

all—not through his spokespeople—that the lopsided, disgraceful trade he called an incredible offer is now off the table. There should be no equivocation on the matter.

One more point. I am so disappointed in the failure of the resolutions earlier today. We had a real chance for bipartisanship. The resolutions were modest and mild, and they were just resolutions, but we couldn't even come to agreement on those. Our Republican colleagues, given the crisis we have in foreign policy, have to step up to the plate and join us not just in resolutions but in bipartisan action that is so important.

I was told that one of the reasons the resolution was objected to was because we couldn't—they didn't even want us to get the notes, let alone hear from the translator of this 2-hour, mysterious meeting where nobody seems to know what happened. The American people should know what happened. The Senate should know what happened. Our leaders in the State Department and Defense Department should know what happened. Our colleagues on the other side of the aisle seem to be too afraid to let us bring that up. That is so wrong for the security of America.

I am hopeful—there are bipartisan efforts going on today—that we cannot do what we did earlier and block the resolution by the Senator from Vermont and the bipartisan resolution from the Senators from Arizona and Delaware but move together in real action to undo the damage—try to undo the damage that the President has done to this country this week.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SHELBY).

The PRESIDING OFFICER (Mr. CASSIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 162 Leg.]

#### YEAS—98

Alexander	Cardin	Daines
Baldwin	Carper	Donnelly
Barrasso	Casey	Duckworth
Bennet	Cassidy	Durbin
Blumenthal	Collins	Enzi
Blunt	Coons	Ernst
Booker	Corker	Feinstein
Boozman	Cornyn	Fischer
Brown	Cortez Masto	Flake
Burr	Cotton	Gardner
Cantwell	Crapo	Gillibrand
Capito	Cruz	Graham

Grassley	Manchin	Sasse
Harris	Markey	Schatz
Hassan	McCaskill	Schumer
Hatch	McConnell	Scott
Heinrich	Menendez	Shaheen
Heitkamp	Merkley	Smith
Heller	Moran	Stabenow
Hirono	Murkowski	Sullivan
Hoeven	Murphy	Tester
Hyde-Smith	Murray	Thune
Inhofe	Nelson	Tillis
Isakson	Paul	Toomey
Johnson	Perdue	Udall
Jones	Peters	Van Hollen
Kaine	Portman	Warner
Kennedy	Reed	Warren
King	Risch	Whitehouse
Klobuchar	Roberts	Wicker
Lankford	Rounds	Wyden
Leahy	Rubio	Young
Lee	Sanders	

#### NOT VOTING—2

McCain Shelby

The resolution (S. Res. 584) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Maryland.

#### HEALTHCARE

Mr. CARDIN. Mr. President, I am proud of the advancements we have made in healthcare in this country—advancements that have been made, including those in the Affordable Care Act.

At lunch today we had an opportunity to see one of the faces of the progress that we have made. Elena Hung brought her daughter to our caucus lunch today, and we had a chance to see how a young girl has been able to literally survive as a result of the coverage provided under our healthcare system.

Since the passage of the Affordable Care Act, we have found that more and more Americans have not only been able to get health insurance but they have been able to get quality health insurance that covers their essential health benefits and provides them protection against discriminatory insurance company practices. We are clearly moving to where healthcare is a right, not a privilege.

I say that fully aware that President Trump's policies have reversed some of this progress and that he is trying to reverse even more of this progress. The President's policies have sabotaged the individual marketplace. As a result, we have seen significant premium increases caused by actions taken by the Trump administration in eliminating the individual responsibility, not providing the cost-sharing, and making it difficult for reinsurance to take place.

All those add to the instability within the individual marketplace, turning it into more of a high-risk pool, increasing premiums, and causing a lot of insurance companies to wonder whether they should be in that market at all.

Recently, the Trump administration went one step further—and I would hope all Americans would be very much outraged—and that is the protection against preexisting conditions that were included in insurance policies prior to the adoption of the Affordable Care Act.

With regard to preexisting conditions, most of us have some form of preexisting condition. You may have high blood pressure, high cholesterol, asthma, heart condition, or diabetes. You may have had cancer, or you may have had behavioral health issues. All of those are preexisting conditions.

According to a recent study by Health and Human Services, there are as many as 133 million Americans, nonelderly, who would qualify for preexisting conditions and would be subject to discriminatory actions by private insurance companies if the protections under the Affordable Care Act were to vanish.

In my own State of Maryland, that number is about 2.5 million Americans, nonelderly, that could be subject to discriminatory practices by insurance companies—320,000 of whom are children.

In June 2018, President Trump's administration broke a longstanding tradition and practice in this country and announced that it would not defend the court challenge to the Affordable Care Act. In the case of Texas v. United States, not only did the Trump administration say that they would not intervene to protect the constitutionality of the act passed by Congress but that they would submit a brief to the Court recommending that protections such as the preexisting conditions protections that we have under existing law should be held invalid.

Well, the Trump administration is going to the courts asking them to allow insurance companies to once again discriminate against people in this country based upon preexisting conditions. That is why we have insurance, to protect you for what you need.

This is now in the courts, and we will see what will happen with Texas v. United States in that court, but it could very well end up in the Supreme Court of the United States. It is very clear that as we evaluate our judicial appointments, we need to understand the importance of the decisions they will be called upon to make.

We had a circuit court appointment this afternoon that we were supposed to vote on, and it has been withdrawn. I am pleased about that because that individual would not have been sensitive to the rights of the people of our country.

Now we have a nominee for the Supreme Court of the United States, Judge Brett Kavanaugh. It is critically

important that we understand that the Supreme Court of the United States may very well be considering the case of *Texas v. United States* and may very well be considering whether preexisting condition restrictions that currently exist in law are valid or not.

I think what we should be doing in our evaluation of President Trump's nominee is to determine whether that person will be an independent voice on the Supreme Court of the United States, representing the people of this country, protecting their constitutional rights against the abuses of power, whether that power comes from the White House or Capitol Hill or corporate America.

There are so many areas that we should be concerned about. Today, I am going to talk about healthcare.

Yes, it is very possible that this particular nominee, if confirmed, could be a deciding vote on preexisting condition restrictions. Judge Kavanaugh dealt with the Affordable Care Act in 2011 on the DC Circuit, where there was a challenge to the constitutionality of the Affordable Care Act. The Court did not hold it invalid, but Judge Kavanaugh was in the dissent on that opinion, raising concerns to us as to whether he will side with consumers or special interests as it relates to protecting consumers and policyholders in this country against the abusive practices of health insurance companies.

We also, of course, have the concern over women's healthcare issues and whether women's right of choice will be protected—*Roe v. Wade*. Judge Kavanaugh has raised questions as to whether he will follow precedent. *Roe v. Wade* is well established, but I have little comfort as to whether Judge Kavanaugh, in fact, will follow that precedent. These are issues that, as we start the vetting process with our interviews and our committee hearings, we really need to drill down on and understand where Judge Kavanaugh is on these issues.

Then I will bring up the high cost of prescription drugs. One of the basic protections I would hope our Court would do is to protect consumers against powerful special interests. We have to make sure, as we vet Judge Kavanaugh, whether he will side with the people of this country or with the powerful special interests.

Now, we have a greater role than just vetting the next Supreme Court nominee. There are things that we can do to protect our healthcare system. I am talking to many of my colleagues, and many have said, on both sides of the aisle, that we want to protect against the preexisting condition restrictions in insurance policies. So why don't we take action? Let's make sure that we protect the Affordable Care Act as it relates to denying insurance companies the ability to deny coverage based upon preexisting conditions.

We could also intervene in the lawsuit that is pending to tell the Court that we meant what we said: Insurance

companies cannot impose preexisting restrictions on coverage.

Yes, we should deal with the high cost of prescription drugs. There are things that we can do. We have had suggestions on both sides of the aisle. The President talked about this during his campaign, but he has done little to deal with the cost of prescription drugs.

One of the basic things that can be done—economics 101—is to use the collective purchasing power of the government and the larger market share to bring down costs. Why are we paying two to three times what consumers in industrialized nations in the world are paying for the same drugs? Let's organize our markets so that our consumers can get a better price. We can pass legislation to make that a reality.

Then, yes, we should take the necessary time in the process of considering President Trump's nominations to the courts, particularly for the Supreme Court of the United States. To make sure that we recognize that the balance of the Court is at stake, let's make sure that we use as our barometer whether Judge Kavanaugh will represent your constitutional rights over the powerful, over the abuses of any President, Congress, or corporate America. We don't want to be a rubberstamp for President Trump, particularly in these times, when we have the sensitive Mueller investigation going on, when we have the President taking so much power.

We saw what he is doing with the borders and what he is doing in so many ways, violating the basic values of this country. We want to make sure there is an independent court that will not be beholden to the President of the United States.

We need to protect the advancements we have made in healthcare, including protections against preexisting conditions, women's right to choice, and continue with the work on the high costs of healthcare.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### STOP ENABLING SEX TRAFFICKERS ACT

Mr. PORTMAN. Mr. President, today I wish to report back to my colleagues here in the Senate and to the American people about the results of legislation which we passed here in the Senate and the House and which was signed into law by the President. We don't do that often enough, and we tend to pass legislation and don't do the oversight to figure out whether it is working.

In this case, this was legislation we passed back in April on a bipartisan

basis called the Stop Enabling Sex Traffickers Act. This legislation allows the victims of sex trafficking to get the justice they deserve by being able to sue websites that knowingly trafficked them online and have some accountability for these horrible crimes that are committed online. It also allows prosecutors at the State and local level to prosecute these cases.

We drafted the legislation because after looking at this for several years, we realized that there was a rise in trafficking of underage girls, women, and sometimes underage boys and that this was increasing primarily because of the dark side of the internet. We are hearing a lot about what is going on on the internet these days in terms of meddling in our elections and so on. With all the positives, there is also a darker side. We realized this was happening increasingly, and it was a ruthlessly, efficient way to sell people online.

We looked at it and found there was a Federal law put in place—with good intentions, I believe—a couple of decades ago to try to ensure freedom of the internet, which, of course, all of us support, but it provided an effective immunity to these websites even if they were knowingly selling people online. So we wrote legislation to get at that, spent about a year trying to get that through the process, and eventually got it to a vote and got it passed.

The law that provided the immunity was part of the Communications Decency Act. Again, it was meant to encourage freedom of the internet but was taken too far, particularly in how it was interpreted by the courts. The internet was something we had to address because without that, we would see this increase in drug trafficking and sex trafficking.

So what happened? After passing the law, there was a pretty dramatic change.

On Monday, I was in Cincinnati, OH, my hometown, at a place called the CHANGE Court. The CHANGE Court is a place where women who are trafficked and incarcerated for prostitution are able to go through a 2-year program to help them get clean and, if they are willing to go through this program, to walk away with a clean record, understanding that sex trafficking is not a crime and that they are in effect victims of trafficking.

It is very inspiring to go there. I talked to about a dozen women who are currently in the program and some women who had graduated from the program. The stories are unbelievable—women getting their lives back together; getting back to work and getting back to their families; in almost every case, getting back to their children—in almost every case, these are moms; having the self-respect and dignity that comes with work; getting back with their families; and getting their lives back on track. It is a much better alternative than the system of throwing people into jail who are, in effect, victims of trafficking and not