

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 pre-existing 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

dealing with their issues, whether it is the trauma or the drug addiction. In almost every case, there was a drug addiction issue. Almost all of them were opiate addicts or recovering addicts. One was addicted to alcohol. This is common.

In talking to these women, almost every one of them said the same thing, which was that, yes, they had been trafficked online, and they were very interested in this legislation. They had been through it, and they wanted to save future women and girls from having to go down this dark path.

We passed the legislation and assessed the legislation meant to help on this issue, and I was able to tell these women at the CHANGE Court what the results were. They are pretty dramatic.

On Monday of this week, I also met with the National Center for Missing and Exploited Children, or NCMEC. This is the leading anti-trafficking group in the country. They work day and night trying to stop online sex traffickers. They keep track of the statistics and data. They particularly focus on rescuing kids from being exploited.

According to NCMEC, the results from SESTA being signed into law has been swift and significant. NCMEC said:

Since the enactment of SESTA and the government's seizure of Backpage, there has been a major disruption in the online marketplace. The robust marketplace for sex trafficking, including the sale of children for rape and sexual abuse, that took a decade to build, fragmented over the course of just a few days.

They also said:

Many sites or portions of sites where NCMEC knew children previously have been sold for sex have voluntarily shut down.

Their bottom line:

This means it is much harder to purchase a child . . . online.

This means it is much harder to purchase a child online. That is great news, and that is exactly what we intended this legislation to do—to save these kids, women, and sometimes boys from being subjected to this horrific crime.

Another analysis was shared with me recently, and you can find this online. This analysis found that since our legislation passed, online ads selling women and children have been reduced by between 60 and 80 percent, depending on the State. That is a dramatic change, having the effect of saving literally thousands of children.

I am hopeful we will continue to be vigilant about this issue because when you push something down in one place, it often pops up somewhere else. But we have done an effective job of dealing with a very real problem. Backpage.com, which we talked about, was the industry leader. They have now been shut down. The CEO of the company has pled guilty to numerous money laundering and trafficking-related charges.

Because prosecutors can now do their work and go after these online traf-

fickers and because victims of this crime can finally have their day in court, websites that knowingly facilitate sex trafficking are being shut down and being held liable for their actions.

This never would have been possible without the work of the Permanent Subcommittee on Investigations. The staff and investigators spent 2 years working on this issue, investigating it. We had to come all the way to the floor of this Chamber in order to enforce our subpoenas to get the information that we were able to unveil, which no one else had been able to find, and that showed clearly that they knew what they remember doing. They knew they were selling underage kids online. I chair that subcommittee. It is bipartisan. I am very proud of those investigators. They do good work, and they deserve to be applauded, given the results we are now seeing.

It is not just Backpage; a lot of other, classified websites have also shut down their personal ads or sex-related operations.

#### OPIOID EPIDEMIC

Mr. PORTMAN. We have made good progress on the issue of sex trafficking, but it is so related to the issue of opioid abuse. Specifically, as I said, these often go hand in hand. Often, traffickers find people who are addicted. They are vulnerable, they crave the drug, and the trafficker can provide it. But in my home State of Ohio, I have met with survivors, and many times we have found that they find vulnerable people who are not addicted but then make them addicted so they become dependent on the trafficker.

This is an issue that relates to so many things, doesn't it? It relates to our workplace because people who are addicted to opioids are not coming into the workforce. One reason we have such high levels of unemployment—people are outside the workforce altogether, not showing up on the unemployment numbers because they aren't even looking for work. The labor force participation rate, as economists call it, is so low right now largely, in my view, because of this opioid issue. Our courts are jammed, our jails are jammed, and our hospitals and emergency rooms are jammed. We have to do more to get at this issue for so many reasons.

The driving force in my home State of Ohio and around the country now is this synthetic form of heroin or opioids called fentanyl. It is 50 times more powerful than heroin. There are other drugs—carfentanil is an example—that are even more powerful. These synthetic forms of opioids are causing most of the deaths now in my State of Ohio and around the country.

The Centers for Disease Control, CDC, recently issued a report that showed this increase in overdose deaths involving fentanyl. The report analyzed overdose deaths in 10 States hit

hardest by the epidemic, including Ohio. They found that fentanyl overdose deaths in those States nearly doubled from the last 6 months of 2016 to the first 6 months of 2017. Of course, 2017 is the last year for which they have good records. It is unbelievable.

This synthetic form of heroin is the new scourge of the opioid epidemic, and it is being spread into every other drug too. When I do roundtables back home, as I do regularly, I hear about it being spread into crystal meth, cocaine, and heroin, of course.

Twice in roundtable discussions I have had with community leaders, I have heard—once from a police chief and once from a sheriff—very similar stories about a young man who wakes up from an overdose after being saved through Narcan, which is a miracle drug that reverses the effects of an overdose. When the young man comes to, he says: I was just smoking pot. How did I overdose?

In both cases, based on the forensics and the information they were able to get from the labs, they found out that of course it wasn't just marijuana; it was marijuana laced with fentanyl. No street drug is safe. They can all kill you.

As I have met with these first responders, community leaders, and those in recovery across Ohio—I just did recently with a group called PreventionFIRST!—I have heard what is often brought up by those on the frontlines; that is, that we would be making so much more progress right now on this war against opioids—we have been successful here in this Congress in passing more money for prevention, treatment, and recovery, and those funds are starting to be used back home, and I see it; I see the results, and there are some really exciting things going on—but for the fentanyl. In other words, just as we were finally making progress on prescription drugs and, then, on heroin, now this fentanyl comes in and is creating even more problems. It is so inexpensive, and it is so pervasive.

Recently, in Ohio, there were two busts where they were able to apprehend people who were selling fentanyl and find this cache of fentanyl they had. In both cases, it was a massive amount combined. Just these two busts alone, there was enough fentanyl to kill half the people in my State of Ohio. That is how bad it is.

Just last week, there was an autopsy that revealed that the death of an Ohio police chief from Kirkersville, in the Columbus area, who was caused by fentanyl. The report said: "acute intoxication by fentanyl." It was an accidental overdose.

I have told the story before of the police officer who brushed a couple of flakes off his shirt after a bust. He didn't know it was fentanyl. The flakes were the drug. It got into his skin through his fingers, and he dropped to the ground unconscious and had an overdose. It took several doses of Narcan to save his life.