

well with. That is how the system has worked. The party that lost the election accepted Cabinet nominees—absent some glaring or egregious reason not to—and agreed to leave ongoing political battles for another day.

This is not just some ancient history, by the way. In fact, this week I have discussed at length many modern-day instances of it. For example, Condoleezza Rice passed with 85 votes. Secretary of State Hillary Clinton passed with 94 votes. Secretary Colin Powell sailed through the process, needing only a voice vote—not even a rollcall vote—to be confirmed.

All of these men and women were confirmed because all of them had the qualifications to do the job, and so does Mike Pompeo. It is absolutely clear that he has both the credentials and the character required to be a successful Secretary of State. I won't recite all the lines of his stellar résumé because you have heard them before, and we have just confirmed him.

The point is simply that the man has what it takes for the job. That is why the “no” votes by our Democratic colleagues rang so hollow. All of their statements have been lacking in any real, substantive critique. It is clear that their “no” vote is primarily a way to lash out at President Trump because anybody President Trump chooses, they instinctively and reflexively oppose. It was disappointing, but in today's environment, it is not all that surprising.

Their obstruction was not only a sad break from the tradition that I mentioned a moment ago but was also a sorry continuation of the hyperpartisanship that they have been engaging in with so many of the President's Cabinet nominees since he took office. Not long ago, Mike Pompeo was one of the exceptions. Fourteen Democrats and one Independent supported his confirmation as CIA Director. Yet now, 1 year later, after his unblemished service as CIA Director, only three are voicing their support for him. Nothing has changed about the man, about Mike Pompeo himself, but everything has changed about the way Democrats view their responsibility in this Chamber, not just to their constituents but to the Senate as a whole. What has changed is their disdain for the President himself. It has grown, and they have decided to take it out on his nominees, which is unfair, of course, but it is also unwise. Any frustration they have is all the more reason why they should support a man like Mike Pompeo, who throughout his career has shown his capacity to exercise good judgment. He is no mere lackey or political shill—anyone would tell you that—and his experiences speak for themselves in that regard.

The worst part of this whole debacle is that those who have suffered the most while we get our act together are the American people. They are aware—more so, maybe, than some of us—of what is happening across the world:

threats posed by Russia, China, and North Korea, the unravelling of Syria. They are right to wonder why in the world the Senate would dawdle and politicize the confirmation of a well-qualified person and leave the rest of the world in doubt as to who is going to be representing us as our diplomat in chief. The American people understand how precarious our situation is in North Korea, which Admiral Harris of the U.S. Pacific Command has called “the greatest threat we face.” This is not a time for partisanship, for hyperpartisanship, or for voting reflexively against everybody the President has proposed as a nominee.

The next Secretary of State will play a vital role in the negotiations with North Korea. In fact, as we now know, Mike Pompeo has already taken the initial steps, laying the groundwork and the foundation for what we all hope will be a successful negotiation on the denuclearization of the Korean Peninsula.

Those are some of the reasons I strongly supported Mike Pompeo's nomination to lead the State Department, and I hope our colleagues will somehow find a way to overcome this reflexive opposition to everything the President has proposed and their hyperpartisan response every time the President proposes either a nominee or some policy provision.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### DARK MONEY

Mr. MERKLEY. Mr. President, if I told you that a cabal of wealthy elites and special interests were spinning a web of deceit to lie to the American people and to rig the levers of power in their favor, you would think I was talking about the plot of some movie, some TV show, or some novel. But, as Senator WHITEHOUSE and several of our colleagues have come to the floor to demonstrate this past week, this isn't about the plot of a movie; this is real life that it is happening here right now, and it is important that we as Americans and we as Members of the Senate face it squarely and understand how this manipulation is being designed to take our “we the people” Constitution and turn it on its head—turn it into a government of, by, and for the powerful rather than of, by, and for the people.

Today, I am going to share with you a little bit of information about one piece of this web of deceit, and that is the Heritage Foundation. It is a well-known name here in Washington after decades of engaging in a mission of formulating and promoting rightwing public policies. People hear “Heritage Foundation,” and they know what it is.

As Jane Mayer writes in her book “Dark Money,” it was created to be “purposefully political, priding itself on creating, selling, and injecting conservative ideas into the American mainstream.” Well, that is a more complicated way of saying that it was created to be an advocate for the fossil

fuel industry and to mislead Americans in every possible way in order for them to continue their deeply damaging and polluting ways. Ms. Mayer goes on to describe the organization as a “political weapon” disguised as a think tank, and that pretty much sums it up.

One of the organization's founders, Paul Weyrich, once said about solidifying power for the biggest corporations and wealthiest Americans:

I don't want everybody to vote. . . . As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down.”

Thus there is this intense support to engage in voter suppression. If you are a red-blooded American, you believe in the vision of voter empowerment, not voter suppression. So that says a lot about what this organization is all about. It is not we the people, it is not voters empowerment but rigging this Nation and this process for the powerful and the privileged.

The papers, reports, and journals that come from the Heritage Foundation work to muddy the water on established science. I did find it interesting that every now and then they promote an idea that actually makes some sense. Back in 1989 they promoted, in a publication entitled “Ensuring Affordable Healthcare for all Americans,” a plan to establish a marketplace with tax credits to enable people to be able to help buy policies. This was the foundation for RomneyCare in Massachusetts, and it became the foundation then for the Affordable Care Act.

In fact, back then, long before the Affordable Care Act came along, people like House Speaker Newt Gingrich, whenever he talked about the possibility of improving government healthcare, he talked about the Heritage Foundation's plan for a marketplace, but the moment an administration came along that happened to be a Democratic administration that took that idea seriously, the Heritage Foundation immediately abandoned it, which goes to my point that they are engaged directly in the game of politics on behalf of the Koch brothers' cabal and sabotaging, in a partisan and political way, the blue team at any possible moment.

In one brief, Heritage explained away their change of heart saying: “Analysts once supported a limited and qualified insurance mandate” but now believed it was “bad public policy” because the mandate came from the Heritage Foundation.

In 2012, Stuart Butler, the Heritage Foundation researcher who authored the original publication calling for an individual mandate, wrote an op-ed saying he had changed his mind, and he titled it, “Don't blame Heritage for ‘ObamaCare’ mandate.”

Well, why not? They put the idea forward. It actually was a key principle of insurance marketplaces, otherwise you created an insurance death cycle. So they put the idea forward. They promoted the marketplace. They said this

is what is necessary, and then they abandoned it, when it was advantageous, to a partisan, political attack.

In fact, the then-president, former Senator Jim DeMint, went out in 2013 on a multi-State tour to basically drive up support for stopping the very idea that Heritage had initiated.

They certainly have gone out of their way in this effort for voter suppression, which is a complete affront to the most fundamental and basic right of our Nation. In reports, they make claims like “there is no credible evidence that voter-ID laws have impeded turnout, especially among minorities and Democrats, as their opponents suggest.”

Well, of course, the exact opposite is true.

In regard to North Carolina, they said that “there has been no ‘suppression’ of the turnout of North Carolina voters by any of these reform measures.”

OK. Not true. In fact, it was exactly the intent of impeding the turnout that was debated in the North Carolina Legislature. That was the heart of why they undertook it.

In fact, when the Fourth Circuit Court of Appeals reviewed it, they described it as “almost surgical precision” in the way it was targeted at suppressing the vote by minority voters. The U.S. Supreme Court reviewed it and they refused to hear a case appealing the lower court’s ruling.

Then there is the real heart of this web of deceit; that is, the Heritage Foundation’s decades of efforts to say that carbon dioxide pollution is just fine, don’t worry.

I think about how back in 1959, Edward Teller was addressing the 100-year anniversary of the oil industry. They invited him to speak, as an eminent scientist, and he said many good things about the role that burning fossil fuels could do to amplify the energy in America, but he also said there are two challenges this industry has. The first challenge is that there is a limited amount of fossil fuels in the ground and someday we will run up against that shortfall and we will have to switch to other forms of energy. It turned out there was a lot more fossil fuels around the planet than we ever anticipated in 1959.

The second point he made was, you know, this may not seem like a pollutant because you can’t smell it—this carbon dioxide—you can’t see it, but it has the intriguing and problematic characteristic in that carbon dioxide traps heat. It traps infrared energy. As a consequence, it is going to cause great disturbances as it builds up in the atmosphere. He specifically talked about its effect on the Poles in raising temperatures, melting ice, and raising sea levels.

Today we know it has many more impacts that Teller didn’t elaborate on back in 1959 but come from this warming impact. We have seen global temperatures reach a record year after year after year, with some 17 of the

hottest years occurring in the last 18 years, which is a phenomenal indication of the direction we are headed.

When I was running for office, a billion baby oysters died in Oregon at a hatchery not because of a virus but because the acidity of the water had grown 30 percent over the course of the Industrial Revolution burning fossil fuels. How is that connected? It is because burning the fossil fuels produces carbon dioxide. The wave action takes that carbon dioxide and turns it into carbonic acid, and now we have a massive flow of acid into the oceans—enough to change its acidity level by 30 percent, enough to kill baby oysters because it is so difficult to start extracting the chemicals for a shell out of the water when the acidic level is so much higher.

We have seen the impact on our coral reefs—the ocean acidity combined with the temperature of the ocean. As many already understand, coral is an animal that lives in a symbiotic relationship with algae. When the temperature of the ocean gets warmer, the algae overwhelms the coral, the coral expels it and basically commits suicide. It is called bleaching. They throw the symbiotic algae out, and then the coral dies, and the acidity adds to that difficulty of the coral forming the coral structure itself.

Lastly, we were sent a huge message by Mother Nature. Remember, Harvey and Irma and Maria, three dramatic hurricanes all hitting the United States of America. Why did they carry so much punch? They carried it because 90 percent of the heat that is trapped by global warming is trapped in the ocean, and that greater energy in the ocean then produces stronger hurricanes.

If that wasn’t enough, we had those raging forest fires from Montana on through to the northwest corner of Washington State, down through Oregon, deep into California and way late in the season, clear to December—a much longer season. Many acres burned in those fierce fires.

So whether it was hurricanes or raging forest fires, Mother Nature is trying to say something is dramatically wrong, and you better act.

The Heritage Foundation is there for political purposes. They are there to do the Koch brothers’ bidding. So their purpose is to sow doubt, mislead Americans. It is like the tobacco industry misleading Americans about the fact that smoking cigarettes causes cancer. In the course of their greed, they are damaging the world in a colossal way, and we have to call them out. We have to strip away their pretense to be serious about policy and know what it is all about: the greed of the fossil fuel industry for short-term profits while deeply damaging this beautiful, blue-green planet that we have the responsibility to protect.

They said climate change is “a potentially serious issue” that “might cause problems in the future, but the

impacts cannot be determined with any degree of certainty.”

What a colossal lie. It is not “potential.” It is here now. It is not “might cause problems.” It is causing problems. Scientists do measure it in all kinds of ways. They measure it with a thermometer when they measure the temperature of the air and water. They measure it with a yardstick when they measure the oceans, and they measure it with the movement of insects and animals that we see all throughout our Nation, from the spread of diseases like Zika to the spread of challenges like the pine beetle in the Northwest and the ticks in the Northeast. They blatantly distort and misrepresent the truth.

They did this on a Royal Society’s statement on climate. They edited it to change a powerful statement about the problem into one that casts doubt on the issue. They just did this.

Now, let me explain that this is not—the Royal Society is not just any organization; this is the United Kingdom’s national science academy and a fellowship of the world’s most eminent scientists. It has been around since the 1660s, bringing scientific facts to policy debates. It included Sir Isaac Newton. It included Charles Darwin. It included Albert Einstein. It included Benjamin Franklin. It included the late Stephen Hawking.

In 2010, the Heritage fellow, who happened to be a former Koch Foundation associate, just coincidentally, posted a blog on the foundation’s site entitled “U.S. Could Learn from U.K.’s Global Warming Reversal.” The very title is saying the opposite of what the actual document said. It commented on this blog on a “dramatic reversal” of the Royal Society on climate, but the blog cut and pasted parts of the report to make it say the opposite of what it actually said. So 10 pages, 48 paragraphs, that laid out the impact of climate chaos were edited out in order to mischaracterize the Royal Society’s conclusions.

This is the type of truth-bending, misrepresentation, and outright lies the Heritage Foundation is involved in on behalf of the Koch brothers. The report summary even said the report “shows that there is strong evidence”—this is the actual report, not the blog—“strong evidence of Earth’s warming caused by human activity.”

The Heritage Foundation proceeds to say things like the “hysteria over global warming is now pervasive in the federal government.”

They say “hysteria” because they want to dismiss it as some emotional response rather than the conclusion of virtually the entire scientific community. Every major scientific organization in the world weighing in on why it is they want to rein in EPA’s regulatory excesses, what they say are—this is what they say: We want to rein in “EPA’s regulatory excesses with respect to carbon dioxide and other greenhouse-gas emissions” and that the reining-in is “long overdue.”

They go on to say: “Congress should insist on preventing . . . regulators from mandating greenhouse-gas-emissions caps, or from using greenhouse-gas emissions as a means to promulgate a rule.”

In other words, what they are saying is, we are misconstruing the science, outright lying to the American people, to prevent Congress from responding to this dramatic impact on our country—not just on our country but on the world.

They also proceed to misrepresent a lot of information about the impacts of oil drilling. There is a 1985 piece in *Heritage Today* entitled “Offshore Oil Drilling: Good for the Economy. Great for the fish.” According to the article, the fears of proponents of the ban on offshore drilling that “another disaster like the Santa Barbara Channel spill in 1969, when [up to] two-million gallons of sepia-colored oil bubbled up from the ocean floor, covering hundreds of square miles of sea” were not justified.

Fears about another disaster were not justified. Why? They said because “offshore oil and gas production is carefully regulated.”

It went on to say that “every offshore operation must include three blow-out preventers and casings for drills; drills must be cemented into the surrounding earth.”

Then they said: “Oil companies must submit an oil spill contingency plan” and “frequent safety inspections, scheduled and unscheduled, further reduce the risk of spills.”

Tell that to the crew of the Deepwater Horizon, because what we learned when we investigated what happened with Deepwater Horizon and what happened at other drilling platforms all around the gulf was the exact opposite of what the Heritage Foundation put forward on behalf of the Koch brothers and the fossil fuel business. What we really found out is that the blowout preventers were poorly designed. They failed. An explosion sunk the rig, and a sea floor gusher flowed for 87 days, 3 months.

The Associated Press found that in the lead-up to the accident, Deepwater Horizon wasn’t carefully regulated. It said a quarter of the required inspections were never carried out. It said the rig “was allowed to operate without safety documentation” that was required; that they had received five or six safety citations, the most serious of which occurred in 2002, “when the rig was shut down because required pressure tests had not been conducted on the blowout preventer—the device that was supposed to stop oil from gushing out” if things went wrong.

The gulf coast is still trying to recover from this disaster: 4 to 8 billion harvestable oysters killed; 51,000 to 84,000 birds killed; 56,000 to 166,000 sea turtles killed; a 51-percent decrease in the dolphin population; an estimated \$2 trillion to \$5 trillion of newly hatched fish killed. The list goes on and on, hardly the vision the Heritage Foundation wanted to put forward.

So how does this web of deceit work? Just follow the money. Since 1998, they have received a huge amount of support from the fossil fuel industry—\$780,000 just from one company, ExxonMobil. Over the course of a number of years, the Koch Foundation gave more than \$5.7 million to fund their work. There was an additional nearly \$5 million received from the Claude R. Lambe Foundation, which happens to be one of the Koch Family Foundations. Heritage is also a member of the State Policy Network, a web of right-wing think tanks across the country that the Koch brothers own. Koch money is coming from every direction. Heritage Foundation is the puppet of the Koch cartel enterprise.

That is only the tip of the iceberg of how this system works. We can trace back all of these pieces to the fossil fuel efforts to mislead the American public, to lie to the American public, and to spread doubt about actual scientific work.

We see their connections all through the Trump administration. When the Koch brothers say jump, the President of the United States says: How high? Then he does whatever they ask. If they want Scott Pruitt as head of the EPA, that is who they are going to get. If they want the Congressman whom they have championed throughout his entire career to be our chief diplomat, that is what they get.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. MERKLEY. Mr. President, if I can wrap up in two sentences, I will say that this web of deceit is enormously damaging to our Nation. Let’s call it out. Let’s have an actual debate based on the science and not let the Koch brothers do what the tobacco industry did and mislead the American public decade after decade after decade to the great damage of the citizens of this great country.

The PRESIDING OFFICER. The Senator from Arkansas.

#### OPIOID EPIDEMIC

Mr. BOOZMAN. Mr. President, last month I had the pleasure of spending a lot of time with several mayors and local leaders who were in Washington with the Arkansas Municipal League. We had a lively and informative discussion on ways to continue the economic growth that has been taking place throughout Arkansas.

While much of our conversation was focused on forward-thinking ways to continue these positive trends, there was also a very frank and candid discussion about an issue that is currently holding our communities back—the opioid crisis.

Policymakers across our State have been struggling to help confront Arkansas’s heroin and opioid epidemic. The Natural State has been hit particularly hard by this national crisis. Retail data collected from pharmacies shows that Arkansas has one of the highest per capita opioid consumption rates in the Nation. CDC data shows

that we have the second highest prescribing rate in the country—enough for each Arkansan to have more than one opioid prescription in his or her name.

It is an issue that all of us—from city leaders to lawmakers in Little Rock, to our Congressional delegation in Washington—continue to work tirelessly to confront because we have seen how pervasive this crisis is and how devastating its effects are.

I know that everyone who serves in this Chamber is working just as feverishly with their State and local leaders to confront the crisis. That is why it is so important that we included substantial resources for a wide-ranging strategy to counter the epidemic, nearly \$4 billion, in the omnibus bill.

This funding will be used to provide additional resources for law enforcement and to continue important grant programs that help State and local governments offset the cost of opioid abuse. It will also support research into opioid addiction and alternative treatments.

We must ensure that we are doing all we can to supplement State and local efforts to combat the spread of opioid abuse. Unfortunately, this is not currently happening. The Department of Justice is hurting our communities’ efforts to get a handle on the crisis by withholding critical funds.

The Byrne JAG grant program was created more than a decade ago to help States and local law enforcement agencies purchase essential equipment and support drug treatment and enforcement activities. It is the largest source of Federal justice funding to help provide law enforcement officers with the tools and training to protect our communities.

Currently, DOJ is denying every State access to those funds because some communities and States are violating Federal immigration law. This leaves States like Arkansas scrambling to continue funding crucial safety programs.

Arkansas law enforcement agencies have received millions of dollars through this program to support training, personnel, equipment, supplies, and information sharing. Arkansas is eligible for more than \$2 million in funding from fiscal year 2017 to help fund multijurisdictional programs like drug task forces.

Earlier this year, I met with Arkansas drug director Kirk Lane to discuss how crucial the Byrne JAG program is to our State’s efforts to combat opioid abuse. Director Lane stressed that limited funds threaten the abilities of task forces to accomplish their missions.

Matching funds from the State are running dry. So unless DOJ releases Byrne JAG funds, the critical work done by officers who are part of these task forces to fight the opioid epidemic will be seriously compromised. That is why earlier this year I led a bipartisan effort to express these concerns to Attorney General Sessions. Half a dozen