay for the wall. Let's not forget that.

In March, 12 Republicans voted with us to reject the President's proposal. That is a lot in a place where people fear the President and don't like to buck him. The real question is, Will the rest join us now? That is the issue.

#### BACKGROUND CHECKS

Mr. President, on guns and the tragedies that have occurred in the last 6 weeks, it has been over 6 weeks since President Trump, in the aftermath of two tragic mass shootings, signaled that he would be supportive of expanding background checks. It has been over 200 days—201, I believe—since the House of Representatives passed a bipartisan bill that would strengthen background checks in the most comprehensive way. Yet, despite those two facts, we still have no idea what policy President Trump might support.

Yesterday, at the request of Speaker PELOSI and me, we held a phone call with the President to urge him to support the bipartisan, House-passed universal background checks bill and to make that position public. We are certainly willing to discuss the finer points of legislation with our Republican colleagues, but we have made one thing clear to the President: The effectiveness of gun safety measures will be severely compromised if we allow the loopholes in our background check system to remain intact.

For example, it has been widely reported that the President is consid-

ering legislation dealing with Extreme Risk Protection Orders, ERPOs, as part of the response to last month's horrific shootings. I support ERPOs and believe they can be an important piece of a broader effort to prevent gun violence. But even if we pass a strong bill on ERPOs, someone prohibited from possessing a gun under an Extreme Risk Protection Order could still obtain a firearm by exploiting the gun show loophole and the online loophole.

Let's say a family member of John X. Smith says that he doesn't deserve to have a gun. They go through the proper procedure, and they say he can't have a gun or they take a gun that he has away from him. In the next minute, the same John X. Smith can go online and get a gun. There will be no check on him, so he will get it, or he can go to a gun show and do that.

Without background checks, these other things virtually become get-aroundable: A bad guy who shouldn't have a gun finds a way to get around them, taking advantage of the loopholes that now exist in the law.

We have to do background checks. That is at the base of all of this—background checks that close all of the loopholes. Allowing law-abiding Americans to have guns, that is the Second Amendment. But saying that felons, those adjudicated mentally ill, and spousal abusers can't, everyone—90 percent of America—agrees with that.

In the wake of the torrent of mass shootings, in the wake of alarming rates of gun violence on a daily basis, our goal should not be to pass something just to pass something. We have a responsibility, bestowed upon us by the American people, to do something meaningful to address the epidemic of gun violence in our country, to save American lives, and to save as many lives as possible, the Senate must consider the bipartisan universal background checks bill.

This is a critical moment for President Trump and for the Nation. The President can provide the kind of leadership on this issue that his party has lacked for decades. He can break the vice grip the NRA has held by congressional Republicans by supporting a policy that well over 90 percent of all Americans already support. Such a commitment would undeniably be popular; it would be historic; and, most important, it would save countless lives.

Speaker PELOSI and I told the President that if he endorsed this legislation and got Leader MCCONNELL to act on it, we would be happy to join him in the Rose Garden for the signing ceremony.

On the other hand, the President could cave to the NRA yet again this week and announce he is supporting only the kinds of policies that will not offend them—policies that will not make a real dent in the problem.

The American people have waited long enough for Congress to do something about the decades-long night-

mare of gun violence that seems to get worse and worse. The President can choose, this week, to help break the deadlock—the courageous and correct move—or he can slink away and perpetuate the status quo.

#### CHINA TELECOM

Mr. President, on another issue, China telecom, I have spent a lot of time on the Senate floor talking about the Chinese telecom giant Huawei and the threat it poses to our national and economic security. This afternoon, I want to inform my colleagues about similar concerns I have about two other major Chinese companies: China Telecom and China Unicom. Alongside China Mobile, these three companies are the big three of China's government-owned and government-controlled telecommunications network.

Earlier this year, the FCC rejected an application by China Mobile to operate in the United States on national security grounds. The Commission issued a 200-page opinion outlining the various security risks of a state-owned Chinese company operating on U.S. networks. That made sense. But at the same time, it turns out that both China Telecom and China Unicom, the other two major Chinese telecom giants, were granted authorization to operate in the United States in the early 2000s. So today, Senator COTTON, a Republican from Arkansas, and I, a Democrat from New York, are sending a letter to the FCC, urging them to review and, if warranted, revoke those authorizations on national security grounds. If China Mobile shouldn't operate here, it seems that neither should China Telecom and China Unicom.

These approvals were issued well over 15 years ago, before the Department of Homeland Security even existed. In that same time, the national security environment has changed dramatically. The Chinese Government has conducted a vicious and predatory campaign of cyber hostilities all over the world, including intrusions and hacks of prominent American companies and American institutions. The facts that these two telecom companies are controlled by the Chinese Communist Party and have access to our networks seem to be very serious problems. At the very least, the FCC should open a proceeding to review these companies and, if necessary, revoke their access.

Senator COTTON and I, as everyone in this Chamber knows, don't see eye to eye on many issues, but on this one we are in complete agreement. We must be really careful about the national security risks posed by China's key telecom companies.

I think Senator COTTON would also agree with the larger point I have been making for months about U.S. access to China's markets. If China doesn't let American businesses compete fairly in its markets, why should we let Chinese companies compete in ours?

Reciprocity is the real answer to the dilemma of China not being fair to us.

They don't let our top-notch companies in or let them in under such restraints that many of them don't want to come in or can't operate effectively or have to surrender their family jewels, their intellectual property, to Chinese companies.

If that is the case, and it is, why do we just let any Chinese company come in here, particularly when they might be a real national security risk? China's telecom companies have 10 "points of presence" in North American networks. Do you know how many American companies have the same in China? Zero. China Telecom gets access to our networks, but T-Mobile or any other American telecom company can't operate in China. Enough of that. Enough of that. Enough of China trying to take advantage of us. We sort of sit there and do not do anything to protect our workers, our wealth, and the great kinds of ideas Americans come up with in terms of intellectual property.

This isn't just a question of fairness. It is a question of which nation will lead the world in these industries in the coming decades, creating jobs and wealth. I want America to lead. Our businesses need to be able to compete equally and fairly. I am confident, if there were a level playing field, America would prevail, and we would stay the leading economy in the world. If we continue to let China take advantage of us while we sit there with our hands folded, woe is us—and particularly for our children and our grandchildren.

I conclude by reminding the Trump administration that in the ongoing trade negotiations with Beijing, where the President has been tougher on China than either of the previous two administrations—and that is a good thing—the topic of reciprocity and fair market access should be front and center, and we shouldn't give in until we are treated fairly.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

BRETT KAVANAUGH

Mr. GRASSLEY. Mr. President, last year, we on the Judiciary Committee conducted an incredibly thorough review of a nominee to the Supreme Court of the United States. We dug into Justice Kavanaugh's personal and professional life and discussed concerns openly in front of the public.

Allegations were raised against the Justice, but none could be corroborated or verified. I know about this because I

had a team of dozens of lawyers and investigators chasing down each allegation we received. My team spoke to 45 individuals and took 25 written statements.

Anyone can review the 415-page investigation summary report that I released last November. We laid out the information we received, including some of the ugliest of claims. In the end, there was no credible evidence to support any of the allegations. Brett Kavanaugh then was duly confirmed to the Supreme Court by this body, as prescribed in the Constitution.

Now, fast forward to this past weekend, and the issues that I and a lot of other Members of the Senate are being asked about this very day, just as if there is nothing else going on in this town, but you dig up something that happened a year ago.

The New York Times published a book excerpt about Justice Kavanaugh's younger days that has fueled a very fresh rumor from someone whose friends claim contacted Senators on the committee. That person, Mr. Stier, didn't reach out or provide information to the committee's majority. Apparently, he also didn't provide any information to these writers. It is only on the word of two anonymous sources that his name and accusation come up in this story in the New York Times.

Again, my office never received anything from Mr. Stier or his unnamed friends, and we never received an allegation against Kavanaugh like the one referenced in the report over this weekend. After interviewing eight people related to the Ramirez allegations, not once was Mr. Stier's name mentioned. Had my staff received substantive allegations or had he approached me or my staff, we would have attempted to take a statement and interview him. But the alleged victim, who also didn't speak to these writers, apparently, does not recall the incident. That is a point that the New York Times failed to include in its initial coverage.

Now, it happens that accountability is a cornerstone of democracy. I welcome scrutiny of my work. I frequently refer to reporters and journalists as the police of our democratic system, but today I am reminded of a very old adage: Who will watch the watchmen? This weekend's report included some embarrassing and irresponsible missteps. They are mistakes that warrant serious self-reflection.

A year ago, after the interviews with dozens of people, the New York Times couldn't even corroborate the allegations laid out by Ms. Ramirez and declined to report on them. With nothing but a year of time and another interview with Ramirez herself, the paper thought those unverified claims were suddenly worth printing—no more corroboration and no more verification. Coming only days before the release of the author's book, I can't help but wonder if the timing had something to do with the decision to run the story. Maybe it was to sell more books.

They also laid out what commentators are now calling a new allegation. Let me be clear. This is not an allegation. It is barely a third-hand rumor. These writers—can you believe this?—didn't even speak to the man who they claim originally recounted this rumor. What is left are only layers and layers of decades-old hearsay—no more corroboration, no more verification, and not even anything from the accuser himself, and, most importantly, nothing from the person who was allegedly involved.

Now, the most shameful piece of this episode is that it took more than a full day, after publication, for the editors to intervene and to provide critical context. An editor's note added to the story last night reads: "The book reports that the female student declined to be interviewed and friends say that she does not recall the incident."

Let me quote again: "... she does not recall the incident." That is the alleged victim. That is the opposite of corroboration and verification. In the legal world, this sort of thing is called exculpatory information. When it is not laid bare to provide greater context, it creates a serious credibility problem.

In this case, the New York Times withheld crucial facts that undercut its own reporting. We now have an uncorroborated accusation, rooted only in unnamed sources, with no direct knowledge of the event and that the alleged victim doesn't even remember.

Now, you know about the New York Times. Their slogan is that they only print what is "fit to print." I just described this situation of no corroboration rooted in an unnamed source without direct knowledge of this event and that the alleged victim doesn't even remember.

Now, to get back to the slogan of the newspaper, when did this stuff I described become something "fit to print" by the supposed American paper of record?

The sad consequences of this article are a misinformed public, a greater divide in our own discourse, and a deeper lack of faith in our news media.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.