

things. But he was a real valuable part of the sculpture community in this town. Not just monumental, but the art of what we're doing," he said.

Williams said he will remember Gaylord as someone with a dry wit who knew how to put things in perspective, such as how sculptors fit into the art scene. He said because Gaylord went to art school, he approached sculpting from a different perspective than those who learned by working in a granite shed.

"When I met him I kind of wanted to emulate that part of him that wasn't ground down by an industry. He still had an arts spirit," Williams said.

INTERNATIONAL STUDENTS AND SCHOLARS

Mr. LEAHY. Madam President, I want to take a moment to highlight the benefits of international students and scholars who come to the United States to live and study and who have been unfairly penalized by the current administration's efforts to limit travel to our country.

I wonder how many Americans are aware of the many ways that international students contribute to our colleges and universities, to our communities, and to our Nation. In economic terms, last year alone, international students contributed an estimated \$37 billion to the U.S. economy and created or supported more than 450,000 U.S. jobs. In our State of Vermont, nearly 2,000 international students and their families contributed \$83.1 million and supported 850 jobs. One would think that President Trump, who often touts his efforts to create jobs, would want to encourage this.

In addition to economic benefits, international students and scholars advance U.S. national security by strengthening our diplomatic and cultural ties with foreign countries. Students and scholars who spend time in the U.S. become informal ambassadors when they return home, sharing an appreciation for common values, counteracting stereotypes about Americans, enhancing respect for cultural differences, and maintaining connections with our country and citizens.

However, our country is at risk of losing our position as the most attractive country for international students and scholars and of ceding the critical benefits associated with such a reputation to others.

The U.S. Council of Graduate Schools recently reported a decline in international graduate student applications and enrollment for fall 2017, the first such decline in more than a decade. In fiscal year 2017, the U.S. Department of State issued nearly 20 percent fewer student visas compared to the previous fiscal year. Students and scholars are increasingly uncertain about their status in our country, as well as the types of educational and research opportunities that will remain available to international students. This uncertainty and the chilling effects of recent executive orders targeting foreigners appear

to be diminishing the ability of the United States and our higher education institutions to remain attractive to international students.

At the same time, many other countries—including Australia, Canada, and China—are seizing the opportunity and proactively introducing national policies and marketing strategies to attract talented international students who might otherwise come here.

I urge the administration to not ignore the many important contributions to the U.S. economy, national security, and global reputation that are made by international students and scholars. The administration should reconsider its policies that are contributing to uncertainty and reluctance among such individuals, who instead should feel welcomed and encouraged to bring their talents and other contributions to this country.

CONFIRMATION OF KYLE DUNCAN

Ms. COLLINS. Madam President, this week I cast my vote in support of the nomination of Kyle Duncan to serve as a judge on the Fifth Circuit Court of Appeals. Mr. Duncan has been a successful trial and appellate attorney, as well as a law professor at the University of Mississippi School of Law. He was the assistant solicitor general for the State of Texas and the appellate chief for the State of Louisiana. He has tried cases at the State and Federal levels and has argued twice before the U.S. Supreme Court. The American Bar Association has reviewed his nomination and has rated Mr. Duncan "well-qualified."

Some have criticized Mr. Duncan for his work on certain high-profile cases. Nearly all nominees for the Federal courts who come before the Senate have advocated for various positions. Some of them have been involved in controversial, high-profile cases. In considering a nominee's fitness to serve on the bench, we should consider whether they have the intellect, the temperament, and the respect for precedent to fairly and faithfully uphold the law.

One case that Mr. Duncan litigated has been mischaracterized in a way that suggests he is biased against the LGBT community. Mr. Duncan's opponents argue that his work in *V.L. v. E.L.*, in which the opposing party was a lesbian, demonstrates this bias. What these critics fail to mention is that Mr. Duncan's client was also a lesbian. The matter was a custody case involving two women in a same-sex partnership. As his cocounsel in the case, Randall W. Nichols, has described in a letter to the Senate Judiciary Committee, dated November 27, 2017:

I note that some may criticize Mr. Duncan for representing clients in the same-sex marriage litigation. It must not go without notice that our mutual client, E.L., was a same-sex woman asserting a strong, albeit ultimately unsuccessful, legal argument. Mr. Duncan represented our mutual client with-

out once making an issue of her sexual orientation, without once displaying any personal bias, and without once indicating a desire to advance any agenda other than winning the case for E.L.

Mr. Duncan has testified to the Judiciary Committee that he would follow all applicable precedents of the Supreme Court and Fifth Circuit. He demonstrated his deference to precedent during his time representing the State of Louisiana. While the Supreme Court was deciding the *Obergefell* case on the constitutionality of same-sex marriage laws, Mr. Duncan was representing the State of Louisiana in a challenge to its marriage law. Following the Court's decision, the Fifth Circuit instructed the parties in the Louisiana case to explain whether *Obergefell* resolved the matter for the court.

The very next day, Mr. Duncan filed a letter explaining that, despite Louisiana's disagreement with the *Obergefell* outcome, the Fifth Circuit must follow the new Supreme Court precedent and strike down Louisiana's law. While still representing the State, Mr. Duncan announced that married same-sex couples would be able to have both of their names on their children's birth certificates. Mr. Duncan's actions following the *Obergefell* decision demonstrate that he will respect precedent and faithfully follow the law.

By contrast, in a similar case, the lawyers for the State of Arkansas continued to fight over whether *Obergefell* required States to issue birth certificates with the names of both same-sex spouses. Unlike Mr. Duncan, they resisted the *Obergefell* precedent all the way up to the Supreme Court and lost. That case, *Pavan v. Smith*, confirms that Mr. Duncan did the right thing in advising the Fifth Circuit to apply the *Obergefell* precedent.

It is also noteworthy that the attorney who argued against Mr. Duncan in the Louisiana case strongly supports his nomination. In an opinion article published in "The Hill" on March 25, 2018, Paul Baier, who is now a law professor at Louisiana State University, describes Mr. Duncan as a "magnificent nominee for the Fifth Circuit who ought to be swiftly confirmed." He goes on to describe Mr. Duncan's qualifications in the following way:

I always appreciated and respected Kyle's advocacy for his client and his respect for the humanity of the same-sex couples who would be most affected by the case. While I disagreed with many of his arguments, often emphatically, I never found a trace of bias, bigotry, or any disrespect towards the same-sex individuals in the case.

Kyle knows well the difference between the advocate's role for his client (in the same-sex marriage case, the State of Louisiana) and what he would be called upon to decide as a judge on the Fifth Circuit. I maintain this view of Kyle even having faced off against him in the highly charged atmosphere of same-sex marriage litigation. His ability to act as a judge and not advocate will surely carry over to other questions of public importance facing the Fifth Circuit.

The advice and consent role given to the Senate in the Constitution is one of

the Senate's most solemn duties and one to which I give the utmost care. I apply no litmus test with respect to a nominee's personal beliefs, and have voted for judicial nominees whose personal views differ from my own, but evaluating whether a nominee possesses an ability to set aside emotion and personal views while applying the laws in a neutral and impartial manner is critical.

In this regard, I believe Mr. Duncan will be faithful to the rule of law. He has pledged to the Judiciary Committee and to me that he will follow all precedents of the Supreme Court, and his actions in the Louisiana same-sex marriage case are evidence that he will do this, even if he disagrees with the outcome. I support his confirmation.

JESSIE'S LAW

Mr. MANCHIN. Madam President, in March 2016, we lost a young woman with great potential named Jessica Grubb. Jessie was a great student, a loving daughter and sister, and an avid runner. She was also recovering from an opioid addiction.

When she had surgery for an infection related to a running injury, her parents were there to take care of her, and both Jessie and her parents told her doctors and hospital personnel that she was a recovering addict and not to be prescribed opioids.

Unfortunately, Jessie's discharging physician did not see this note in her chart, despite it being in there eight separate times. He did not know that she was a recovering addict and sent her home with a prescription for 50 oxycodone pills.

Her parents talked to her on the phone when she got home, but that was the last time they talked to her. She had passed away that night in her sleep. The temptation was too great for her, as it would be for so many in recovery.

Her death was tragic, but preventable.

That is why I introduced Jessie's Law and why I fought to have it included as part of the fiscal year 2018 omnibus appropriations bill. The fiscal year 2018 LHHS Appropriations Subcommittee Senate Report, which was signed into law, includes the following common-sense language to direct the Secretary of Health and Human Services to establish best practices for hospitals and physicians for sharing information about a patient's past opioid addiction when that information is shared by the patient with the healthcare provider: "Opioid Medical Record Reporting.—The Committee is deeply concerned about the devastating impact that the opioid epidemic is having on families throughout the country, and recognizes that medical providers must have access to information about their patients' past opioid addiction if that information is provided by the patient. The Committee encourages the Secretary to develop and disseminate

standards that would allow hospitals and physicians to access the history of opioid addiction in medical records (including electronic health records) of any patient who has provided information about such addiction to a healthcare provider."

These standards will be created in honor of Jessica Grubb and will help ensure that a patient's substance use disorder history is included in a patient's record like any other life-threatening medical issue, including a penicillin allergy.

This will help keep a tragedy like Jessie's death from ever happening again by ensuring that, when individuals are open about their past addiction, healthcare providers will have access to the information that they need to provide medically appropriate care and save lives.

WORLD INTELLECTUAL PROPERTY DAY

Mr. GRASSLEY. Madam President, today, April 26, 2018, we celebrate World Intellectual Property Day and recognize the important role intellectual property plays in the fabric of society. We take time to recognize the innovators and creators who are making our lives healthier, safer, and more productive through their ingenuity and the robust system of intellectual property protections enshrined in our laws.

This year's World Intellectual Property Day campaign in particular celebrates the women who are driving change and making our common future better through innovation in so many fields including science, healthcare, art, engineering, and design, just to name a few.

Inspiring contributions from countless women are powering innovation in our world. For example, Helen Murray Free was inducted into the National Inventor's Hall of Fame in 2000 and awarded the national medal of technology and innovation in 2010 for her pioneering work in self-testing systems for diabetes. She received seven patents for her work. Iowa's own Mary Florence Potts also used the American patent system to protect three of her inventions. Her work improved the safety of common household appliances, and her novel iron design was even displayed at the 1876 World's Fair in Philadelphia. Elise Harmon holds numerous patents for technology, ranging from microprocessor production to high-altitude carbon brush performance. Our intellectual property system must continue to protect and reward the work of women like Helen Murray Free, Mary Florence Potts, and Elise Harmon.

We need to continue creating an environment where innovative, creative women are empowered, connected, and celebrated. This involves ensuring a robust, inclusive intellectual property system that fosters and rewards innovation and the widespread ingenuity that has made America a leading force in the global economy.

The Founding Fathers recognized that robust intellectual property infrastructure fosters creative talent and enhances innovative spark. Article I, section 8 of the Constitution says "Congress shall have power . . . to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Placing this authority within Congress's enumerated powers underscores the weight that our Founding Fathers placed on intellectual property's value to the budding Nation. Although the American system of intellectual property rights has evolved since the ratification of the Constitution, its core mission of promoting innovation has remained constant. As a result, America has long been on the forefront of intellectual property and a leader in so many IP-intensive fields. Our IP system is one that rightly rewards creativity and passion, characteristics common to so many Americans.

Intellectual property is also critical to our national economy because it fuels innovation that improves lives and creates jobs. The United States is one of the most dynamic and innovative countries in the world. Our Nation's success in areas such as agriculture, manufacturing, computer technology, and medicine can be traced in large measure to our respect for and protection of intellectual property. In our modern, innovation economy, patents, trademarks, copyrights, trade secrets, and other forms of IP are more critical than ever. IP protections and incentives drive enormous economic activity and development, helping assure America's place as an economic and intellectual beacon to the world. According to the U.S. Commerce Department, IP-intensive industries account for more than 45 million direct and indirect U.S. jobs—that is nearly a third of the workforce—and almost 40 percent of U.S. GDP. In addition, these jobs pay well. Average weekly wages in IP-intensive industries are 46 percent higher than in non-IP intensive fields. As a society, we depend on innovators not just to fuel our economy, but to make our lives better and to solve the challenges we face. These innovators, in turn, depend on different forms of intellectual property.

The Judiciary Committee plays an important role in protecting intellectual property. The committee exercises jurisdiction over our Nation's intellectual property laws, including those governing patents, trademarks, and copyrights. We consider legislation that helps to ensure that intellectual property rights continue to promote jobs and innovation. The committee also exercises important oversight of the Patent and Trademark Office, the Office of the Intellectual Property Enforcement Coordinator, and various law enforcement entities charged with protecting IP. Just last week, we held an oversight hearing with Director