

it even more difficult for them to get to some point of ingress or egress.

These are not open vehicles. When they are in the water, it is almost like an enclosed bus. It is almost like—imagine if you are on an airplane in the water or on a bus in the matter. It is not a boat; it is a vehicle. So the NTSB recommendations were pretty straightforward. Unfortunately, nothing happened as a result of those recommendations.

I am in the early stages of drafting legislation with input from the NTSB and the Coast Guard to require that the design issues with these passenger vessels be addressed and that the boats that are not compliant be taken out of service until they can be compliant. We think that their past recommendations are reasonable and common sense. We really think the biggest problem that has to be addressed is this reserve buoyancy that has been pointed out in the past as part of the significant problem. If they can't do the buoyancy on a really timely basis, at a minimum, remove the canopies if they are going on the water so there is an opportunity for people to escape what is a sinking coffin, which it was; it was a sinking coffin for way too many people last Thursday.

As always, I want this to be done in a way that makes sense, but I don't think it makes sense for us to wait another year to address some of these glaring issues in terms of passenger safety.

I also would like to take a moment to recognize the victims in this tragedy. We had five victims who were from Missouri: William Asher, 69, and Rose Marie Hamann, 68, who both lived in St. Louis; Janice Bright and her husband, William Bright, 63 and 65, from Higginsville, MO, closer to Kansas City; Bob Williams, the driver, not the captain of the vessel, 73 years old, who lived in Branson.

From Arkansas, Steve Smith was 53, and Lance Smith was 15 years old.

From Illinois, Leslie Dennison was 64 years old.

Maybe the most heartbreaking, in some ways, was the large family who lost so many members as a result of this vehicle sinking in the Table Rock Lake: Angela, 45; Belinda, 69; Ervin, 76; Glenn, 40; Horace, 70; and then the Coleman children, including Reece, who was 9; Evan, who was 7; Maxwell, who was 2; and Arya, who was only 1 year old.

We mourn their deaths. I do think this is a situation where you do feel helpless. On the other hand, I do think there are steps we can take so that these particular amphibious vehicles are addressed in terms of passenger safety so that there is never again a feeling of helplessness when one of these boats finds itself in a situation where it is taking on water but the people in the vehicle cannot get out of the vehicle in order to save themselves and can't even avail themselves of life preservers in a way that would protect

them if for any reason they were not capable swimmers.

I am very proud of both NTSB and the Coast Guard, who were working well together when I was down there. Mayor Best was doing a terrific job. The Red Cross was there in full display in terms of providing services. The people of Branson were in the midst of an outpouring of love, affection, respect, and sympathy—and the entire State. Our Governor has done a good job.

Frankly, it is the silly season for me. This is the time when there are relatively few weeks until an election, and the fur is flying, and the politics go back and forth. It was like an oasis on Friday in terms of everyone coming together, setting their politics on the side of the road, and trying to work together to find answers to these difficult questions and come together as we should and find a way to protect the traveling public and the people.

The saddest thing about this is the people who went on this vehicle went because they were there having a great time. That is probably a cruel irony of this situation. They weren't taking a bus on the way to work. They weren't taking a plane on a business trip. They were enjoying a beautiful location with their family in the middle of what should have been a carefree moment, and it turned deadly and tragic. We do need to come together and try to make sure this doesn't happen in the future.

With a respectful nod to all the first responders and the people of the Branson community who have been so supportive, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before the two Senators from Missouri leave the floor, let me express my personal condolences to them, which I know are shared by each and every Member of this body. The tragedy in Missouri is absolutely heartbreaking for the families, for the community, and for the State, and I want our two colleagues from Missouri to know that we stand with them during this very difficult time.

AMENDMENTS NOS. 3405 AND 3422 TO AMENDMENT NO. 3399

Ms. COLLINS. Mr. President, I ask unanimous consent that the following amendments be called up en bloc: Heller amendment No. 3405 and Durbin amendment No. 3422. I further ask consent that at 2:15 p.m. today, there be 5 minutes of debate, equally divided in the usual form, and that following the use or yielding back of that time, the Senate vote in relation to the Heller and Durbin amendments in the order listed and that there be no second-degree amendments in order to the amendments prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendments by number.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for others, proposes amendments numbered 3405 and 3422 en bloc to amendment No. 3399.

The amendments are as follows:

AMENDMENT NO. 3405

(Purpose: To increase the amount available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance)

On page 154, line 14, strike "\$15,000,000" and insert "\$20,000,000".

AMENDMENT NO. 3422

(Purpose: To require the Inspector General to update an audit report concerning on-time performance of Amtrak)

In the matter under the heading "SALARIES AND EXPENSES" under the heading "OFFICE OF INSPECTOR GENERAL" under the heading "NATIONAL RAILROAD PASSENGER CORPORATION" in title III oCF division D, in the fourth proviso, strike "Government." and insert the following: "Government: *Provided further*, That not later than 240 days after the date of enactment of this Act, the Inspector General shall update the report entitled 'Effects of Amtrak's Poor On-Time Performance', numbered CR-2008-047, and dated March 28, 2008, and make the updated report publicly available."

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PERDUE).

INTERIOR, ENVIRONMENT, FINANCIAL SERVICES, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2019—Continued

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3405

Mr. HELLER. Mr. President, I rise today in support of my amendment, Heller-Brown amendment No. 3405. This bipartisan amendment increases funding for the Volunteer Income Tax Assistance Program, better known as VITA, by \$5 million for the next fiscal year.

Building upon the success of the Tax Cuts and Jobs Act, it is important that we take additional steps to ensure that Nevada families are fully able to realize the benefits of the new tax laws and maximize their returns. The VITA Program is one way to do that.

The VITA Program offers free tax help to lower income and middle-income taxpayers—those who often need it the most—by helping them to prepare and file their income tax returns.

Every year, VITA programs help tens of thousands of Nevadans and millions of taxpayers nationwide keep more of their hard-earned money. As a statistic, in 2015, VITA sites helped nearly 23,000 Nevadans file their returns and processed refunds that exceeded \$25 million.

That is why I urge all of my colleagues to join me and Senator BROWN in supporting hard-working American taxpayers and voting yes on this bipartisan amendment, Heller-Brown amendment No. 3405.

I yield the remainder of my time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, this is a big deal for Americans making \$15,000, \$20,000, \$30,000, or \$40,000 a year. They will get a refundable tax credit if they claim it—if they can figure out how to claim it, because it is sometimes too complicated. They can get \$2,000, \$3,000 \$4,000, or sometimes a little more than that, in the refundable tax credit. That is money in their pockets to buy school clothes. It is money in their pockets to fix a car that is broken down. It is money in their pockets so they can take their kids to a restaurant occasionally.

Filing taxes is complicated for everyone. It can be particularly challenging for those claiming the EITC. Wall Street CEO's and big companies have armies of accountants. This is for working-class families making \$20,000, \$30,000, or \$40,000 a year.

I thank Senator HELLER. I ask support for the Heller-Brown amendment. It will matter to so many working families in Mansfield, Toledo, Sandusky, and all over Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3422

Mr. DURBIN. Mr. President, Senator WICKER of Mississippi and I have a bipartisan amendment that means a lot to thousands of people who use Amtrak. It has been 10 years since we asked the inspector general of Amtrak to do a study of on-time performance. On-time performance has a direct impact on the number of people who ride on Amtrak trains, how frequently they use them, and how much they rely upon them. There is a problem. Amtrak owns very few railway tracks in America. They share the tracks with freight trains, and the freight trains have been pushing ahead of them and making the Amtrak trains wait.

How long did they wait? Between 2016 and 2017, in 1 year, there was 17,000 hours of delay on Amtrak trains directly attributable to freight trains that didn't yield the way to the Amtrak trains. That is just one factor.

Senator WICKER and I have asked the inspector general to do a report on on-time performance that we can consider in making Amtrak more efficient, more profitable, and more popular with Americans.

I hope our colleagues will support our bipartisan amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of Senator DURBIN and Senator WICKER's amendment. It would direct the Amtrak inspector general to update a report from 10 years ago that examined Amtrak's on-time performance. Some Amtrak routes, particularly along Amtrak's national network, are experiencing frequent delays, which makes train travel a less dependable option and discourages ridership.

Ten years ago, the IG report found that the delays were the result of host railroad dispatching practices, track maintenance, speed restrictions, insufficient track capacity, and, often, external factors beyond the host railroad's control.

The information that the Amtrak IG will collect in this report will be used to identify ways to improve coordination between Amtrak and the freight railroads.

I commend the authors for their amendment, and I urge my colleagues to support it.

VOTE ON AMENDMENT NO. 3405

The PRESIDING OFFICER. The question now occurs on agreeing to the Heller amendment No. 3405.

Ms. COLLINS. 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 Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—98

Alexander	Gardner	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Perdue
Bennet	Grassley	Peters
Blumenthal	Harris	Portman
Blunt	Hassan	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Heller	Rubio
Cantwell	Hirono	Sanders
Capito	Hoeven	Sasse
Cardin	Hyde-Smith	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Cassidy	Johnson	Shaheen
Collins	Jones	Shelby
Coons	Kaine	Smith
Corker	Kennedy	Stabenow
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Ernst	Merkley	Wicker
Feinstein	Moran	Wyden
Fischer	Murkowski	Young
Flake	Murphy	

NAYS—1

Paul

NOT VOTING—1

McCain

The amendment (No. 3405) was agreed to.

VOTE ON AMENDMENT NO. 3422

The PRESIDING OFFICER. The question now occurs on agreeing to the Durbin amendment No. 3422.

Mr. WICKER. 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 assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—99

Alexander	Gardner	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Paul
Bennet	Grassley	Perdue
Blumenthal	Harris	Peters
Blunt	Hassan	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Rubio
Capito	Hoeven	Sanders
Cardin	Hyde-Smith	Sasse
Carper	Inhofe	Schatz
Casey	Isakson	Schumer
Cassidy	Johnson	Scott
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Corker	Kennedy	Smith
Cornyn	King	Stabenow
Cortez Masto	Klobuchar	Sullivan
Cotton	Lankford	Tester
Crapo	Leahy	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	Markey	Udall
Duckworth	McCaskill	Van Hollen
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Ernst	Merkley	Whitehouse
Feinstein	Moran	Wicker
Fischer	Murkowski	Wyden
Flake	Murphy	Young

NOT VOTING—1

McCain

The amendment (No. 3422) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF BRETT KAVANAUGH

Mr. HATCH. Mr. President, I rise today to speak on the latest efforts to derail the nomination of Judge Brett Kavanaugh to be Associate Justice of the U.S. Supreme Court. I would like to focus today on a few areas where attacks have come up.

Judge Kavanaugh's critics, faced with an exceptionally well-qualified, baseball-loving, carpool-driving nominee, are struggling to find anything that might slow or even stop his confirmation. Let me focus today on a few areas where their attacks have come up short.

It seems that some folks can't mention Judge Kavanaugh without suggesting in the same breath that his confirmation would somehow be the death knell of Special Counsel Mueller's investigation. It can be difficult to keep straight critics' dizzying array of claims on these separation of powers issues, but it is worth taking a closer look to set the record straight.

It was hard to miss the headline, "Brett Kavanaugh Once Argued That a

Sitting President Is Above the Law,” or the article that suggested Judge Kavanaugh “has been an open advocate for precisely the sort of imperial presidency that the founders of the American experiment feared.”

Democrats soon piled on, but never in the law review article that spurred this hysteria did Judge Kavanaugh suggest that a President would be immune from civil or criminal liability. Rather, he suggested that, as a policy matter, it might be wise for Congress to enact a law that would defer such litigation until the President leaves office, and, of course, Congress could accelerate that timeline through impeachment.

Judge Kavanaugh’s law review article represents an interesting policy proposal—and one, it is worth noting, that he offered while a Democrat was in the White House. The critics’ attempts to equate his policy recommendations with his views on the constitutional limitations on prosecutions of sitting Presidents are simply wrong. If anything, Judge Kavanaugh’s recommendation that Congress enact a law suggests that in the absence of any such legislation, a sitting President can be investigated and perhaps even prosecuted.

Then there was the hoopla over Judge Kavanaugh’s statement that he would “put the final nail” in the ruling that upheld the constitutionality of independent counsels; never mind the fact that the independent counsel statute expired nearly two decades ago and was described by Eric Holder as “too flawed to be renewed.”

Today, special counsels, such as Robert Mueller, are appointed pursuant to Department of Justice regulations. They do not represent the same constitutional concerns as the independent counsel statute. By conflating independent counsels and special counsels, Judge Kavanaugh’s critics ignore his own record on the matter.

In a dissenting opinion he wrote last year, Judge Kavanaugh himself observed: “The independent counsel is, of course, distinct from the traditional special counsels who are appointed by the Attorney General for particular matters.” But Democrats just figure that the average American will gloss over the distinction between independent counsels and special counsels and tune out legal experts who say that Judge Kavanaugh’s views on the independent counsel law have absolutely nothing to do with the Mueller investigation. By the time we are on to them, Democrats will have already moved on to a new line of attack.

The latest was the minority leader’s suggestion that Judge Kavanaugh “would have let Nixon off the hook” based on comments Judge Kavanaugh once made about the Supreme Court’s unanimous decision in the United States v. Nixon. They forced President Nixon to turn over the Watergate tapes, but those comments—read by some who would suggest that Judge Kavanaugh thinks the case was wrong-

ly decided—ignores the context of those specific remarks and the mountain of evidence that Judge Kavanaugh agrees with the Court’s ruling in Nixon.

There is the law review article in which Judge Kavanaugh wrote that there was “no need to revisit” Nixon and that the case “reflects the proper balance of the President’s need for confidentiality and the government’s interest in obtaining all relevant evidence for criminal proceedings.”

More recently, he has cited Nixon as one of “the greatest moments in American judicial history . . . when judges stood up to the other branches, were not cowed, and enforced the law.”

Those sure don’t sound like the words of a judge who is critical of the Court’s decision in Nixon, much less a judge who would vote to overrule it, but this more fulsome look at Judge Kavanaugh’s writings on the issue is at odds with the Democrats’ campaign to paint Judge Kavanaugh as an existential threat to the Mueller investigation. So they are content to cherry-pick and mischaracterize Judge Kavanaugh’s record.

On the subject of Judge Kavanaugh’s record, I would also like to talk about the Democrats’ fixation on the issue of Judge Kavanaugh’s documents from his years of service in the executive branch. It has only been 2 weeks since President Trump nominated Judge Kavanaugh, and yet Democrats seem more interested in using their time talking about documents they do not yet have rather than carefully reviewing the unprecedented number of documents that are already available to the Senate and the American public. Specifically, we aren’t hearing much from Democrats about the more than 300 opinions Judge Kavanaugh has authored during his time on the Circuit Court of Appeals for the District of Columbia. In these opinions, Judge Kavanaugh has addressed a vast array of hot-button issues Democrats claim to be so interested in: separation of powers, administrative law, national security, religious liberty, immigration, and so many more.

Something Judge Kavanaugh told me when I met with him recently really stuck with me. He told me, he hoped people would actually read his opinions, not just articles about his opinions but actually read the opinions themselves. So I would urge my Senate colleagues to indulge Judge Kavanaugh on this point. These opinions are gold for any Senator making an honest effort to evaluate Judge Kavanaugh’s judicial philosophy.

Judge Kavanaugh has spent the past 12 years in public service and as a Federal appellate judge. Now, he has been nominated to be—you guessed it—a Federal appellate judge. I can think of no better evidence of Judge Kavanaugh’s judicial philosophy or his qualifications to serve on our Nation’s highest Court than the thousands of pages and opinions he authored during

his time on what is arguably our Nation’s second highest Court. If Democrats actually took the time to follow Judge Kavanaugh’s advice and read his opinions—not just articles about them or summaries prepared by staff—they might be disappointed to learn that there is nothing to suggest that people will die if he is confirmed, and they might actually learn how Judge Kavanaugh interprets the Constitution and the laws passed by Congress. Isn’t that what all of this commotion is about? It is about documents. Isn’t that really what it is about?

I suggest Judge Kavanaugh’s opinions should be more than enough to assess his qualifications and judicial temperament, not to mention the thousands of pages from his time in the executive branch that are already publicly available. I understand this represents just a fraction of the documents the Senate will ultimately receive—likely to be far more than those received for any other Supreme Court nominee in history.

Senator GRASSLEY has pledged that relevant records will be made available through a fair and thorough process, but, for some, it is never enough. We have heard Democrats claim they are not demanding every scrap of paper that crosses Judge Kavanaugh’s White House desk, but they have also said the standard for determining what is relevant and subject to production should be whatever Senators—in other words, Democrats—think is relevant. Some have even claimed that all the documents are “extremely relevant.”

Well, if Democrats think the standard for document production should be whatever Senators think is relevant—and they think everything is relevant—then it sure sounds like they are asking for every scrap of paper.

Now, it is true that Republicans sought White House documents for Justice Kagan’s nomination, but these two nominations—Kagan and Kavanaugh—are hardly comparable. At the time of her nomination, Justice Kagan had no judicial record to speak of whatsoever, having never served as a judge at any level. She had no written opinions. There was almost nothing we could use to assess her judicial philosophy.

The White House record was among the very limited information we had to gauge her fitness to serve, so, of course, we asked to see it. By contrast, Judge Kavanaugh has 12 years of experience on the Circuit Court of Appeals for the District of Columbia, the second highest Court in this country, and that is not even to mention over 300 opinions.

Again, thousands of pages have been written clearly outlining Judge Kavanaugh’s views on the Constitution. If Judge Kavanaugh’s extensive record is not enough to paint a clear picture of judicial philosophy, then what is? What more do Democrats need to know that this is a man who is eminently qualified to serve on our Nation’s highest Court?

I can only think of one reason a Senator would need every scrap of paper to evaluate the qualifications of a judicial nominee—any nominee, for that matter—that is, if they are going on a never-ending fishing expedition, which is clearly what the Democrats have been doing since the day Judge Kavanaugh's nomination was announced.

I urge my colleagues to follow Judge Kavanaugh's advice. Read his opinions. You undoubtedly will learn something about how Judge Kavanaugh interprets the Constitution and the laws passed by Congress. Then, by all means, continue your fishing expedition, but at least you will have consulted the record that matters the most.

All I can say is, this man has an excellent record. There are plenty of things to look at. The more you look at them, the more you realize this fellow does really belong on the Supreme Court, and he will make a difference in the future.

#### PIONEER DAY

Mr. President, on another matter, I wish to speak today in celebration of Pioneer Day, a holiday my home State of Utah observes each July 24 to commemorate the arrival of the Mormon pioneers to the Great Salt Lake Valley. On this special day, Utah and communities in other States remember the extraordinary history of the Mormon pioneers who endured tremendous hardship in search of religious freedom in this great country that is set up for religious freedom, but they were mistreated and fought against from day one.

In honor of Pioneer Day, I submitted a Senate resolution recognizing the sacrifices of the Mormon pioneers in their pursuit of religious liberty and their invaluable contributions to the settlement of the American West. I hope the Senate will join me in commending the pioneers for their example of courage, industry, and faith that continues to inspire people throughout the world.

In the years following the establishment of the Church of Jesus Christ of Latter-day Saints in 1830, the Latter-day Saints—or Mormons as they are more commonly known—encountered much religious persecution in this freest of all lands. They suffered physical assault, threats of violence, death, in some cases, and war, prison, rape, and murder. Violent mobs damaged their houses and businesses, stole their property, and drove them from their homes. Especially devastating was the martyrdom of their leader and beloved prophet, Joseph Smith, who was shot and killed with his brother as well, by an armed mob.

Despite the discrimination and abuse they endured—sometimes at the hands of government officials who should have protected them from violence and injustice—the Latter-day Saints remained a patriotic people who loved and revered the Constitution of the United States. Still, they recognized

they would need to seek refuge in an unknown territory to live in safety and practice their religion free from hostility and abuse.

In search of such a haven, the Mormon pioneers fled Illinois in the winter of 1846 and proceeded westward on a journey that would cover more than 1,300 miles of wilderness, across arid deserts, jagged mountains, and turbulent rivers.

Along the way, the Mormon pioneers erected bridges, built ferries, and cleared trails to assist those who would follow their path. They established communities, planted crops, and expanded trade posts that provided the crucial supplies necessary to survive expeditions onward. They learned how to irrigate and make the desert blossom as a rose, and their irrigation principles have been followed all over the world.

They set up trail markers and charted maps that guided thousands of settlers westward. The United States certainly owes a debt of gratitude to those pioneers for their contributions to our Nation's settlement of the West.

Their service to our country did not come without significant personal cost. Throughout the arduous trek, the pioneers battled harsh climates, illness, hunger, and exhaustion. Many lost their children, spouses, parents, and friends to exposure, disease, and starvation. Yet they confronted crippling sorrow and hardship with incredible grace and a steadfast trust in their Heavenly Father. They expressed gratitude for the strength to surmount each challenge and gloried in life's daily miracles. What could have broken their spirit only fortified their convictions and drew them closer to the Divine.

Upon entering Utah's Great Salt Lake Valley on July 24, 1847, their new leader, Brigham Young announced: "This is the right place." This prophetic declaration foretold how the valley would become home to many Latter-day Saints and their posterity.

Unfamiliar with the area and with few resources at their disposal, the pioneers worked together to plant their crops, irrigate fields, and build houses and businesses, thus transforming the barren desert into a thriving set of communities.

Two years later, on July 24, the Latter-day Saints first commemorated their arrival to their new home with a procession to Salt Lake City's Temple Square for a special devotional followed by a feast of thanksgiving. Today, Pioneer Day is one of the largest regional celebrations in the United States, where we remember the early settlers with parades, flag ceremonies, reenactments, devotionals, sporting events, feasts, dances, concerts, festivals, rodeos, and fireworks.

The rich heritage of the pioneers is shared not only by Utahns and those of the Mormon faith but with people throughout the world, regardless of religious affiliation. These pioneers demonstrated what can be accomplished

when industrious and resilient people stand together as one to build a brighter future. Their determination and ingenuity encourages our own pioneer spirit, calling on us to strive toward further progress and innovation. Their example of courage empowers us to triumph over adversity and inspires us to press forward with unconquerable faith and undaunted hope.

On Pioneer Day this July 24, I hope we not only remember these remarkable pioneers but reflect on what we can do to follow in their footsteps and ensure their legacy lives on in us and in future generations.

I am proud to be a descendant of these pioneers. My family was part of the pioneers. Yes, I was born in Pittsburgh, but I couldn't wait to move to Utah. I love Pittsburgh, but I love Utah more. I have to say, part of that is because of my pioneer heritage and my desire to see that Utah continually improves itself and continually makes its case on how important these pioneers really were and are to us even today.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

#### NOMINATION OF BRETT KAVANAUGH

Mr. THUNE. Mr. President, a lot of praise has flowed in for Judge Kavanaugh since his nomination, but I think the tribute that has struck me the most is the letter from his law clerks. These individuals have worked closely with Judge Kavanaugh and have a special insight into his temperament and philosophy. Here is what they have to say:

It is in his role as a judge on the D.C. Circuit that we know Judge Kavanaugh best. During his time on the D.C. Circuit, Judge Kavanaugh has come to work every day dedicated to engaging in the hard work of judging.

We never once saw him take a shortcut, treat a case as unimportant, or search for an easy answer. Instead, in each case, large or small, he masters every detail, and rereads every precedent. He listens carefully to the views of his colleagues and clerks, even—indeed, especially—when they differ from his own. He drafts opinions painstakingly, writing and rewriting until he is satisfied each opinion is clear and well-reasoned, and can be understood not only by lawyers but by the parties and the public.

We saw time and time again that this work ethic flows from a fundamental humility. Judge Kavanaugh never assumes he knows the answers in advance and never takes for granted that his view of the law will prevail.

Those are the words of 34 of Judge Kavanaugh's law clerks. Every one of Judge Kavanaugh's clerks who was not prohibited by his or her job signed this letter.

These clerks represent a diverse group. They wrote:

Our views on politics, on many of the important legal issues faced by the Supreme Court, and on judicial philosophy, are diverse. Our ranks include Republicans, Democrats, and Independents. But we are united in this: Our admiration and fondness for Judge Kavanaugh run deep. For each of us . . . it was a tremendous stroke of luck to work for and be mentored by a person of his strength of character, generosity of spirit,

intellectual capacity, and unwavering care for his family, friends, colleagues, and us, his law clerks.

This letter is a pretty significant tribute, and it confirms what has been clear from the beginning, and that is that Judge Kavanaugh is the type of judge who should sit on the Nation's highest Court. His clerks describe a judge who takes the weight of his responsibility seriously; a judge who is committed to reaching the right decision in every case and who does the hard work necessary to get to that decision; a judge who approaches each case with an open mind, looking for what the law says, not the outcome he wants.

As Chief Justice John Roberts famously said, "Judges are like umpires." Their job is to call the balls and strikes, not rewrite the rules of the game. As Justice Roberts said, "Umpires don't make the rules; they apply them." It is essential that a judge understand this. If you are a judge, your job is to rule based on the law and the Constitution and nothing else. Your job is not to make policy. It is not to revise the law according to your personal feelings or your political principles. Your job is to figure out what the law says and to rule accordingly.

Why is this so important? Well, it is because the rule of law and equal justice under the law only exist as long as judges rule based on the law. Once judges start ruling based on their political opinions or their feelings about what they would like the law to be, then we will have replaced the rule of law with the rule of individual judges.

As the testimony of his clerks and many others makes clear, Judge Kavanaugh understands the role of a judge. He understands that his job is to interpret the law, not make the law; to rule based on the plain text of the statute, not his personal opinions or political beliefs.

In a 2017 speech at Notre Dame Law School, Judge Kavanaugh said:

I believe very deeply in those visions of the rule of law as a law of rules, and of the judge as umpire. By that, I mean a neutral, impartial judiciary that decides cases based on settled principles without regard to policy preferences or political allegiances or which party is on which side of a particular case.

I will say it again: That is the kind of Justice we want on the Supreme Court. I hope this Senate will take very seriously the responsibility we have to give fair consideration to this nominee.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

THE PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, you couldn't follow this President's tweets

with a roadmap, a GPS, a flashlight, and a program. It is impossible to understand the policy of this administration for this country, and when you try to follow his actions instead of his words, it is even more confusing.

Over the past few weeks, President Trump's conduct when it comes to foreign policy has been head-spinning, even for him. To recap, he insulted our best allies of 70 years and then turned around and lobbied for Russia at a recent G7 meeting and again bullied our key allies at a summit on NATO. He then met privately with Russian President Putin and then held a press conference with him in which President Trump blamed America and defended Putin's words over the expertise of his own government intelligence agencies. Keep in mind that he also inexplicably met privately with President Putin at the G20 summit in Hamburg last year—an event which he initially denied.

Why all these private meetings between President Trump and President Putin? Why wouldn't he let his Secretary of State sit in the room? Why wouldn't he let his National Security Advisor witness the conversation? I don't know the answer to these questions, and neither does America.

Then the President tried to backpedal from some of his most outrageous statements. At the end of the day, after trying that and deciding it wasn't worth the effort, he backed around again and decided to side with President Putin. It is impossible to keep track of where this President has been or is going.

President Trump then questioned the bedrock NATO alliance, asking why the United States should come to the defense of one of its members. Incidentally, that is the heart and soul of the NATO alliance—article 5: We stand together. When the United States was attacked on 9/11, it was the NATO alliance that stood with us when we struck back at Afghanistan and al-Qaida. They stood by us because of article 5, the very basis of the NATO alliance, which this President has questioned.

He said that no U.S. President has been harder on Russia than President Trump. He argued: "I think President Putin knows that better than anybody." Then he said he wanted to invite President Putin to the United States as his special personal guest. Go figure.

As President Trump weakens a great military alliance like NATO, bullies our allies of seven decades, cozies up to a foreign dictator, and talks in circles about his bizarre tweets and actions, what has been the priority of the Republican Party on the floor of the Senate since the summit—the disastrous summit—at Helsinki? Well, the Republican leader, Senator McConnell, has not spoken on the Senate floor on this issue since the Helsinki summit, not even one time.

Why aren't we urgently moving legislation to protect America's membership in NATO, ensure the integrity of

our upcoming election, and fully implement last year's Russian sanctions bill? I can't answer that. I don't think the Republican leader can answer it either. Those are national security priorities.

Maybe it isn't surprising because when Senator McConnell was told about the Russian intervention in our last 2016 election by the top intelligence officials of the U.S. Government and asked to make a bipartisan statement condemning it, he declined.

Why would a congressional leader not want to join in a bipartisan effort to warn a foreign power to stop its attack on democracy? Why the silence on this floor, on that side of the aisle, since the Helsinki summit conference?

There is not absolute silence. I will commend my ailing but respected and often-quoted colleague JOHN MCCAIN in Arizona, who sends messages from his home to this Chamber, to the U.S. Senate. What did he call the Helsinki summit? "[O]ne of the most disgraceful performances by an American president in memory." JOHN MCCAIN has never been one to mince words. I have to say that quote hit the nail on the head.

I want to put another word in here. Every time I hear politicians and all the smartest people on Earth on television referring to what happened in the 2016 election as the Russians meddling in our election—you heard that term, "meddling" in our election? If a seasoned criminal broke into your home to case it for a later burglary, would you say that burglar was just meddling? No. "Breaking and entering" might be the proper term. That is what happened with the Russians in the 2016 U.S. election. They broke and entered our election system across the United States.

The reason I know that, one of the targets happened to be my home State of Illinois. They found a way to sneak into the computers of the Illinois State Board of Elections and, according to the Special Counsel's recent indictment, stole information related to approximately one-half million voters in my State of Illinois. The State discovered it and sent out warnings to voters whose registration data may have been accessed.

Was that meddling? Not in Illinois. Those were fighting words. That was a cyber attack by the Russians on the State of Illinois Board of Elections, and they followed up by trying to hit 20 other States as well.

Meddling? Give me a break. This is a cyber act of war by the Russians, and our intelligence officials of the Trump administration—like Dan Coats, the Director of National Intelligence—have warned us, the red lights are blinking again. They are coming back.

What are we doing about it? Nothing. There will be a chance for my Republican colleagues to join the Democrats in a bipartisan effort to take this seriously before it is too late. What do we have left, 105 days until the election? It

is not much time. The question is whether we will do something to try to protect our election system. Every Member of this Chamber will have an opportunity to vote to ensure that State and local election officials have the resources to stop any other effort by the Russians to interfere in our election.

Earlier this year, we came together and passed a bill—a bipartisan bill—that provided \$380 million in fiscal year 2018 omnibus spending for States to modernize and secure their election systems. Funding gave the States flexibility to tackle the most critical priorities: replacing outdated voting machines, for example, that have no paper trail, updating election computer systems to address cyber vulnerabilities. The Election Assistance Commission reports that 55 different entities, including all the States and territories, have requested funding from this grant program. That was an important first step. It was bipartisan. It should be done. It was done, but it is not enough.

After the 2000 election, and months of news coverage about hanging chads and butterfly ballots, Congress passed a Help America Vote Act to address the outdated election infrastructure in America. We authorized \$3.8 billion to respond to this issue. A few months ago, we authorized one-tenth of that to respond to the Russian threat. We need to respond to that threat in a much more robust manner.

I received a memo from our election authorities in Illinois specifying how they plan to spend their grant funds and what they need to do to be more certain that their election operations and machinery are intact, and virtually every State can provide me with a similar memo.

We need to respond to this threat in a meaningful, robust manner. We know full well in Illinois what the Russians could have done to us. If they had taken 500,000 voter registration records and simply changed one number in the street address of each voter, let me tell you what would have happened. When I turned up to vote in Springfield, IL, and listed my home address, they would have said: No, that address doesn't match our records. You can vote a provisional ballot if you wish. We will look into it later.

That could have happened thousands of times. Thank goodness it didn't, but that is the extent of our vulnerability. It is a suggestion of what we might face again from the Russians, according to our own Intelligence agencies.

Last year, the Department of Homeland Security notified election officials in 20 other States that Russians attempted to hack into their systems, including Texas, Iowa, and Florida—Mr. President, your home State of Arizona—Oklahoma, Alabama, Pennsylvania, Alaska, Colorado, North Dakota, Wisconsin, and Ohio.

We have to make sure we are prepared for future attacks on our democracy. That is why I have joined Senator

LEAHY—who is on the floor with me today—and Senator KLOBUCHAR, preparing an amendment to the appropriations legislation we are going to consider, offering an additional \$250 million in election security grants to our States.

When a similar amendment was offered at a committee markup last month, we heard it was too early to talk about additional funding; we need to wait and see how the \$380 million earlier appropriated would be spent.

We know the answer. At a recent Senate Rules Committee hearing, Cook County Director of Elections Noah Praetz explained that though the \$380 million was greatly appreciated, more resources are desperately needed. He said: "Given the costs of regular technology refreshes and support for human resources with cyber capacity, the needed investment is very large."

Last week, when asked if the \$380 million was enough to address the problem, the President of the National Association of Secretaries of State said: "[N]o, to put it bluntly . . . Congress needs to come up with some kind of a funding mechanism that is sustainable and year-in, year-out, not once every 10 years."

Just yesterday, a bipartisan group of State attorneys general asked Congress for increased funding because many States lack the resources and tools they need to protect their polling places.

I urge the adoption of the Leahy-Klobuchar amendment.

It is also time for the majority to heed former Senator Bill Frist's sage advice when he wrote recently in the Washington Post: "[P]atriotism should always take priority over party."

I say to the Presiding Officer, I know you know that, personally, and you have proven it.

Senator Frist went on to say that "staying silent is no longer an option." I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate what the distinguished senior Senator from Illinois just said. I will speak about the same amendment. We will be offering this amendment. It does provide \$250 million for State election security grants. It provides it to protect our upcoming elections from attacks by Russia especially but from many other hostile foreign powers.

We don't do this as an exercise. We know the attacks have been there in the past, and they are coming in the future. Look at what our intelligence community said. They unanimously said that Russia interfered in our 2016 election.

After the intelligence community unanimously said they interfered, Congress came together, and we appropriated \$380 million for State election security grants in the fiscal year 2018 omnibus.

Since that time, all 55 eligible States and territories have requested funding.

One hundred percent of these funds have been committed to the States. As of yesterday, 90 percent of the funds have been disbursed to the States. This is pretty remarkable considering that the fiscal year 2018 omnibus was signed into law just 4 months ago.

I have asked what the funding was used for. I am told it has assisted States in improving election cyber security. They have replaced outdated election equipment. They have undertaken other anti-cyber efforts.

That is an important first step. I know all of us do not want our democracy attacked by foreign aggression. More is needed. It is certainly needed before the November 2018 elections—I might say even afterward.

States need postelection audit systems. They have to be able to verify the accuracy of the final vote tally. They have to be able to upgrade election-related computer systems if our Department of Homeland Security identifies vulnerabilities. I believe the State and local election officials should undergo cyber security training. They should start using established cyber security best practices. These efforts are all essential to the security of our elections, and my amendment would enable them to go forward. In fact, yesterday, 21 State attorneys general signed a letter. They urged Congress to appropriate more funding for the States to help them meet their security needs.

Let me quote from their letter. They said:

Additional funding for voter infrastructure will not only allow states to upgrade the election systems, but will also allow for a comprehensive security risk assessment. Unfortunately, past practice has shown that the existing Election Assistance Commission grants are simply insufficient to provide for the upgraded technology needed. More funding is essential to adequately equip states for the financial resources we need to safeguard our democracy and protect the data of voting members in our states.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a letter, dated July 23, 2018, signed by 21 State attorneys general.

Mr. President, it is clear that Congress—this involves everybody in the Congress, Republicans and Democrats alike—must serve as a bulwark against Russian aggression. I say this because our President has, time and again, proven he is either unable or unwilling to do so. Standing on the world stage with Vladimir Putin, with everybody watching, President Trump repeatedly refused to condemn Russia's attacks on our democracy. He almost groveled to the authoritarian Putin. He praised and defended Putin's "strong denial" of Russian interference. Then, to make it worse, President Trump attacked our own law enforcement institutions while standing feet away from the very foe our institutions work so hard to protect us from.

All of our intelligence communities and law enforcement have the sworn



duty to protect all Americans from foes like Russia. The President stands next to the President of Russia and attacks the same law enforcement institutions that protect us.

This brought about, not unexpectedly, bipartisan outrage over the Helsinki fiasco. The next day, the President tried to walk back his comments. But in typical fashion, he tried to have it both ways. He repeated the baseless claim that the attack “could be other people also.” Then, the very next day, when asked whether Russia is still targeting the United States, the President inexplicably said, “No.” That was roughly 48 hours after his own Director of National Intelligence issued a statement reaffirming that Russia is engaged in “ongoing, pervasive efforts to undermine our democracy.” Without going into any of the classified material—just go by what our intelligence agencies have said publicly. Russia is engaged in “ongoing, pervasive efforts to undermine our democracy.” And when the President is asked whether they are targeting the United States, the answer isn’t no, it is yes.

Some have argued that this is an issue for the States to deal with entirely on their own, that the Federal Government should not involve itself in States’ electoral systems. But our States were attacked in 2016 by a foreign adversary, and their election systems were hacked by Russia’s foreign military intelligence service.

If any one of our States was attacked by a foreign government, would we stand by and say: Well, that is the State’s problem. No. We wouldn’t say: Well, it is not my State, it is not my problem. You are on your own. Of course not. An attack on any one of us is an attack on all of us. We are the United States of America. We would come together to protect that State. We would provide the Federal resources to help them out. That is what we Americans do. The same standard applies here in helping States strengthen and protect their election infrastructure.

We Senators from both parties have a choice: We either heed the fact-based warnings of our dedicated law enforcement and national security professionals or we do as President Trump has done and say: Well, we will take Vladimir Putin at his word. I don’t. We either choose to act as a coequal branch of government to defend our democracy or leave that responsibility to a President who doesn’t see the threat. In fact, he embraces the threat even when it is standing right beside him.

I say to my fellow Senators, if you believe that Russia is fully intent on destabilizing our democracy yet again in November, which is something every one of our national security and law enforcement officials believes—the people who read all the classified matters every single day, the people who know our intelligence backward and forward believe Russia is fully intent on destabilizing our democracy—let’s stand up

for our country. Let’s stand up for our intelligence services and have this amendment as a chance to take action—more than anything else, to stand up for America, stand up for our democracy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW MEXICO,  
OFFICE OF THE ATTORNEY GENERAL,  
*Santa Fe, NM, July 23, 2018.*

Chairman MICHAEL MCCAUL,  
*House Homeland Security Committee,*  
*Washington, DC.*

Chairman ROY BLUNT,  
*Senate Rules and Administration Committee,*  
*Washington, DC.*

DEAR HONORABLE COMMITTEE MEMBERS: The undersigned Attorneys General write to express our grave concern over the threat to the integrity of the American election system. As the latest investigations and indictments make clear, during the 2016 election, hackers within Russia’s military intelligence service not only targeted state and local election boards, but also successfully invaded a state election website to steal the sensitive information of approximately 500,000 American voters and infiltrated a company that supplies voting software across the United States.

The allegations in these indictments are extremely troubling. They evidence technologically vulnerable election infrastructures and the existence of a malicious foreign actor eager to exploit these vulnerabilities. Moreover, it has never been more important to maintain confidence in our democratic voting process. It is imperative that we protect the integrity of our elections. We must ensure that the upcoming 2018 midterm elections are secure and untainted. Accordingly, we ask for your assistance in shoring up our systems so that we may protect our elections from foreign attacks and interference by:

Prioritizing and acting on election-security legislation. We understand that the Secure Elections Act (S.2261) is before the Senate at this time and may address some of our concerns.

Increasing funding for the Election Assistance Commission to support election security improvements at the state level and to protect the personal data of the voters of our states. We are concerned that many states lack the resources and tools they need to protect the polls. Additional funding for voting infrastructure will not only allow states to upgrade election systems, but will also allow for a comprehensive security risk assessment. Unfortunately, past practice has shown that the existing Election Assistance Commission grants are simply insufficient to provide for the upgraded technology needed. More funding is essential to adequately equip states with the financial resources we need to safeguard our democracy and protect the data of voting members in our states.

Supporting the development of cybersecurity standards for voting systems to prevent potential future foreign attacks. It is critical that there be a combined effort between governments and security experts to protect against the increased cyber threats posed by foreign entities seeking to weaken our institutions.

These changes are essential in order to strengthen public trust in our electoral system. The integrity of the nation’s voting infrastructure is a bipartisan issue, and one that affects not only the national political landscape, but elections at the state, county, municipal, and local levels. It is our hope that you agree, and will take swift action to

protect our national legacy of fair and free elections.

Respectfully,

Hector Balderas, Attorney General of New Mexico; George Jepsen, Attorney General of Connecticut; Karl Racine, Attorney General for the District of Columbia; Lisa Madigan, Attorney General of Illinois; Janet Mills, Attorney General of Maine; Maura Healy, Attorney General of Massachusetts; Lori Swanson, Attorney General of Minnesota; Gurbir Grewal, Attorney General of New Jersey; Josh Stein, Attorney General of North Carolina; Peter F. Kilmartin, Attorney General of Rhode Island; Bob Ferguson, Attorney General of Washington; Xavier Becerra, Attorney General of California; Matthew P. Denn, Attorney General of Delaware; Russell Suzuki, Attorney General of Hawaii; Thomas J. Miller, Attorney General of Iowa; Brian Frosh, Attorney General of Maryland; Bill Schuette, Attorney General of Michigan; Jim Hood, Attorney General of Mississippi; Barbara D. Underwood, Attorney General of New York; Ellen Rosenblum, Attorney General of Oregon; Mark R. Herring, Attorney General of Virginia.

Mr. LEAHY. Mr. President, I don’t know whether there are others seeking the floor. I was going to suggest the absence of a quorum, but I see the distinguished senior Senator from Minnesota, and I yield to her.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Vermont for his leadership, and I am pleased that Senator DURBIN has brought us together. I also see the Senator from Delaware and the Senator from Oregon here.

I appreciate the work we have seen on the other side of the aisle on so many of these issues regarding elections and Russia, including the Presiding Officer’s support for moving forward on a number of these things.

Our next election is right around the corner. In fact, this coming Saturday marks 100 days from the 2018 elections. As we prepare for the midterm elections, two things are clear: First, we must hold Russia accountable for the attacks against our democracy in 2016. This wasn’t meddling. This wasn’t just sending a few little tweets. This was an actual cyber attack on our democracy, and we have to call it what it was. Secondly, we must do more to deter Russia and safeguard our democracy against future attacks.

As complex as all this is, that is really quite simple. The first thing is, we have to figure out what happened and hold the people accountable. That is what is happening with the Mueller investigation, and that is what is happening with the Intelligence Committee investigation and other committees as well. Secondly, we have to protect our own democracy in the future from Russia, from other foreign entities, from anyone who might try to take away our democracy. That is exactly what happened in this last election.

Over the last 18 months, I have come to the floor time and again to make this point: Election security is national security. Efforts to interfere in our domestic politics and attack our election infrastructure represent a threat to our democracy and our security.

We know that Russia coordinated an attack against our democracy that launched cyber attacks against at least 21 States, including my own. The latest indictment from Special Counsel Mueller's investigation revealed that the Russians hacked the website of a State board of elections and stole the information of roughly 500,000 voters. We not only have them potentially trying to influence the vote, we also have them actually stealing voters' private information, which, of course, is another way to deter voters from wanting to vote. Russia's efforts also included sophisticated information warfare designed to divide our country and weaken Americans' confidence in our election system.

Hard-working women and men in our intelligence agencies from both Democratic and Republican administrations have confirmed this. The heads of all of our major intelligence operations under President Obama and under President Trump have said that this happened. In fact, months ago, Director Coats said that not only did it happen but that the Russians are getting, in his words, bolder.

Yet, this month in Helsinki, President Trump was asked if he stands by the conclusions of the U.S. intelligence community or the denials of Vladimir Putin. He chose to go with Putin. He stood there in front of the world, and he called Putin's words "extremely strong and powerful." That is why so many in this Chamber—Republican and Democratic Members of the Senate—have come out and called him on it and affirmed the U.S. intelligence conclusions and denounced the President's actions.

There is no substitute for Presidential leadership—we know that—but in its absence, Congress must act. We need to make strong bipartisan commitments to defend our elections and show unwavering support for our intelligence agencies.

Among others things, today Senator GRAHAM and I submitted a bipartisan resolution that reaffirmed strong congressional support for our intelligence agencies and our diplomats. This is supplemental to the work, of course, that Senator COONS and Senator FLAKE have been doing. It declares that an attack on our election system by a foreign power is a hostile act that should be met with a swift and forceful response.

Passing this resolution sends a clear message to Russia: We are united in our commitment to make sure you pay a heavy price for attacking our elections, and we are prepared to exercise our authority to impose even stronger sanctions.

If this administration won't act, Congress must.

In order to safeguard future elections, State and local officials on the frontlines of this fight must have the tools and resources they need to prevent cyber attacks.

We recently voted to provide \$380 million in election security funding to States. That was an important first step. All the States I have talked to say that was just the beginning, that they would need more resources, but it was an important first step. I worked on that with Senator LANKFORD, as well as Senator COONS and Senator LEAHY.

I will note that \$380 million is just 3 percent of the cost of one aircraft carrier. That is what it is—3 percent of the cost of one aircraft carrier. We have a foreign government that has been trying to attack our elections. We must do more.

During a recent Rules Committee hearing, State and local officials testified that more resources are needed. Last week, Vermont's secretary of state and the president of the National Association of Secretaries of State, Jim Condos, called on Congress to provide additional funds on an ongoing basis, not just when a crisis happens. This week, nearly half of our country's State attorneys general sent a letter urging Congress to appropriate more funding for election security. That is why today Senator LEAHY, Senator COONS, and I will be offering this amendment to the appropriations legislation that is before us this week that would provide additional funding for election security.

I am continuing to work with Senator LANKFORD on the Secure Elections Act, which, along with Senator GRAHAM and Senator HARRIS, now has 10 cosponsors, Democrats and Republicans, equally divided. That bill is important. Senator BLUNT has agreed to a markup in August. That is very critical to our moving forward to have legislation that puts some parameters in place, puts best practices in place, and requires audits. All of that must happen, but for now, we can't wait. We are almost 100 days away from this election.

Director of National Intelligence Coats recently reaffirmed the threat Russia poses. He said this: "Today, the digital infrastructure that serves this country is literally under attack. . . . It was in the months prior to September 2001 when, according to then-CIA director George Tenet, the system was blinking red. And here we are nearly two decades later, and I'm here to say the warning lights are blinking red again." That is from our National Intelligence Director under President Trump.

I would close with this—something that happened 95 years ago. In 1923, Joseph Stalin, then General Secretary of the Soviet Communists, was asked about a vote in the Central Committee of the party. Stalin was unconcerned

about the vote. After all, he explained that who voted was "completely unimportant." What was "extraordinarily important," he said, "was who would count the votes and how."

Now, nearly 100 years later, we have someone by the name of Vladimir Putin trying to control who counts the votes and how in our own country. This time, it is now, and it is in our elections. Those are the stakes. Election security is national security, and it is time to start acting like it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, as Senator KLOBUCHAR has noted, Democrats and Republicans are here to talk about a critically important issue; that is, protecting the franchise for our people.

I want to begin by saying that the ink is barely dry on the indictment of the Russian hackers who tried to undermine our democracy, and the President of the United States is trying to deny that it actually happened. Just put your arms around that one for a moment, colleagues. The indictment of the Russian hackers is just days old, the President's own intelligence officials are telling him that an attack on our democracy is a near certainty, and he has just not been willing to step up and prevent it. In fact, he continues to refuse to accept the basic facts of the attack the Russians perpetrated in 2016.

The fact, however, is that Americans are learning more and more about what actually happened, and it is becoming increasingly clear that what the President calls a witch hunt is turning up a lot of witches. The attack on our democracy was plotted and perpetrated by agents of the Russian Government. It came from the very top. It wasn't perpetrated by some other, unidentified country, and it wasn't some random fellow in his mom's basement; it was Russia. Somehow, the President is too mesmerized by Vladimir Putin to admit that.

The public learned from the indictments unsealed in the last several days that Russian intelligence officials hacked into the computers of the Democratic National Committee, stole data, and planted surveillance software. They were basically hoovering up voter data that belonged to one-half million Americans. They targeted our election infrastructure and searched for vulnerabilities that might have allowed them to affect the results. A Russian national with ties to Russian intelligence used what was called a "gun rights organization" to infiltrate conservative circles and sway our political judgment.

Those are the facts, colleagues, and no matter how the President twists himself into a pretzel to try to describe it otherwise, those are the realities. Our election system and our digital infrastructure are still extraordinarily vulnerable to attack. The President's own Director of National Intelligence, our former colleague, has said—not



months ago but recently—that “the lights are blinking red.”

So our colleagues Senator LEAHY and Senator KLOBUCHAR are proposing an important investment of funding to assist the States. There is no question in my mind that when looking at this challenge, this will be a challenge that benefits from the additional funds since this is a national problem. The Director of Homeland Security said in response to my question that paperless voting machines pose a “national security concern.” You know, we don’t ask Delaware or Oregon or small towns if they are dealing with an attack on their democracy. We don’t say to a small town in Delaware or Oregon: Will you figure out how to do it? We treat it as something where we come together as Americans to tackle the problem. So we are going to need additional funds for attacking this extraordinarily important challenge.

I am going to be heading home for townhall meetings. We have these sessions, throw open the doors, and everybody’s welcome. Folks are going to hear about what we are talking about in election security, and folks are going to say: Ron, what are the best ideas out there for stopping the Russians from hacking our elections?

I will say to my colleagues—we are going to talk some more about this—cyber security experts are overwhelmingly united on what is best for stopping the Russian hackers. Overwhelmingly, this country’s cyber security experts—people who aren’t Democrats or Republicans; they are people who are knowledgeable in this field—say the two things you need most are paper ballots and risk-limiting audits—those two things, paper ballots and risk-limiting audits.

Tens of millions of Americans today have no choice but to vote on unsecured machines that might as well have these words scrolled on them in Russian: “Please hack me, comrade.” That pretty much is what you get with these unsecured voting machines.

The voting machine industry—I think I talked about this with my friend from Delaware—has basically considered themselves to be above the law. They have refused to share vital information about their operations with me, the Intelligence Committee—even basic questions, which are really called issues relating to cyber hygiene. But what we know is, some of this voting technology has actually come preinstalled with remote monitoring software. The cyber security experts will tell you that is a recipe for disaster. The experts also will tell you that bar codes, ballot-marking devices, are not the heart of a solution to really secure elections.

When you ask the companies that manufacture these machines, they are ducking and weaving when they are asked even the most basic and straightforward questions about how they are protecting American voters.

Colleagues, as we move to start this extraordinarily important debate, I

want to be clear about what I think the most important challenge is. Our most important job is to build a new partnership between the States and localities and Federal election officials that actually protects American elections from getting hacked by the Russians. That is what this is all about—actually making sure we provide that added measure of assistance and security for American voters.

In the name of supporting that cause, I have proposed legislation called the PAVE Act which, in effect, says that we have to build around common sense and what the independent cyber security experts say is important—paper ballots and postelection audits. That, in my view, is the heart of what we ought to be looking for ways to support. If a polling place starts election day with a line of people out the door, it ought to end the day with a stack of paper ballots that are hack-proof—a verifiable system that the Russians cannot touch.

If the United States is going to go along with business as usual—election security status quo of paperless machines and not very many audits, not effective audits—it is nearly as bad as leaving ballot boxes on street corners in Red Square. So I am going to close this way. When we have a debate this important about election security, what it is really about is whether Americans can trust that control of our democracy is actually in their hands. The easiest way to destroy what has certainly been waning confidence Americans have in our elections is to leave election systems vulnerable to attack. That is practically a surefire way to limit voter participation, and it certainly is going to generate a new firestorm of conspiracy theories in every American election from here on.

So I say to my colleagues and Senator COONS, who really is the gold standard for working with colleagues, trying to bring people together: Find approaches that make sense for our people. He and I have talked, and I think we have agreed that we will take a good idea from anywhere in sight. If there is a good idea on this side of the aisle, we are interested. If there is a good idea over there, we are interested. The good idea here, in terms of protecting the votes of the American people who have been threatened by Russian hackers, with the evidence as recently as a few days ago with the indictments—the best way, according to people who aren’t in politics and are knowledgeable in the field, is to have paper ballots and risk-limiting audits. As long as I have the honor to represent Oregon in the U.S. Senate—we will certainly be talking about this at townhall meetings this weekend. I look forward to working with my colleagues on both sides of the aisle to advance that kind of approach, which I think is the surest path to blocking those Russian hackers from doing again and again what they did to us in this past election.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Delaware.

Mr. COONS. Mr. President, I rise to speak about an amendment that I look forward to advancing as a member of the relevant Appropriations subcommittee—in fact, the ranking Democrat. I was pleased to work in a bipartisan way to secure \$380 million in the last fiscal year that has been distributed to the States to secure our elections.

As you may have heard, some who opposed this in the Appropriations Committee, when we took it up and debated it, asked a few simple questions, which I will try to address quickly.

Aren’t elections a State and local responsibility? Why should the Federal government be providing funding for States and localities to secure their elections? It is true that elections are overwhelmingly run at the State and local levels. The cost of securing and modernizing our voting machines and voting systems will be overwhelmingly borne at the State and local levels.

Second, this \$380 million was just made available, and I don’t think it has even gone out yet. Have they used it well, and have they used it properly?

Third, why is this something we need to do now? Is there any indication that our upcoming elections are actually under threat?

Let me briefly speak to those three questions.

This morning, it was publicly reported that the U.S. Department of Homeland Security, outside of a classified setting for the first time, revealed that not one, not two, not a dozen, but more than 100 American power utilities had been successfully hacked by Russian military intelligence and that air-gapped control rooms—meaning control rooms that are designed so they are not connected to the internet—in power-generating or distributing utilities around the country had been compromised by Russia. There is a level of sophistication in their invasion and interference in our physical infrastructure that is matched by their sophistication in interfering and intruding in our election infrastructure. I think the present danger is very clear and very real.

As my colleagues stated at great length, our Director of National Intelligence, Dan Coats, our former colleague, has said repeatedly that our election structure is at risk.

On July 13, Special Counsel Mueller indicted 12 Russian military officials for cyber attacks on our 2016 elections, and we know those attacks are coming again.

Michael Chertoff, the former Bush Department of Homeland Security Secretary, and Grover Norquist, long known as an advocate for reduced Federal spending, jointly wrote an editorial earlier this year—I think it was in the Washington Post. They said, and I quote, that “we can replace all paperless voting machines in the country for less than the cost of an F-22 fighter jet.”

As Senator KLOBUCHAR has said repeatedly and correctly: “Election security is national security.”

Chertoff and Norquist concluded with this thought: It is not practical to expect State and local election administrators in rural Missouri or small town Maine or in my State of Delaware or in my colleague’s State of Iowa to go toe-to-toe with the premier government-backed cyber mercenaries of Russia or China or North Korea. Just as Federal agencies prudently provide support for State law enforcement in dealing with terrorism, Federal officials should give guidance for support of the election cyber security threat.

My home State of Delaware is one of five with no paper trail for our election systems, and our election systems are air-gapped. I just received a letter from our State election commissioner, Elaine Manlove, who has made clear that with the \$380 million already distributed through the money made available last year, they will begin to make a downpayment on replacing our current, antiquated election machinery with those that will have a verifiable paper trail.

I have many more examples I can cite, but I will be brief because I have a colleague who has waited long for his opportunity to speak.

All States have now requested the funding, and 90 percent of the funding has been disbursed. The EAC is working with States to make sure that they are addressing cyber security issues and, in particular, replacing outdated, antiquated systems.

I will give you one of many examples. The State of Louisiana last purchased voting equipment in 2005. Its 10,000 voting machines are antiquated, and their spare parts are dwindling and are no longer being manufactured. Louisiana’s secretary of state estimated the replacement cost would be between \$40 million and \$60 million. A \$3 million downpayment of Federal money is just barely enough to get Louisiana started, not enough to complete the job.

Let me close by saying that election security is not a partisan issue; it is about protecting who we are as a nation. Free and fair and regular elections define us as a democracy. Democrats, Republicans, and Independents—all Americans—who want to know that their votes are counted and our elections are free and fair should care about a Federal role in supporting States and localities as they work to ensure that our election systems are protected and our equipment can’t be compromised.

This is an issue not just for the November 2018 elections but for the 2020 elections.

The amendment we hope to call up later today should not be controversial. This is about protecting our democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### NOMINATION OF BRETT KAVANAUGH

Mr. GRASSLEY. Mr. President, I want to bring my fellow Senators up to date on a subject that was sparked by the remarks made this morning by the minority leader. I also want to add some additional context that the minority leader left out.

He spoke on the nomination of Judge Kavanaugh to the Supreme Court. Unfortunately, he didn’t come to the floor to talk about the judge’s excellent qualifications, the judge’s well-regarded temperament, or the judge’s judicial philosophy. He didn’t come to the floor to announce that he would finally extend to the judge the courtesy of a meeting, which is customary in this body. He came to speak about what he thinks will satisfy leftwing outside groups. He demanded that I sign a letter that will put the American taxpayers on the hook for a Democratic fishing expedition, and I am not going to do that.

I agree that we should have a thorough vetting process for the nominee—and we will—and that we should review materials that will reveal Judge Kavanaugh’s legal thinking. That is our job. We are not going to be a rubberstamp. Fortunately for us, we have immediate access to the most valuable documents that are out there that will reveal Judge Kavanaugh’s legal thinking. We have access to the more than 300 opinions Judge Kavanaugh authored in his 12 years on the DC Circuit, as well as to the hundreds more opinions he joined. In these opinions, he addressed some of the most significant legal issues of the past decade from the second most powerful court in the land.

This morning, the minority leader brought up a statement that I had made in 2010 in connection with Justice Kagan’s Supreme Court nomination. At that time, this Senator was interested in reviewing documents from her time in the Clinton administration.

What the minority leader neglected to mention was that, unlike Judge Kavanaugh, Justice Kagan had not served as a judge before being nominated to the Supreme Court. Besides the Federal Government service she had had at the time she was nominated, she had been the dean of a law school. Other than Kagan’s materials that she had submitted as part of the Senate Judiciary questionnaire for her nomination, her White House Counsel’s Office and Domestic Policy Council documents had been some of the few categories of documents that could have shed light on her legal thinking since she hadn’t had any judicial writings, meaning as a judge. Justice Kagan had written or joined a grand total of zero judicial opinions before her nomination. For those of us on the Senate Judiciary Committee to have carried out our constitutional advice and consent responsibilities as Senators, we had needed to better understand her legal thinking and potential jurisprudence.

Judge Kavanaugh, by contrast, has authored over 300 judicial opinions in his 12 years on the bench. That is over 300. That doesn’t include the hundreds of other decisions in which he has joined an opinion or some sort of order. When you add those to the mix, those are thousands of pages of judicial writings that the American people have access to at this exact moment. You don’t have to wait to get this information about Judge Kavanaugh. To the contrary, Justice Kagan, of course, had zero pages of judicial opinions. This is in addition to the 6,168 pages of records Judge Kavanaugh just included in his response to the Senate Judiciary questionnaire, which we put on the website last weekend for the whole public to view if it wants to know everything about Judge Kavanaugh as a judge and about the things of which he spoke and wrote documents about other than just his judicial opinions.

Despite the fact that Judge Kavanaugh’s judicial record is much more substantial than Justice Kagan’s was, I agree that we should still ask the White House for documents pertaining to Judge Kavanaugh’s time in the White House Counsel’s Office. My Democratic colleagues say they want the White House’s records. I am pleased to let them know that in the coming weeks, the Senate will receive what will likely be the largest document production in history for a Supreme Court nomination. I expect that the Senate could receive up to a million pages of documents that will be related to Judge Kavanaugh’s time in the White House Counsel’s Office. We will also see the White House’s nomination file for Judge Kavanaugh’s 2006 nomination to the DC Circuit—where, as I have told you, he now sits—along with records from Judge Kavanaugh’s time in the U.S. Office of the Independent Counsel. By comparison, we received fewer than 180,000 pages for Justice Kagan’s time in two White House offices.

Let’s recap. We have more than 300 of Judge Kavanaugh’s actual judicial opinions to Justice Kagan’s zero. We could have up to five times as many pages from his time in the White House as we received from Justice Kagan’s time, and we will have those documents despite the fact that they are less necessary now than they were for Justice Kagan. In short, there will be much more transparency in this Supreme Court confirmation process than ever before.

I am ready now to send a letter to the National Archives to request relevant White House Counsel documents. I would like to do this with the ranking member, but unfortunately she has declined this request. This is unfortunate. Both sides agree that the White House Counsel documents are relevant. I would like to get them over here as quickly as possible so we can begin reviewing them.

Yet, as I noted, the Democratic leadership has already decided to oppose

Judge Kavanaugh's confirmation. They would like to slow down the process as much as possible. I think that explains why the ranking member will not sign a letter that requests documents both sides want.

I have heard that some of my Democratic colleagues would like to request all of Judge Kavanaugh's records from his time as White House Staff Secretary, but these documents are both the least relevant to Judge Kavanaugh's legal thinking and the most sensitive to the executive branch. The Staff Secretary is the in-box and out-box of the Oval Office. Passing through the Staff Secretary's office is a wide range of communications that request things like flying the flag at half-mast to somehow including daily lunch menus, to draft speeches, to sensitive national security papers.

The Staff Secretary's primary charge is not to provide his own substantive work product; the Staff Secretary makes sure that the President sees memos and policy papers that have been produced by other offices in the White House. It is a very important job. It requires someone who is smart, someone who is hard-working, and someone who is talented.

The documents that passed through Judge Kavanaugh's office while he was Staff Secretary are not particularly relevant to his legal thinking or for the consideration of whether he should be on the Supreme Court. It is like saying, in a sense, that the Senate Secretary—someone who has a very difficult and demanding job—is responsible for all of the positions taken by each of the Senate offices. It is absurd.

The Senate should focus its efforts on reviewing his tens of thousands of pages of judicial opinions and other legal writings. Not only would a broad review of Staff Secretary documents be a waste of time, but it would also be a waste of taxpayers' money.

Moreover, Staff Secretary documents contain some of the most sensitive information and advice that went directly to President Bush from a range of policy advisers.

Back in 2010, both Democrats and Republicans agreed that Justice Kagan, because of the sensitivity of the documents, shouldn't produce internal communications while she was Solicitor General.

If we are going to talk about a Kagan standard, then we need to talk about taking sensitive communications off the table. That is what all sides had agreed to in 2010 and what I will insist on now.

I appreciate the minority leader's efforts to ensure some transparency and thoroughness, but let's get right down to brass tacks: I don't think the minority leader actually wants to read the millions of pages that crossed Judge Kavanaugh's desk way back in 2004 and for probably the 3 years he held the position of Staff Secretary.

The minority leader said he will fight this nomination with everything he

has, which proves what I have been talking about, and his request proves that he is willing to do that because this bloated document request is part of that fight. This is not about anything other than obstruction—to bury us under millions and millions of pages of paper so we cannot have a confirmation vote on Judge Kavanaugh this year.

Liberal, dark money outside groups want to drag this confirmation out just as far as they can—till the end of time. I will not let them. This confirmation process should focus on Judge Kavanaugh's qualifications, not become a taxpayer-funded fishing expedition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### NATIONAL FLOOD INSURANCE PROGRAM

Mr. KENNEDY. Mr. President, I am almost embarrassed to talk about what I am going to have to talk about today. Once again, in the U.S. Congress, we find ourselves only days away from causing a lapse in the National Flood Insurance Program.

The majority of Members of the U.S. Senate and the U.S. House of Representatives understand the importance of extending this program but sadly some don't. You can lead some people to water, but you can't make them think.

Without congressional action, ordinary Americans—the people who get up every day, go to work, obey the law, pay their taxes, and try to do the right things by their kids—are going to suffer. These folks work pretty hard to earn money to cover their mortgages, to pay their insurance premiums, to put food on the table, and to hopefully have a little extra when all is said and done.

The U.S. Government made a promise to these people, these taxpaying Americans, that if they pay their flood insurance premiums, we will have their backs when they have a flood. We are about to tell them we lied. When you lie to Congress, it is a felony. When Congress lies to you, it is just politics, and that is not right.

Unless we do something, the National Flood Insurance Program, the NFIP, is going to expire on July 31. Now, unless you are a rock—only dumber—that is in 8 days, including today.

Every once in a while, Congress seems to just decide that keeping our promise to the American taxpayer isn't worth the effort. What planet did we parachute in from that we can't even maintain the status quo on something that affects the lives of millions of people and helps more than 22,000 communities across this great country?

I am standing here today because the reauthorization of the NFIP has never been more urgent. Let me say it again. We have 8 days until disaster. If the NFIP is allowed to expire on July 31, Congress is going to be sending a clear message to the 5 million hard-working Americans who count on this program,

and that message is three words: We don't care. We don't care. The unfortunate thing is, I think some—it is a small minority, but some don't.

Last September, when Texas and parts of Louisiana were still reeling from Hurricane Harvey, one Member of the U.S. Congress actually said: "The federal government is encouraging and subsidizing people to live in harm's way . . . at some point, God is telling you to move."

Give me a break. Are you kidding me?

The fact is, 50 percent of our country's population and 50 percent of our country's jobs are along our coasts and waterways. Do you really think they ought to just move? Living near water is an economic necessity. People have been doing it since the beginning of time. It is as true for us now as it was in Biblical times that our economies and our livelihoods are tied to water.

Let's take the Mississippi River that runs through my State. Each year, it sustains more than 1.3 million jobs and generates more than \$405 billion in revenue. How many jobs are tied to the 12,000 miles of U.S. coastline? What do you think would be the economic impact if everyone who lived near one of the 3.5 million miles of rivers in this great country just picked up and moved tomorrow—as if they could afford to do so. Give me a break. I hope we never have to find out what would happen, but one thing is certain, nobody is going to move before July 31, when the NFIP expires, just because some Members of Congress erroneously think they ought to.

I want to make two other points. First, if Congress allows the NFIP to expire, it is going to stall thousands and thousands and thousands of home closings. That is right. Because the law requires it, many lenders require homeowners to carry flood insurance. If there is no NFIP, then there is no flood insurance. If there is no flood insurance, then there is no home sale.

The last time Congress chose to do nothing and let the National Flood Insurance Program expire, the NFIP lapsed for a total of 53 days. That was in 2010. Over those 2 months, each and every day, 1,400 home sales were canceled. That is every day. That is not total. That is every day. Think about how that is going to impact our economy. Isn't that special?

Just when we finally get the U.S. economy moving again, we are going to step on it by letting the National Flood Insurance Program expire. No wonder many Americans say—and I hear it all the time—yes, there are some good Members of Congress. We just can't figure out what they are good for.

I am also tired of hearing that the NFIP is being abused by rich people for their beach homes. I hear it all the time. That is a bunch of bovine waste. As a matter of fact, 98.5 percent—almost 99 percent—of all NFIP policies are in counties with a median household income of less than \$100,000, and 62

percent are in counties with a median household income below the national average of \$54,000.

You don't have to live near a body of water. If you get 22 inches of rain in 2 days, you are going to flood, even if you live on Pikes Peak. For those who live in a coastal State like my State or elsewhere on a floodplain, the reality is, the NFIP is the only place you can turn to protect your property. Floods are the most common and the most costly natural disaster. The damage that is done by hail, fire, wind, or a fallen tree is covered by a homeowner's insurance but not a flood. If you have a flood, it is not covered by your homeowner's policy.

The Federal Government made a promise. We promised more than 5 million Americans—half a million in my State alone—that we would have their backs. We promised them that if they would pay their hard-earned money into the National Flood Insurance Program through premiums, if they flooded, we would cover it. It is time we get our act together and keep that promise. The NFIP is just too important to be used as a political football. For millions of people in this country, in my State and elsewhere, this program is the only way they can protect their most valuable asset—their home—and, at a minimum, we owe those hard-working Americans some peace of mind.

I urge my colleagues to support S. 3128, my bill and the bill of BILL CASSIDY, the senior Senator from Louisiana. It will extend the National Flood Insurance Program for 6 months to get us through hurricane season. That is all it does. It just maintains the status quo. It doesn't change anything. It just says the National Flood Insurance Program we have today is going to be extended for 6 months to get us through hurricane season, while we in the Senate and in the House continue to work on a reform bill that would rework the NFIP and turn it into a program that looks like somebody designed it on purpose. That is all my bill and Senator CASSIDY's bill does.

We simply can't afford to let the folks in our at-risk communities down, especially those exposed during hurricane season. Truthfully, they deserve better from us.

#### NOMINATION OF JOHN FLEMING

Mr. President, I want to speak very briefly about a friend of mine who has been nominated by President Trump for a very important position in the Federal Government. This friend's name is John Fleming, and he has been nominated by the President to be Assistant Secretary for the Economic Development Administration at the Department of Commerce.

Dr. Fleming currently serves as the Deputy Assistant Secretary of Health IT Reform at the Department of Health and Human Services, and he has done a wonderful job. He has done such a great job that the President has asked him

to take on this program at the Department of Commerce.

Dr. Fleming is a public servant's public servant. He is a four-term Member of the U.S. House of Representatives. He is a physician. He went to the University of Mississippi, undergraduate and medical school. He is an entrepreneur and businessman. Aside from his family medical practice, his businesses support about 600 jobs in my State.

After Dr. Fleming finished at Ole Miss and finished med school, he enlisted in the U.S. Navy. He served there in the Medical Corps.

During his time in the House of Representatives, Dr. Fleming was a champion of our economy, a champion for families, and a champion for our veterans. He is a skilled physician, he is an experienced entrepreneur, and he is a good guy. I know Dr. John Fleming and his family well, and I am honored to be able to endorse his nomination.

Just to show you that he is well-rounded—I forgot this—John also has a black belt in karate. I am not sure when he has time, but he is a well-rounded guy.

I have no doubt—none whatsoever—that Dr. Fleming is well qualified to be a very fine Assistant Secretary of the Economic Development Administration, and I endorse his nomination categorically and unconditionally.

Thank you.

The PRESIDING OFFICER. The Senator from Connecticut.

#### HEALTHCARE

Mr. MURPHY. Mr. President, we are on the verge of the 1-year mark since the U.S. Senate attempted to take away healthcare from 30 million Americans and was told no by the American public.

For virtually the entire time, since the passage of the Affordable Care Act, Republicans in the House and in the Senate engaged in an exercise that was futile while President Obama was in office but then was made possible by the election of Donald Trump—that was the repeal of the Affordable Care Act, which extended care to 20 million Americans who weren't guaranteed that health insurance would actually cover the things they needed and protected people who were sick or people with preexisting conditions from discrimination.

When Republicans finally took over, they realized they had spent a whole lot of time criticizing the Affordable Care Act but not a lot of time figuring out what would come next, and most of 2017 was spent in an embarrassing series of proposals that, according to the Congressional Budget Office, would uninsured somewhere in the neighborhood of 20 to 30 million people.

Finally, when a vote was called on the floor of the Senate, just enough Republican Senators chose to side with the American people, who want to maintain the protections of the Affordable Care Act and work to perfect it, that the bill failed by one vote. That 1-

year mark will occur this weekend on Saturday.

So a few of us wanted to come to the floor today to talk about what has happened since that fateful vote a year ago that was, frankly, celebrated all across this country, as folks who were deeply fearful that their healthcare was going to be ripped away from them by the Congress realized they might be able to rely on it for at least another year.

Let me set the stage, first by reminding people of the promises that were made. This is President Trump shortly after his election and just before his swearing in. He said:

We're going to have insurance for everybody. People covered under the law can expect to have great healthcare . . . much less expensive and much better.

That is a clear promise that the President made: Everybody is going to have insurance. It is going to be less expensive, and it is going to be better—more insurance, less expensive, better quality.

The vote that took place a year ago this Saturday would have done exactly the opposite. It would have kicked 30 million people off of insurance. It would have driven up costs for millions of Americans—especially those people with preexisting conditions. Coverage would have been much worse, not much better, in part because people with preexisting conditions wouldn't be able to access care.

So this promise never came true because of the vote that we took a year ago this Saturday.

But, occasionally, the President does say something that is true. This is a picture of the celebration that the House of Representatives had at the White House the day they voted on the proposal that would rip away healthcare from 30 million Americans, before the vote that took place here in the Senate. There are a lot of smiling faces of Members of Congress who were so excited that people who had cancer or people who had diabetes would be unable to get healthcare insurance.

This quote is not actually from this press conference. It is from a rally that the President held just a few weeks ago. He was talking about the fact that JOHN MCCAIN and some others voted against that proposal on the Senate floor, which caused it to fail. He said—these are the President's words: "It's all right, because we have essentially gutted it"—the Affordable Care Act—"anyway." "It's all right, because we have essentially gutted it anyway."

So that summarizes what has happened since the failed vote on the floor of the Senate a year ago. President Trump and his Republican friends in Congress, all smiling behind him, have gutted the Affordable Care Act, not because they want better healthcare for people but because they are just angry that they couldn't get the votes to do it here in Congress. So they are doing it by other means.

So a few of us are going to be on the floor to talk about what has happened in the last year.

I actually think that most of my colleagues do want better healthcare for their constituents, but I don't understand how any of what has happened, either through legislative act or through administrative action, gets us there—gets us to that promise that President Trump made in January of 2017.

Here is what is going on. First, the President signed an Executive order saying that all of his agencies should start to take their own actions to unwind the protections of the Affordable Care Act. Then he stopped the marketing for the Affordable Care Act so that less people would know about the options that were available to them. Then the President came to Congress and worked with Republicans to take away one of the most important pillars of the Affordable Care Act—the requirement that healthy people buy insurance. That action alone will result in 13 million people losing insurance and rates going up for 10 million Americans.

Most recently the President authorized the sale of junk insurance plans all across this country—plans that don't have to cover mental health or prescription drugs or maternity care.

He then cut funding even deeper for the personnel that help you find what insurance is right for you, and he instructed the people that remain to push Americans onto the junk plans.

Then the President sent his lawyers to court to argue that Congress actually can't protect people with preexisting conditions because it is unconstitutional, which would wipe out all of the protections that people enjoy today.

So it is really no mystery as to why, as the 2019 premium increases are coming out, they are catastrophic. They are catastrophic. Fourteen States have insurance companies that have requested premium increases of 10 to 20 percent. Connecticut is one of those. Five States have insurance companies that requested premium increases of 30 percent or more. Think about that for a second: 30 percent or more. Who can afford a 30-percent or a 40-percent increase in premiums? One insurance company requested a 94-percent increase in rates.

In 21 of the States that have rates filed already, the insurers said the reason they are doing this—the reason they are passing along enormous premium increases—is because of the sabotage campaign that is being run by the President and by this Congress, all or most of it occurring since the failure of the repeal vote a year ago.

It is all right, says the President. We didn't need to repeal the Affordable Care Act. That vote that we are marking the 1-year anniversary of doesn't really matter because we have essentially gutted it—the Affordable Care Act, the American healthcare system—anyway.

So, finally, before I turn this over to the ranking member on the HELP

Committee, I just want to talk about the next phase of the sabotage campaign.

If Republicans in Congress can't get the American people to support a legislative act to repeal the Affordable Care Act, the next hope is for the courts to do it. That is why the nomination of Brett Kavanaugh is so critical to this continued campaign of trying to undermine the Affordable Care Act, because you probably can't get the majority of Members of Congress to wipe away protections for people with preexisting conditions, but maybe you can get the Supreme Court to do it.

There is a case that I just referenced that the Trump administration is supporting, moving its way through the courts, that would invalidate—constitutionally invalidate—Congress's protections for people with preexisting conditions. These are people with cancer, diabetes, heart disease, mental illness, cerebral palsy, Crohn's Disease, ALS, addiction, Lupus, epilepsy, Parkinson's, and the list goes on.

President Trump made clear during the campaign that he wasn't going to pick a judge in the mold of John Roberts, who would uphold the Affordable Care Act. He was going to pick judges that would rule with him to strike down the Affordable Care Act. That is also probably why he outsourced the decision on whom to pick for this vacant slot to political groups like the Heritage Foundation.

So the expectation is that Brett Kavanaugh will deliver one of those five needed votes to strike down the laws on the books, which Congress can't find the votes to override, protecting people with preexisting conditions. The Supreme Court could take away your healthcare if you have a history of any of these diseases, and, if that happens, the results are lethal. If you have metastatic cancer and you don't have the protection in the law that says insurance companies can't charge you more because you are sick, a recent study shows that you will be charged a rate of \$142,000 higher than what you pay today. If you are an individual with diabetes, your increase could be 137 percent on top of what you are paying now.

So these are the stakes. These are the stakes as we prepare to vote on Judge Kavanaugh's nomination, and it is all in service of this very intentional, very deliberate, very planful campaign of sabotage.

A year ago this Saturday the American people got their way, and this body decided not to repeal the Affordable Care Act because people like the fact that 20 million people have insurance. People like the fact that people with preexisting conditions are protected. That night, the American people got their way, but since then, the President and this Congress have been working to undermine it, and the next step in that plan is the elevation of Brett Kavanaugh to the Supreme Court. It is important for us to come to

the floor and explain what the stakes are.

I yield is floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from Connecticut. I, too, join him in being very proud, as we were a year ago, to see Congress stand with families across the country who did not want to see their healthcare rolled back.

A year ago, as Senator MURPHY said, President Trump tried to make good on his campaign promise to repeal the Affordable Care Act and to jeopardize healthcare for millions of people. A year ago, the President tried to jam TrumpCare through Congress. It was a harmful, mean-spirited bill that would have spiked premiums and gutted Medicaid and scrapped protections for people with preexisting conditions, which would put families back at the mercy of big insurance companies.

But people across the country stood up, they spoke out, and they made it absolutely clear that they did not want President Trump to take away their healthcare or give power back to those insurance companies.

During that debate, I heard personal stories from patients and families all over my State of Washington who were concerned about TrumpCare because it would make it harder to get the care they needed.

I heard stories like Julie's. Julie has a genetic condition. As a result of that, she has had four—four—different types of cancer. She has had four different organs removed during treatment. She has had her diet severely restricted, and her life has dramatically changed. But she is a fighter. She had excellent care, and she ultimately won each of those four battles with cancer.

However, without protections for people with preexisting conditions, her healthcare costs could skyrocket. If President Trump had his way, Julie could not get the care she needed, and, by the way, she is not the only one.

I also heard from families like the family of a woman named Vanessa. When Vanessa was pregnant, she learned that her daughter would be born with significant health challenges. In fact, her daughter Cheyenne had her first surgery when she was just 20 days old, and she would have two more before her very first birthday. Even though Cheyenne was born with preexisting conditions that would be costly to treat for years to come, Vanessa, her mom, was able to get insurance through our State exchange and get her daughter the care she needed. But if President Trump had his way, that might not be possible.

Last year, in the midst of the TrumpCare debate, I shared Vanessa's story, Julie's story, and many stories from families in Washington State, and I heard even more that I would love to share. People from other States across the country were also reaching out and letting their Senators know how damaging TrumpCare would be for their

family and urging them to vote against it. It worked.

Last year we came together and gave President Trump's healthcare repeal scheme a big thumbs down. Unfortunately, that has not stopped President Trump from doing everything he can to sabotage families' healthcare from the Oval Office.

When he couldn't jam through TrumpCare, instead he jammed through a partisan tax bill that gave cuts to big insurance companies and drug companies and paid for them with steps that even his former Health and Human Services Secretary confessed would drive up families' premiums.

He slashed investments that help people understand their healthcare options and get coverage.

He handed power back to the insurance companies by expanding loopholes for junk plans and making it easier to ignore patient protections, including protections, by the way, for women, for seniors, and for people with preexisting conditions.

The Trump administration is even refusing to defend preexisting protections in court, both abandoning its duty to defend the law and ignoring the will of the people across the country who want them to fight for these protections.

While President Trump has broken a lot of promises, it is clear that he has never wavered in his promise to undermine healthcare for our families, and he has never failed to put insurance companies ahead of patients.

That is why his decision to nominate Judge Kavanaugh to the Supreme Court is such an alarming omen for families' healthcare.

As a candidate, President Trump left no question that he would nominate far-right Supreme Court Justices who would strike down the Affordable Care Act and jeopardize care for millions of families. To be sure that candidates met that extreme ideological standard, he had them vetted by extreme, ideological conservative groups.

We know that President Trump chose Judge Kavanaugh because he has no doubt that Kavanaugh will support his efforts to sabotage family healthcare and make it harder for people to get the care they need.

We know that preexisting condition protections are on the line.

We know that stopping Kavanaugh's confirmation isn't a matter of partisan politics. For many families in our country, it is a matter of life and death.

We know we can stop it if people across this country do exactly what they did to beat TrumpCare—stand up, speak out, and make clear that families who didn't want their healthcare stripped away last year don't want it stripped away this year either. I have heard from many families concerned about this, and I know others are sharing their stories as well.

So I hope that our Republican colleagues are listening even more closely

than they were last year and that more of them will join us on the side of patients and families, not the President on the side of insurance companies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I thank my colleagues from Washington and Connecticut for being here, for speaking out, and for being so remarkable in their persistence in defending America's concerns about healthcare. I want to add my voice for just a few moments, if I might.

Let me look back 8 years to when I first joined the Senate in 2010. At that point, the Affordable Care Act was barely a year old. Since then, in the early years of the Affordable Care Act, we saw some very positive patterns: More Americans gained access to health insurance; the growth of healthcare costs slowed; insurance markets put in place under the ACA proved to be resilient, despite repeated challenges. As a result of the ACA, 20 million more Americans, including 38,000 Delawareans, gained access to high-quality, comprehensive healthcare coverage.

It is through the ACA exchange that my own family and I get our healthcare, and so many others in Delaware have a chance to get access to healthcare. The 190,000 people, in my little State of 900,000 people, who have preexisting conditions no longer had to worry about being denied coverage, and lifetime caps were a thing of the past. This matters; it has saved lives.

Just listen briefly to the story of Nicole from my little hometown of Hockessin, DE, a small farming town of just a few thousand people. Nicole's 3-year-old daughter was born with cystic fibrosis, a horrible disease that robs children and people of the ability to breathe. Nicole's 3-year-old daughter with cystic fibrosis spent at least an hour a day getting breathing treatments from her mother. At \$5,000 a month for her medications—not cheap—Nicole was confident that without the ACA she would have exceeded her annual caps and her medical expenses well before the end of the year.

Nicole, in reaching out to me, made it clear that without the consumer protections of the Affordable Care Act, she would have had one of three choices: hope she would qualify for Medicaid—unlikely, due to her income; go into debt to pay for her daughter's treatments; or stop giving her daughter some of the medication she depends on to save her life. All of that assumed that her daughter's cystic fibrosis wasn't considered a preexisting condition that would prevent her from getting any insurance at all. Because of that circumstance, Nicole's story exemplifies the life-changing gains and positive trends that the ACA provided.

Unfortunately, there were some other challenges as well, which I will summarize quickly, that have developed over time.

Let me transition to where we are today. Today we are in a place where, just a year ago, consistent, repeated efforts after the 2016 election by Republicans in Congress to repeal without a plan to replace the ACA resulted in a situation where, as my colleague from Connecticut has laid out, the Trump administration has done its best to roll back ways in which progress was made to extend quality, affordable healthcare to more Americans.

After a number of efforts to repeal the law failed last year, thanks to the American people who stood up and had their voices heard, the administration has decided to take a different approach—a slow and steady unraveling and undermining of the protections that made the ACA work.

It started with a decision to stop cost-sharing reduction payments, which help working families afford their premiums and access care. It continued when they changed the rules and encouraged people to sign up for plans that didn't have all the benefits and consumer protections of the ACA—really, junk plans—which made it possible to bring back discrimination against women and those with preexisting conditions. It culminated last month with something that was done in a fly-by-night way and may not have been visible at all to my constituents and viewers: a decision to no longer defend the core components of the ACA in court, including protections for those with preexisting conditions, in a lawsuit brought by 20 attorneys general from States that overwhelmingly opposed the ACA. This decision was so shocking that three career Justice Department attorneys withdrew from the case, and one with over 20 years' experience resigned from his job. Make no mistake, this was the administration sabotaging the ACA and our healthcare system. President Trump even admitted at a campaign event, just cited by my colleague from Connecticut, that he had gutted the ACA.

This may resonate with the President's base. It may resonate with people he hopes will vote him back into office in the future election. But for millions of families across the country and in my home State, losing protections against preexisting condition discrimination is a death sentence.

It would be devastating for Nicole and her daughter, whom I described before. It would be devastating for Kim from my hometown of residence, Wilmington, a thyroid cancer survivor who is now able to get insurance. Because her cancer isn't considered a preexisting condition under the Affordable Care Act, she is not subject to preexisting condition discrimination. In my small State of Delaware, gutting protections for preexisting conditions would leave one in five at risk of skyrocketing health insurance costs or losing coverage altogether.

This lawsuit impacts every corner of America's healthcare system, and the



fact that our administration is not defending the law of the land is a shocking development. It impacts not just those who get their healthcare through the ACA exchanges. It would impact 150 million Americans who get their health insurance through their employer because it would eliminate protections against lifetime and annual limits on care. It would impact seniors on Medicare who would see increased prescription drug costs. It would impact Americans who depend on free preventive services, like cancer screenings and flu shots, because those policy components of the ACA would be eliminated. It would impact young people who would lose the right to stay on their parents' health insurance until age 26.

These are just a few of the devastating impacts if the Texas v. United States lawsuit is successful in ripping out what is left of the protections of the ACA. It would have a real and tangible impact on families in my State of Delaware and across our country. That is why I am glad to support a resolution proposed by my colleagues Senators MANCHIN, CASEY, McCASKILL, and others to defend the constitutionality of preexisting condition protections in our healthcare system. This is critical to the well-being and the health of the families we represent.

My Democratic colleagues and I know the ACA was not perfect when passed. I have heard from small business owners in my home State about some of the limitations due to increases in cost and the ways in which they wish we had a more robust tax credit for small businesses, ways they wish we would work together to perfect the ACA. That is why I came to the floor time and again in my first 4 years here, seeking colleagues across the aisle who were willing to work with us to make the Affordable Care Act better.

Instead of working to tear down the ACA, we should have been working to address challenges with affordability and coverage, increasing tax credits for small businesses, and making it stronger and more sustainable. Instead of sabotaging the care millions of Americans have depended on, we should have ensured there was more competition in the marketplace, especially in small States like my own. I wish we had, instead, taken a path of pursuing commonsense regulatory reforms and cost containment efforts to slow the rate of growth of healthcare costs.

It is not too late for that. It is still not impossible that we could set aside the divisive partisan rhetoric and that this administration will abandon its underhanded attempts to sabotage this healthcare law and, instead, focus on pursuing constructive, bipartisan fixes.

The bottom line is the Affordable Care Act has helped millions of Americans—like Nicole and Kim, whose stories I shared with you—live healthier and more secure lives. I am not optimistic, but I insist on remaining hope-

ful that there is still time for us to do our job on a bipartisan basis and secure healthcare for all of America.

As happened roughly a year ago next month, the floor of this Senate can still be moved by the voices of Americans who would say to this administration: Stop your refusal to defend the ACA. Let's move forward in a positive way, together.

I yield the floor.  
The PRESIDING OFFICER (Mr. RUBIO). The Senator from New Jersey, Mr. MENENDEZ. Mr. President, today I join my Democratic colleagues to condemn the Trump administration's efforts to sabotage the Affordable Care Act.

Not so long ago, Donald Trump ran for President, promising better, cheaper healthcare for everyone. But instead of making anything better, President Trump is making everything in this regard worse.

Big corporations are raking in trillion-dollar tax cuts while the forgotten Americans the President promised to protect are drowning in higher premiums, higher deductibles, and higher prescription drug costs. It is time to call out who is responsible for those soaring healthcare costs.

Make no mistake, while the media is riveted on the President's every tweet and the Russia investigation's every turn, the Trump administration is doing everything it can to make healthcare less affordable and less accessible to the American people.

When you turn on the news, you don't hear about the millions of Americans who have lost their coverage under President Trump's watch. You don't hear about how prices for the top 10 diabetes drugs have spiked over 25 percent, despite the President's wild claims that drug companies will voluntarily lower their prices. You will not hear about the administration's cynical efforts to destabilize our insurance markets and send premiums skyrocketing, like the Health and Human Services Department's recent freezing of the risk adjustment program.

Look, healthcare policy may be complicated, but there is nothing complicated about the idea that healthcare is a human right. There is nothing controversial about the idea that cancer patients shouldn't be price gouged as they battle the worst illness of their life. There is nothing radical about the idea that in the most prosperous country on Earth, every American deserves quality, affordable healthcare.

I know my Republican colleagues have no desire to remind voters how they spent the past year, but the American people aren't going to forget it. They aren't going to forget how many times Republicans spent in a year pushing policies that would have left 32 million people uninsured, with vote after vote after vote to repeal the Affordable Care Act. They aren't going to forget how Republicans tried to defund Planned Parenthood and deny millions of lower income women access to basic care.

They aren't going to forget how TrumpCare would have slapped older consumers with a punishing age tax and eliminated the Affordable Care Act's essential health benefits provision, which requires all health plans to cover basic things like prescription drugs, maternity care, and visits to specialists. They aren't going to forget how TrumpCare slashed tax credits that helped middle-class families purchase coverage or how it would have ended Medicaid as we know it, abandoning seniors in nursing homes, pregnant women, disabled Americans, and the most vulnerable.

Nor will Americans forget how President Trump turned his back on patients with preexisting conditions—which basically means someone had an illness in their life or was born with a birth defect and, therefore, had what insurance companies considered to be a preexisting condition that they could discriminate against and either not provide insurance coverage or have skyrocketing costs in order to get the coverage.

As a candidate, and then as President, Trump promised again and again that he would uphold protections for preexisting conditions. He went so far as to say that TrumpCare would be "every bit as good on pre-existing conditions as Obamacare." So much for that. The Trump administration is now, as we speak, arguing in a Federal court that these protections are unconstitutional, and you can guess what Republican colleagues in Congress are doing about it—absolutely nothing.

Instead of working to make healthcare more affordable, they are cheerleading efforts by the Trump administration to push junk insurance plans on consumers, ignoring the attacks on our health insurance markets that have sent premiums skyrocketing, and standing in silence as the Trump administration makes the case that the Affordable Care Act's protections for preexisting conditions are unconstitutional.

Republicans' reckless abandonment of families with preexisting conditions is even more concerning, given President Trump's nomination of Judge Brett Kavanaugh to the Supreme Court. This is a judge with a long history of ruling against consumers, siding with corporate interests, and assailing the constitutionality of the Affordable Care Act. If Republicans were really concerned about protecting patients with preexisting conditions, they would put the brakes on this nomination. Instead, they have left the health and financial security of millions of patients with preexisting conditions in the President's hands.

There are nearly 3.8 million people in my home State of New Jersey with preexisting conditions. I have had the opportunity to meet with some of them in recent months. They are outraged that we are even having this debate. They are afraid this President could take us back to a time when having a

history of asthma or diabetes meant being denied coverage or dropping your plan at any moment.

Let me tell you about the folks I met with recently in Belleville, NJ. I heard from Ann, who is a survivor of sexual assault and today suffers from post-traumatic stress disorder. If President Trump gets his way, insurers could once again charge her more for coverage. I can't think of a clearer instance of victim-blaming than charging victims of sexual assault higher premiums because of the trauma they endured.

Then there is Mirnaly, who was 7 months pregnant when she suffered her first stroke. Years later, she suffered another stroke while caring for her autistic son. Without the Affordable Care Act, insurance companies could deny coverage to moms like her who have had complicated pregnancies.

And of course there is 4-year-old Ethan, who is more concerned about which dinosaur to play with than the pacemaker that is keeping him alive. Before the Affordable Care Act, children like Ethan were blacklisted from insurance companies for life. How do you tell a 4-year-old that his President no longer believes in protecting children like him? I wish my Republican colleagues could answer that question for Ann, Mirnaly, and for Ethan—as a matter of fact, for all of us.

Fortunately, the American people are smarter than the majority gives them credit for. They know what is at stake. They know who is responsible for soaring prescription drug costs, for sky-high deductibles, for shrinking paychecks, and for soaring insurance premiums. It is the people in charge.

The Republican Congress has had ample time to deliver better, cheaper health coverage to all Americans. Instead, they have used every moment to try to force consumers to pay more for less care. They have refused to protect patients with preexisting conditions. They have shown zero interest in helping struggling families pay their bills.

They have handed trillion-dollar tax cuts to big corporations and wealthy CEOs. Big old corporations aren't using this windfall to raise wages. Health insurance companies aren't using this money to reduce premiums. Drug companies aren't using this money to lower prices.

Republicans said the Trump tax cuts would grow paychecks and solve all of our economic problems. Thus far, corporations have spent \$650 billion buying back their own stock while workers' wages shrink in the face of soaring costs. Republicans promised the Sun and the Moon with these tax cuts, but here on planet Earth, we know that trickle-down economics doesn't work. In all my years serving the people of New Jersey, I have never seen a corporate tax cut pay for a colonoscopy or cover a cancer patient's prescription drugs.

Americans deserve real solutions that will protect their families from

rising premiums, deductibles, and prescription drug bills. Democrats are committed to delivering on those solutions. We have always been crystal clear about what motivates our work on healthcare. We believe that all Americans deserve affordable healthcare, no matter where they live, how much money they make, or what healthcare conditions they face. That is what I have spent my life fighting for, and I won't stop until we achieve universal coverage for every man, woman, and child across this great Nation. In 2018, voters are going to remember who fought to protect affordable healthcare and who worked relentlessly to undermine it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 3407 AND 3430 TO AMENDMENT NO. 3399

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following amendments be called up en bloc and reported by number: Schatz amendment No. 3407; Kennedy amendment No. 3430. I further ask consent that following the remarks of Senators Baldwin, Durbin, Schatz, and Kennedy, the Senate vote in relation to the Schatz and Kennedy amendments in the order listed and that there be no second-degree amendments in order to the amendments prior to the votes.

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

The clerk will report the amendments by number.

The bill clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for others, proposes amendments numbered 3407 and 3430 en bloc to amendment No. 3399.

The amendments are as follows:

AMENDMENT NO. 3407

(Purpose: To provide for a report on facilities of the Department of the Interior damaged by certain volcanic eruptions)

At the appropriate place in division A, insert the following:

DAMAGE TO DEPARTMENT OF THE INTERIOR FACILITIES BY VOLCANIC ERUPTION

SEC. \_\_\_\_\_. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report on each facility and related infrastructure of the Department of the Interior damaged by a volcanic eruption covered by a major disaster declared by the President in calendar year 2018 in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) (referred to in this section as a "covered facility").

(b) The report submitted under subsection (a) shall include—

(1) an inventory of all covered facilities;

(2) a description of—

(A) any closures of covered facilities; and

(B) the estimated impact on visitorship to covered facilities open to the public as a result of a volcanic eruption; and

(3) a plan—

(A) to restore or replace covered facilities; and

(B) to restore visitorship levels to covered facilities open to the public to historic visitorship levels.

(c) In preparing the plan required under subsection (b)(3), the Secretary of the Interior shall—

(1) engage the community in which the covered facility is located, including the State and units of local government; and

(2) include the estimated costs of carrying out the activities described in the plan.

AMENDMENT NO. 3430

(Purpose: To provide amounts for inspection of foreign seafood manufacturers and field examinations of imported seafood)

On page 370, line 20, insert ", of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood" after "Affairs".

Ms. MURKOWSKI. Mr. President, for the information of all Senators, we expect these votes to occur shortly after 6 p.m.

The PRESIDING OFFICER. The Senator from Wisconsin.

HEALTHCARE

Ms. BALDWIN. Mr. President, I rise today to join my colleagues because this week marks the 1-year anniversary of Senator MCCAIN's casting the deciding vote against the healthcare repeal legislation.

I, too, voted against that legislation, as I did on a number of very partisan efforts by President Trump and congressional Republicans. I did so because the people of Wisconsin did not send me to Washington to take away people's healthcare coverage. They have consistently sent a clear message that they want us to work across the party aisle to make things better and not worse.

As I said throughout last year's debate and have said to this day, the people of Wisconsin want both parties in Congress to work together to make things better by stabilizing the health insurance market, making healthcare more affordable, and taking on rising prescription drug prices.

I strongly believe that if both parties look past the partisan debate in Washington, we can find common ground on solutions that work for the American people. Each and every one of the healthcare repeal bills that were pushed by the President and congressional Republicans faced opposition from the American people because all of them would have done the same thing—they would have taken healthcare coverage away from millions of Americans and made people pay more for less care. They would have gutted protections for those with preexisting conditions. They would have forced older adults to pay an age tax. They would have cut benefits for Medicaid for our most vulnerable people, like senior citizens and even our veterans. Put simply, this would have taken us back to the days when insurance companies set the rules.

Wisconsin families and families across our entire country let their voices be heard to the Congress, people like Chelsey from Seymour, WI, whose daughter Zoe was born with a congenital heart defect and had to have open heart surgery within 5 days of her birth. Chelsey wrote to me and said: "I'm pleading to you as a mother to fight for the . . . kids in Wisconsin with preexisting health conditions."

Together, we fought to protect the guaranteed healthcare protections that people depend on. Together, we fought the repeal plans to cut and cap Medicaid, putting care at risk for everyone who depends on it, from a loved one who depends on Medicaid for nursing care, to a disabled child who relies on Medicaid funding at school. Together, we fought repeal plans that would have increased the number of uninsured Americans.

Even defeating the legislative efforts that would have made things worse for our families didn't end the threat to the American people. President Trump has been trying to do what congressional Republicans couldn't. He has been sabotaging our healthcare system by undermining the guaranteed health protections and access to affordable care. He ended the critical cost-sharing reduction payments that make healthcare more affordable for almost 90,000 Wisconsinites. His administration again slashed funding to States for outreach efforts that help more people sign up for healthcare. Trusted navigator programs like those in Wisconsin have had their funding cut by nearly 90 percent in the last 2 years. This will mean fewer people in rural Wisconsin will receive the support they need to obtain affordable coverage.

President Trump's sabotage of the healthcare market has created severe instability and already contributed to a 36-percent premium spike in Wisconsin this year.

This damage is not enough for Trump's administration, as it has also proposed a plan to allow insurance companies to sell what we call junk plans that could increase costs and reduce access to quality coverage for millions of Americans, harm people with preexisting health conditions, and force premium increases on older adults. These junk plans once again let big insurance companies write the rules and could exclude basic care, including hospitalization, prescription drugs, mental health services, substance abuse treatment, and maternity care.

It still does not end there. Legislative repeal efforts and executive branch sabotage have now moved to the judicial branch. Wisconsin's Governor and attorney general sued to strike down the entire Affordable Care Act last month. Last month, the Trump administration supported this repeal effort by going to court to take away guaranteed protections and raise costs for Americans with preexisting conditions. If the lawsuit succeeds, insurance companies will once again be able to discriminate against people with preexisting conditions by denying them coverage or charging exorbitant premiums.

President Trump is threatening guaranteed and affordable healthcare coverage for more than 133 million Americans and over 2 million Wisconsinites with preexisting conditions. In fact, as a Kaiser Health report made clear last

week, if the Affordable Care Act's protections for people with preexisting medical conditions are struck down in court, Wisconsin is among a number of States that have the most to lose. According to Kaiser, one out of every four Wisconsinites has a preexisting condition, and they cannot afford to have the healthcare they depend on threatened. When I was a child, I was branded with the words "preexisting condition" after a serious childhood illness.

I am going to continue fighting to make sure that no family has to choose between helping their child get better or going bankrupt. Again, the people of Wisconsin did not send me to Washington to take away people's healthcare, and I will continue my fight against these relentless efforts to make things worse for Wisconsin families.

This issue is personal to me. I know it is very personal to the individuals and families in Wisconsin. No parent, no grandparent, no foster parent should lie awake at night wondering if the healthcare they have for their child today will be there tomorrow. That is why I will continue my work to protect it.

Last year, the American people sent a loud message to Washington. I heard it. And they are sending the same simple message today: Protect our care.

I yield, Mr. President.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, it is interesting—I listened to my colleague from Wisconsin, which is my neighboring State, talk about her personal and family experience with healthcare. I think every one of us has a story—it is our own personal story—or knows somebody in our family who has a medical history, tells a story of whether they had the proper care at the proper time, whether the family could afford it. And then there is the big question: Can you buy health insurance if you have a child with diabetes, if you have a wife who is suffering from cancer and survived? Can you buy health insurance?

The interesting thing—I bet the Senator found this because I know she is traveling all over her State of Wisconsin—this issue doesn't go away because people's worry over it doesn't go away. They are worried about whether they can afford to buy good health insurance. They are worried about whether they can afford to buy prescription drugs. It is that insecurity, that economic insecurity about healthcare that really continues to make this the biggest issue year in, year out in America.

I thank my colleague from Wisconsin for telling her story and for really giving my speech. So I am going to condense it and just say a few things she might not have touched on. And I thank her for her contribution earlier today.

It happened in my life at a very early age. My wife and I got married. I was

in law school. God sent us a beautiful little girl, and she had a very serious medical problem. We were living here in Washington, DC, and didn't have health insurance. I want to tell you that you have never felt more helpless in your life than to be a new father with that brand-new baby who desperately needs medical care and not have health insurance. I will never forget it as long as I live. I lived in such fear from that point forward of not having health insurance coverage that I did crazy things—getting health insurance at two different places of employment just to make sure I never lost it. It scared me that much, and I still remember that fear. I wonder if the people who are debating this issue about the Affordable Care Act ever lived through it themselves, because if they did, they wouldn't be standing here saying that we can do away with the Affordable Care Act.

We know what happens if you eliminate the Affordable Care Act. Millions of Americans lose their health insurance. Millions of Americans find health insurance not affordable. Millions of Americans are desperate for protection, no longer have it, and can't access the most basic, quality healthcare that every American should expect.

We had this debate. A new President came in and said: The first thing I am going to do is to get rid of ObamaCare, to get rid of the Affordable Care Act. Well, the obvious question was this: Could he do it?

It looked like he might be able to. The Republicans controlled the House and the Senate, and when they were in the majority with a Democratic President, at least on 50 or 60 different occasions, the House Republicans voted to abolish ObamaCare.

It was pointless because the Senate wasn't going to take it up, and the President would never sign that bill into law, but you knew what the sentiment was. We are getting rid of it. We are getting rid of it. We heard about that year after year. We passed the Affordable Care Act in 2010, and for year after year all the Republicans could say was this: Get rid of it. Get rid of it.

Then came that moment when, figuratively, the dog caught the bus, and they had an opportunity to present on the floor of the Senate an alternative. What is it that you want to replace the Affordable Care Act with? We said to our Republican friends: You are elected to this body as legislators. Let's see your legislation.

It turns out that they didn't have any. They just wanted to make sure ObamaCare was gone, but they couldn't find a replacement, and they couldn't answer the basic question as to how they would provide health insurance—or affordable health insurance—for the millions of people who would lose coverage.

I remember the night—it was early in the morning it was—when we had the vote—the vote—on whether to eliminate ObamaCare. Two Republican Senators had already voted with us, but

the critical third vote walked in that door, and his name was JOHN MCCAIN. He stood in that well and give a “no” sign with his thumb, and that was it. The Affordable Care Act lived for another day.

Thank goodness he did it. Thank goodness he and two of his colleagues had the courage to do it, to stand up and say: If you can’t replace ObamaCare with something better, for goodness’ sake, stick with it, fix it. That didn’t happen.

After that vote, there was a determined effort at every level of the Trump administration to do away with ObamaCare. If they couldn’t kill it on the floor of the Senate, they were going to kill it in many different ways.

They limited the period of time when you signed up to renew your health insurance. They wanted to have fewer and fewer days available, hoping fewer and fewer people would take advantage of it.

They eliminated the navigators, the advisers who help people pick the right health insurance plan. They didn’t want to give advice. They closed down the telephones to the agencies, where people would call saying: Well, what is my right under the Affordable Care Act?

They did everything they could think of to eliminate ObamaCare and make it more difficult for people to sign up for it, but still people signed up. Many people realized it was their only chance—their only chance—to get health insurance.

The Trump administration and Republicans in Congress are determined to this day to get rid of it, and they have a new approach. If they can’t kill it outright in the Senate and they can’t kill it by President Trump’s tweets, they are going to kill it in court.

Here is what they decided to do. Twenty attorneys general, starting with Texas—and I see my friend from Texas on the floor; the leading attorney general is from Texas—filed a lawsuit. Here is what they said. It is unconstitutional to say that you cannot discriminate against people because they have preexisting conditions.

Now, those are three negative words. So let me try to translate this Helsinki style into something you might understand.

What they basically said is this: We don’t believe the Constitution can stop an insurance company from discriminating against people with a medical history, and we are going to court to prove it. And they have, with the support of the Trump administration.

They are trying to find a way to eliminate the protection of people with preexisting conditions so that they can buy affordable quality health insurance.

What an amazing mission that is—that these attorneys general and this administration want to find a way to deny health insurance coverage to millions of Americans or make it so expensive that they could never afford it.

What are they thinking? Don’t they represent the same flesh-and-blood Americans as everyone else? Don’t they represent families, as I do, and all of us do, who have someone in their family with a medical history? I guess a third of American families qualify for that. Yet they want to say that those people should be discriminated against. Why? Because of the misfortune they had of being born with a congenital birth defect or the problem they had because they conquered cancer but all-ways worry about its coming back.

These are the things that my Republican friends say: Well, that is the way it goes. Good luck in the insurance market. We are not going to protect you.

They say what it is all about is choice. It is pretty easy to have good choices in life when you are healthy or wealthy. But if you don’t fit in those two categories, your choices are extremely limited. People find themselves with only bad choices if they are not healthy or wealthy and they don’t have the protection of the law. They find health insurance premiums they cannot afford. When they find a premium they can afford and start to look at the health insurance policy, it turns out that it doesn’t cover much.

They also find themselves in positions where, as I mentioned earlier, someone in the family has a medical history. The wife has a medical history and you can’t buy a family plan that you can afford for the rest of the family. That is the reality of the world the Republicans envision us moving to. Oh, it may be some great economic market model, but it doesn’t work in reality—not in the reality of people who are born with illnesses they have no control over and who spend their lives fighting them and need a helping hand.

The Affordable Care Act gave them that helping hand. The Trump administration and Republicans in Congress have been determined from the beginning to put an end to this protection, to eliminate health insurance for more and more Americans, and to make it unaffordable for so many families. Is that why they ran for Congress? Is that why they ran for the Senate—to go home and say: Well, sorry folks, but because of my principles, you don’t get health insurance. You can’t afford the health insurance being offered to you, or you can buy a junk policy that just will not be there when you need it.

Is that what America is all about?

This is interesting to me, and I will close with this. The Chicago Medical Society represents the doctors in the greater Chicagoland area. I have come to know it. It is one of the best medical associations in our State. It is more progressive than most and more thoughtful than most. I really salute them time and again.

They did a poll of their members, and they asked them: Where do you think this is going?

Well, first they said: We believe that people have a right to quality, afford-

able healthcare—these are doctors—a right to quality, affordable healthcare. Second, they said there are programs that work, like Medicare, programs that people trust.

The premise behind Medicare is very basic. If you are of an eligible age, you get health insurance. We make sure of it. We guarantee to you that you are going to get quality care through a government-run insurance program. There are a lot of Republicans who would like to see Medicare and Medicaid go away, too, but America wouldn’t. America believes in it. I believe in the principle behind both of those plans—that, as Americans, we should care for one another, give each and every family a chance, and make certain that, at the end of the day, healthcare is not just a privilege for those who happen to be wealthy.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I want to talk for a second about an amendment I have to the minibuss appropriations package.

I am going to talk very briefly about the amendment, but, first, I want to respond to some of the comments of my friend the Senator from Illinois, for whom I have great respect. I just disagree with him on this subject of the Affordable Care Act, and I want to respond briefly.

Let me tell you what Republicans believe, at least most Republicans whom I know. Most Republicans I know believe what Americans believe, and that is that in our country, if you are hungry, we feed you. If you are homeless, we house you. If you are too poor to be sick, we will pay for your doctor. We in America, Republicans and Democrats, put our money where our mouth is. We spend \$1 trillion a year helping people who are less fortunate than we are, and that separates our country from every other country in the world.

Frankly, that is why so many of our neighbors across this great planet want to come to America. It is because we care about other people. I mean, when is the last time you heard of anybody trying to sneak into China or Russia? That is why they want to come to America.

But when a government program, though well intended, isn’t working, we owe it to the American taxpayer to explain to them why, and the Affordable Care Act has not worked. I wish it had.

I had the highest hopes. I remember when the Senate debated it. Call me a nerd, but I watched it on C-SPAN. I wanted it to work. We were promised: Look, as a result of this act, we are going to make health insurance accessible, and we are going to make it affordable.

I said: Man, I will take a dozen of those. We have been trying to do that for 50 years around here. Maybe this time we will get it right.

It was offered with the best of intentions. You will never hear me criticize

President Obama for an act of patriotism. He was very well intended. He wanted it to work. It wasn't a question of bad motives. It was just a bad idea.

You know, 150 years ago, doctors used to bleed their patients with the best of intentions, but they stopped doing it because it was a bad idea.

Now, we can do better. I agree with the objectives from the Senator of Illinois. Let me say it again that I have great respect for him, but the American people deserve a health insurance program that looks like somebody designed it on purpose, and that is not the Affordable Care Act. I wish it were, but it is not. We can do better.

AMENDMENT NO. 3430

Mr. President, let me hit a lick about my amendment to the minibuss appropriation package, H.R. 6147.

Here is the problem. We have a lot of foreign seafood imported into the United States, and some of it is very dangerous. I am afraid to say that a lot of it is very dangerous. I am unhappy to say that.

Our FDA is in charge of making sure that this foreign seafood is safe. It spends \$11.9 million a year to do that. My amendment would give the FDA an additional \$3.1 million, and here is why it is important.

Last year, the United States imported \$21.5 billion worth of seafood—not million, but \$21.5 billion. Now, the FDA is supposed to inspect it to make sure that it is safe before you eat it. The FDA does the best it can, but they are only able, with the small amount of money, relatively speaking, that it has, to test a very small sample, 2 percent.

Ninety-eight percent of the foreign seafood coming in is not even tested. When it is tested, the FDA often finds that it contains salmonella, it contains listeria, it contains dirt, and it contains illegal drugs, like antibiotics.

What does that mean?

Well, if you eat enough of the stuff, aside from the fact that you could grow an extra ear or glow in the dark, then, you develop a resistance to antibiotics. If you eat bad seafood, particularly shrimp full of these antibiotics, and you get sick, you get an infection, maybe an abscessed tooth. You go to the doctor, the doctor gives you antibiotics, and they don't work anymore.

Now, remember that we are only examining 2 percent of all seafood imports. If you run the numbers, you will see that barely 0.2 percent of seafood imports are rejected every year. The vast majority, 98 percent, were not even checked. This isn't just about public safety, although that is certainly important. It is also about public policy.

As for American shrimpers, let me tell you what they have to compete against in my State and in other States. They are being asked to compete with foreign fishermen who are unfairly subsidized by the Federal Government and who face little to no environmental regulations and little to no

quality control. They fish where they are not supposed to. They ignore international quotas. They pump much of their fish full of illegal drugs, and they don't look out for the health of local ecosystems, as our domestic fisherman and women do.

The result is dangerous. It is unsafe for the American people, and it is unfair to the American shrimpers who do it the right way.

I don't want my family eating it. I don't want my son eating it. I don't want my wife eating it. I don't want my dogs eating it. If the American people are listening, be careful if you eat it.

That is what my amendment does. With that, I yield the floor.

VOTE ON AMENDMENT NO. 3407

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 3407.

Mrs. GILLIBRAND. Mr. President, 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 Missouri (Mr. BLUNT) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—97

Alexander	Gillibrand	Paul
Baldwin	Graham	Perdue
Barrasso	Grassley	Peters
Bennet	Harris	Portman
Blumenthal	Hassan	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Heller	Rubio
Cantwell	Hirono	Sanders
Capito	Hoeven	Sasse
Cardin	Hyde-Smith	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Cassidy	Johnson	Shaheen
Collins	Jones	Shelby
Coons	Kaine	Smith
Corker	Kennedy	Stabenow
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Manchin	Toomey
Daines	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	McConnell	Warner
Durbin	Menendez	Warren
Enzi	Merkley	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murphy	Young
Flake	Murray	
Gardner	Nelson	

NAYS—1

Lee

NOT VOTING—2

Blunt

McCain

The amendment (No. 3407) was agreed to.

VOTE ON AMENDMENT NO. 3430

The PRESIDING OFFICER. The question now occurs on agreeing to Kennedy amendment No. 3430.

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

The PRESIDING OFFICER. Is there a sufficient question?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—87

Alexander	Fischer	Murphy
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Perdue
Blumenthal	Grassley	Peters
Booker	Harris	Portman
Boozman	Hatch	Reed
Brown	Heinrich	Roberts
Burr	Heitkamp	Rounds
Cantwell	Heller	Rubio
Capito	Hirono	Sanders
Cardin	Hoeven	Schatz
Carper	Hyde-Smith	Schumer
Casey	Inhofe	Scott
Cassidy	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Tester
Cortez Masto	Klobuchar	Thune
Cotton	Leahy	Tillis
Cruz	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young

NAYS—11

Crapo	Lankford	Sasse
Flake	Lee	Shaheen
Hassan	Paul	Toomey
Isakson	Risch	

NOT VOTING—2

Blunt

McCain

The amendment (No. 3430) was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—S. RES. 583

Mr. FLAKE. Mr. President, last week, the Senator from Delaware, Mr. COONS, and I submitted a resolution commending the Department of Justice for its investigation into the interference by the Russian Federation in the 2016 U.S. Presidential election and maintaining that the Russian Federation should be held accountable for its actions.

This simple resolution simply expresses support for our intelligence community, showing them we are behind them, we agree with them, we have trust in them, and we reject the words of a dictator, Vladimir Putin, who denies that they interfered at all. The resolution denies the words of a

dictator, Vladimir Putin, who maintains there was no Russian interference in the election.

Russian interference in the election is not a debatable fact. This occurred. We have evidence. Anybody who has seen simply what is public recognizes that this happened. Any of us in this body who have sat through classified briefings on this surely knows that it happened. Forensic evidence digitally and otherwise is simply not debatable.

The reason for this resolution is that in Helsinki, it appeared our President seemed to take the word of a dictator over the word of our intelligence community. He later walked that back but then still later—the next day—again talked about election interference as a “hoax.”

This resolution is nothing more than simply to say it happened, we know it happened, and we stand with our intelligence community, which has said over and over again consistently that there was election interference.

Last week, I cited George Orwell’s “1984,” where he said: “The party told you to reject the evidence of your eyes and ears.”

Today our President said, what you are seeing and what you are reading is not what is happening.

We need to let the agencies of government know we in the Senate stand behind them, that we understand there was election interference, and by doing this—by knowing this—we can prepare ourselves better for election interference that we know is coming because it is still in the works.

As the Director of National Intelligence Dan Coats said, “The red light is blinking.” This interference occurred, and it continues. So by knowing the truth, then we can better prepare for what is to come.

Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 583. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Georgia.

Mr. PERDUE. Mr. President, reserving the right to object, what we have here is another distraction from what we in this body need to be focused on today; that is, funding the Federal Government and confirming this President’s nominees.

Right now, we have just 23 working days, as a result of the way the Senate operates, between now and the end of the fiscal year—just 23 days. Meanwhile, we have 329 nominees. These are Presidential nominees waiting for this body to confirm them. We need to stay on track.

This resolution is no more than political theater. This resolution was previously objected to by Senator CORNYN just last week. It will continue to be

objected to again because it is unnecessary.

The Senate, the House of Representatives, and our intelligence community have all thoroughly investigated this matter. In fact, the Senate Intelligence Committee has held 16 open hearings, dating back to January of 2017. They all found that Russia did, in fact, attempt to interfere in the U.S. election. We all take that very seriously.

However, let’s be crystal clear. They also found there is no evidence this interference impacted the outcome of the Presidential election in 2016 at all.

This President and this body have consistently been tough on Russia. I have personally cosponsored strong sanctions on Russia and introduced legislation condemning Russian military aggression around the world. We are currently debating additional economic sanctions to hold Russia further accountable, and we will continue to do so as long as their nefarious activities continue.

What we don’t need are more political distractions, and that is all this is. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Delaware.

Mr. COONS. Mr. President, I just want to offer my response to the very disappointing renewed objection to the resolution that Senator FLAKE and I have attempted to move through this body now twice.

Last week, Senator FLAKE and I came to call on our Senate colleagues to speak clearly in support of our intelligence community, our Federal law enforcement community, and to state unequivocally that Russia’s attacks on our democracy will not be tolerated and that we will take action in a firm and bipartisan and swift way.

Some have said this is merely a simple or symbolic message. I say there are powerful symbols that motivate our Nation, like our flag, and that, although symbolic, are substantive in their consequences.

After the narrow objection of one Senator to this resolution last week, we hear another objection tonight saying what we should be focused on is confirming nominees and funding the Federal Government. I, frankly, don’t get the point. If this symbolic resolution, which calls on this Senate to act on hearings, on receiving notes, and on imposing sanctions, in order to push back against Russia’s attack on our democracy—if we cannot find 2 minutes to adopt by unanimous consent this simple resolution, then I worry that we continue to have a problem. We continue to have a problem of lack of clarity about what actually happened in 2016 and what may happen in 2018.

I will remind my colleagues, briefly, that President Trump’s own Director of National Intelligence has warned that Russia’s attacks on our digital infrastructure are “persistent, pervasive, and they are meant to undermine America’s democracy.”

I know I don’t need to remind my colleagues that what defines us as a democracy is free, fair, and open elections that our people find credible.

Just this morning, the Department of Homeland Security publicly released that air-gapped control centers for utilities in more than 100 places across our country had been penetrated successfully by Russian military intelligence.

The threat to our 2018 election continues to build, the clarity that we have been attacked in our 2016 election continues to build, and the sanctions that our President could be fully exercising were passed by this body by a vote of 98 to 2 last summer through the Countering America’s Adversaries Through Sanctions Act.

This resolution is simple. Because of a lack of clarity at the Helsinki summit between President Trump and President Putin, it calls for prompt hearings, the release of relevant information and notes to better understand the impact of what was committed to in that meeting in Helsinki, and the full implementation of the sanctions adopted by this body by a vote of 98 to 2.

Either we mean it or we don’t. Either we care about knowing what happened in Helsinki or we don’t. Either we get the threat to our upcoming election or we don’t. In my view, we continue to face threats to our elections and to our critical infrastructure, and it is long past time for Congress to work together to secure our democracy.

I will close by thanking my colleague and friend from Arizona for being a partner in this effort, for seeing clearly what is happening, and for standing up and asking this body to act. He gave, I think, a haunting opening quote from “1984.”

I am concerned that if our President thinks it is appropriate to invite President Putin of Russia to meet with him in our White House or in our Nation’s Capital, that he may not yet fully get the point. I am encouraged that Speaker RYAN and Majority Leader MCCONNELL said clearly earlier today that President Putin is not welcome in this Nation’s Capitol, in this building, in the Capitol where this Congress meets. I wonder what more it will take for there to be clarity on the part of the administration that President Putin is our adversary, has attacked our election, is a threat to our democracy, and should not be welcome in this Nation’s Capital as a whole.

I call on my colleagues to support this resolution, to stand with our intelligence and law enforcement communities and against this dangerous foreign adversary, Russia.

Again, I thank and compliment my colleague from Arizona for joining me in this important effort.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I thank the Senator from Delaware for his very



forceful articulation of the reason for this resolution.

Again, I repeat what was said by the President today: “Just remember what you’re seeing and what you’re reading is not what’s happening.”

Continually, the topic of election interference is being muddled and being further clarified and then further muddled. That is why it is important for this body to stand up and say: We know what happened, and we don’t want it to happen again. That is what this resolution is all about.

The Senator who objected noted that we have a lot to do in Congress and we can’t waste our time with resolutions like this. If this simply passes, it is done. We have stated what we came here to state. But as it stands now, since it has been objected to, we will bring it back. So if we are really concerned about the agenda for the rest of the year, let’s simply agree to it and let the intelligence community know that we stand with them. That is what we are doing here. Why object to it?

There is not one sentence in here, not one word that says anything about whether the election interference by the Russians was dispositive, if it had any impact on the election. That is not implied in any way by this resolution. It simply states what is obvious, what the Senator who objected acknowledged, which has been repeated again and again by this body, by the House Intelligence Committee, and by every intelligence agency that we have. Because there was such a muddled statement in Helsinki, why not state once again here that we in the Senate know what happened and that we stand with those in the intelligence community who have brought this forward?

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for the now 214th time to urge that we wake up to the effects of carbon pollution on the Earth’s oceans, atmosphere, and climate.

One obstacle to action on the threat that we face from climate change, however, is the manufactured doubt that so often surrounds this issue. We find this manufactured doubt a fossil fuel industry product—just as oil and gas are fossil fuel industry products—flowing even from the editorial page of one of our Nation’s leading publications, the Wall Street Journal. Whenever the issue is harmful industrial pollutants, the Wall Street Journal’s editorial page has a long record of misleading its readers, denying the legitimate science, and even ignoring its own news reporting, all to shill for the polluting industries.

A pattern of science denial repeats itself in the editorial pages of the Wall

Street Journal on environmental issues—issues such as acid rain and depletion of the ozone layer and now, and for years, climate change. This editorial page has persistently published editorials against taking action to prevent manmade climate change.

In June 1993, the editors wrote that there is “growing evidence that global warming just isn’t happening.”

In September 1999, the editorial page reported that “serious scientists” call global warming “one of the greatest hoaxes of all time.” If that is what they are saying, I suspect that what those scientists are serious about is the money they get from the fossil fuel industry.

In June 2005, the page asserted that the link between fossil fuels and global warming had “become even more doubtful.” This was June 2005, and the Wall Street Journal editorial page was questioning whether there is a link between fossil fuels and global warming?

Even more recently, a December 2011 editorial said that the global warming debate requires what the page called “more definitive evidence.” I guess having essentially all the serious scientists in the world lined up on this is not serious enough.

In October 2013, the editorial board of the Wall Street Journal warned that in addressing climate change, “interventions make the world poorer than it would otherwise be.” I guess if the world of Exxon shareholders is your world, then it does make it poorer, but in any real world, that just ain’t so.

You would think that as the evidence mounted over the past several decades, the Wall Street Journal editorial page would have at some point woken up and begun to publish editorials based on real science and data. To put it mildly, that has not been the case. Instead, the editorial page has doubled down on climate denial.

Just last month, the Journal published a piece titled “The Sea is Rising, but Not Because of Climate Change.” This piece is riddled with readily fact-checked scientific errors, and it ignores all the legitimate science on climate change and sea level rise. Not surprisingly, the author of this article, Fred Singer, is a notorious and long-standing climate denier who has for years been affiliated with or funded by the Heritage Foundation, the Heartland Institute, the Cato Institute, and others. He has been funded by a rogues’ gallery of climate denial front groups that have themselves been funded by ExxonMobil and the Koch brothers’ network.

Dr. Michael Mann and Dr. Andrea Dutton—both actual legitimate climate scientists—wrote a response to the Wall Street Journal. Their article, titled simply “Water’s Rising Because It’s Getting Warmer,” directly addresses the factual problems with Singer’s piece.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

In response to Singer’s claim that ice sheets are getting bigger, the actual climate scientists wrote:

No, ice is not accumulating on Earth—it is melting. No, Antarctica isn’t too cold for melting—warming oceans are eroding the ice from beneath, destabilizing the ice sheet. And no, legitimate scientific conclusions are not reached in op-ed pieces, but through careful peer-reviewed research.

Climate denial, by the way, tends to avoid peer review like the plague. It goes straight to FOX News, straight to hearings, and straight to the talk shows, because there it gets the audience it wants without having to face the rigor it would not survive.

Singer also erroneously claims that sea levels are not rising due to warming temperatures. In response, Drs. Mann and Dutton explain:

That research shows that sea levels are rising and human-caused climate change is the cause. Don’t take our word for it; help yourself to the mountain of scientific literature showing as much. When water warms, it expands. When ice warms, it melts. To deny these facts is not just to deny climate change. It is to deny basic physics.

But in the spirit of climate denial, there is very little that these denialists won’t say.

The Trump administration’s own “Climate Science Special Report,” issued by the Trump administration, found that “it is virtually certain that sea level rise this century and beyond will pose a growing challenge to coastal communities, infrastructure, and ecosystems.” The “Climate Science Special Report” will serve as the scientific backbone for the Fourth National Climate Assessment, which is due later this year. The authors list is a who’s who of top university scientists—many from universities in the home States of Senators here in this body—and experts from NOAA, the EPA, NASA, our National Labs, and the National Science Foundation. By the way, those NASA people have a rover driving around on Mars. They may know a little something about science. The report is backed by the Departments of Agriculture, Defense, Energy, Commerce, Interior, and State—in all, 13 Federal Agencies and Departments. Or you can believe the editorial page of the Wall Street Journal and its phony baloney fossil fuel-funded scientists.

The Journal actually continued its climate denial spree in June, publishing another piece titled “Thirty Years On, How Well Do Global Warming Predictions Stand Up?” In this one, Patrick Michaels and Ryan Maue argue that Dr. James Hansen’s 1988 climate change warnings were overestimated.

Well, let’s start by pulling the curtain back on these two characters who wrote the piece. You will quickly see that they are, to put it politely, aligned with the fossil fuel industry. Patrick Michaels is a senior fellow at the Koch-founded and Koch-funded Cato Institute. Michaels at one point admitted that 40 percent of his funding came from the fossil fuel industry. His

coauthor also joined the Koch-funded Cato Institute last year.

Believe it or not, yes, the fossil fuel industry still pays for this nonsense even as fossil fuel CEOs claim to recognize: Climate science is real, and we support a carbon fee. That, of course, being the latest chapter in the fossil fuel industry's long and ongoing campaign of fraud—now pretending that they support a carbon fee, when all of their political apparatus is dedicated to opposing the very result they claim to seek.

Thirty years ago, Hansen's testimony outlined three scenarios. Remember, this was 1988. The first scenario was a business-as-usual projection with accelerating emissions, yielding 1.5 degrees Celsius warming by 2017. The second scenario showed drastic emissions cuts, yielding 0.4 degrees Celsius warming by 2017. Hansen proposed a middle scenario of continued but not accelerating emissions, resulting in 0.84 degrees Celsius warming by 2017. In his testimony, Dr. Hansen stated that the middle scenario was the most likely.

Michaels and Maue claim that the scenario with the least amount of warming turned out to be correct, and therefore Hansen was wrong, and therefore climate models can't predict climate change. Unfortunately for them, the facts are otherwise.

Hansen's analysis projected that global surface air temperatures would increase by approximately 0.84 degrees Celsius between 1988 and 2017 in his middle scenario, the one he said was most likely. Once you account for the effects of a slight cooling that resulted from the success of the Montreal Protocol in phasing out chlorofluorocarbons, Hansen's projected warming is 0.6 to 0.7 degrees Celsius by 2017.

That, in blue, is the adjusted Hansen projection. I don't think you can fault him for not predicting the Montreal Protocol that happened after his prediction. It is fair to adjust his prediction for the Montreal Protocol and the effect of reduced chlorofluorocarbons. Once you do that, it shows that observed temperature in red tracks pretty darned well with his projections.

If that were my work, I would be pretty proud of it. Here it is 30 years later, and we are off by a gap that my finger can cover on the graph.

Michaels and Maue did not bother to mention that Hansen also predicted which parts of the globe would warm more quickly than others. Thirty years ago, he calculated the Arctic would warm faster, and there would be more warming over landmasses than over the oceans. All of these things are happening. Even Hansen's early climate models were accurate and reliable. And global warming is proceeding, just as the scientists have warned.

As the Wall Street Journal editorial page continues to publish its fossil fuel-funded nonsense—stuff that is written by pseudoscientists, funded by

the industry with a massive conflict of interest about this question—it has been 30 years since the warnings of Hansen. Despite all of the evidence that has piled up, consistent with his warnings, despite the regular litany of current events driven by climate change now, Congress has been taking no action. We have been stilled by the forces of the fossil fuel industry.

The real irony here is that the Wall Street Journal claims to be the news source for businesses and financial investors. Off the editorial page, out in the real world of business and finance, real decisions are being made by real executives, backed by real money.

Are they buying what the Wall Street Journal editorial page is selling? No. No, indeed. They are telling their clients and their companies: You must take climate change seriously, and you must take carbon pricing seriously.

In the real world, businesses are demanding better climate policies and investors are demanding better reporting of climate risk. The giant investment firm BlackRock led a group of major investors and broke the back of ExxonMobil's opposition to answering to its shareholders about climate change. They are demanding this. Many companies are even setting their own internal price on carbon to account for the real-world costs of climate change. The business community and the investment community are acting because they know climate change is real, is affecting their prognosis for their companies, and carbon pricing is a key part of the solution.

Increasingly, economists and financial regulators warn that we are actually hurtling toward an economic disruption—that we need to prepare for a possible crash of what they call the carbon bubble. This carbon bubble collapses when fossil fuel reserves, now claimed as assets by the fossil fuel companies, turn out to be useless as renewable energy sources grow more competitive, and those useless assets become what are called stranded assets. How much gets stranded?

A publication by economists in the journal *Nature* estimated the following impacts in a 2-degree Celsius world: “stranded assets . . . around 82 percent of global coal reserves, 49 percent of global gas reserves, and 33 percent of global oil reserves.”

Imagine that—82 percent of global coal reserves gone, wiped off the balance sheets; 49 percent of global gas reserves gone, wiped off the balance sheets; and 33 percent of global oil reserves gone, wiped off the balance sheets because they are no longer economically producible.

Is this nuts? Even the Bank of England in an official statement has warned that investments in fossil fuels and related technologies may “take a huge hit.”

At some point, there has to be a grownup in the room. The fossil fuel industry, obviously, is not capable of

being that grownup. They still pay for denial and obstruction. The Wall Street Journal's editorial page is obviously no use. That page is still yapping on the industry's leash.

There is some good news. This week, two House Republicans, at long last, introduced a bill that would put a price on carbon emissions. But we still await one Republican in the Senate, just one—anyone who will face up to this problem, who will stand up for science, who will acknowledge what their own home State's universities are teaching and take some real action. Climate denial is a dangerous and ultimately doomed game, and the Wall Street Journal editorial page should know better.

It is time to wake up.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATER'S RISING BECAUSE IT'S GETTING WARMER

MAY 22, 2018.—Would the Journal run the op-ed “Objects Are Falling, but Not Because of Gravity”? That's pretty similar to climate contrarian Fred Singer saying *The Sea Is Rising, but Not Because of Climate Change*” (op-ed, May 16).

No, ice is not accumulating on Earth—it is melting. No, Antarctica isn't too cold for melting—warming oceans are eroding the ice from beneath, destabilizing the ice sheet. And no, legitimate scientific conclusions are not reached in op-ed pieces, but through careful peer-reviewed research.

That research shows that sea levels are rising and human-caused climate change is the cause. Don't take our word for it; help yourself to the mountain of scientific literature showing as much. When water warms, it expands. When ice warms, it melts. To deny these facts is not just to deny climate change. It is to deny basic physics.

New York City experienced an additional 25 square miles of flooding from the approximately one foot of sea-level rise that has occurred due to human-caused warming. Without concerted efforts to reduce carbon emissions, it could experience as much as eight feet by the end of the century—permanently inundating most of Wall Street.

ASST. PROF. ANDREA L. DUTTON,  
*University of Florida,  
Gainesville, Fla.*

PROF. MICHAEL E. MANN,  
*Penn State University,  
University Park, Pa.*

Fred Singer leaves out any real evidence to refute research attributing the measured sea-level rise almost exactly to the measured thermal expansion of seawater and glacier melt.

SEN. SHELDON WHITEHOUSE (D., R.I.),  
*Newport, R.I.*

Our emissions will continue shaping how much seas rise in the coming decades. Taking this threat lightly endangers hundreds of communities in the U.S. and world-wide, and wastes the dwindling time we have to reduce our risk by cutting carbon emissions and investing in resilience. Since 1900, global sea level has risen by seven to eight inches. Sea-level rise has brought more frequent flooding to dozens of coastal communities, including Atlantic City, N.J. and Charleston, S.C., where the number of floods has quadrupled since 1970. The pace of sea-level rise has recently doubled.

Mr. Singer acknowledges there's "good data showing sea levels are in fact rising at an accelerating rate," yet makes the unscientific claim that this is disconnected from rising global-warming emissions and temperatures. The risks are clear. Sea-level rise projections for 2100 range from one foot to more than eight feet—far greater than the six inches Mr. Singer claims. Swiftly reducing our global-warming emissions would give us the best chance to minimize sea-level rise, but our current emissions trajectory makes achieving the range's low end more unlikely each day.

KRISTINA DAHL, PH.D.,  
*Union of Concerned Scientists, Oakland, CA.*

NASA disagrees with Prof. Singer. A Feb. 13 paper notes: "Rising concentrations of greenhouse gases in Earth's atmosphere increase the temperature of air and water, which causes sea level to rise in two ways. First, warmer water expands, and this 'thermal expansion' of the ocean has contributed about half of the 2.8 inches (7 centimeters) of global mean sea-level rise we've seen over the last 25 years . . . Second, melting land ice flows into the ocean, also increasing sea level across the globe."

WENDY FLEISCHER,  
*Brooklyn, NY.*

Melting ice is not the only thing that can raise the sea level. Note the eruption of hundreds of undersea volcanoes in the oceans and what they deposit. All of the rivers of the world flush millions of acre feet of mud and silt into the sea floor daily. During an undersea earthquake a tectonic plate could override another, affecting a thousand miles of sea floor, displacing a great deal of water and raising the sea level.

DAVID DARLOW,  
*Spokane, WA.*

Mr. WHITEHOUSE. I yield the floor. 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. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 467 and 858.

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

The clerk will report the nominations en bloc.

The bill clerk read the nominations of Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2022; and Jennifer L. Homendy, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2019.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. ROUNDS. I ask unanimous consent that the Senate vote on the nomi-

nations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD, and the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the Landsberg and Homendy nominations en bloc?

The nominations were confirmed en bloc.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### MORNING BUSINESS

Mr. ROUNDS. 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.

#### MONTANA KOREAN WAR VETERANS

Mr. TESTER. Mr. President, I rise today in honor of the Montanans who served our Nation during the Korean war.

Their service and sacrifice will forever be remembered in the official CONGRESSIONAL RECORD. Many of them rest in peace in the sacred ground of the Yellowstone National Cemetery.

During the Korean war, 6.8 million Americans served between 1950 and 1953. About 20,000 Montanans served in the military during that time, and 5,000 of them saw combat. We lost 350 Montanans in Korea.

Today about 6,000 Korean war veterans call Montana home. Survivors of the "Forgotten War," far too many of them have struggled for far too long to receive the recognition and benefits they truly deserve.

As ranking member of the Senate Veterans' Affairs Committee, it has been my honor to fight for legislation that rights this wrong. I have introduced legislation that extends benefits related to toxic exposure to more veterans who served along the Korean Demilitarized Zone. Because when servicemembers deploy to harm's way and are exposed to toxic chemicals, our country has a responsibility to meet their healthcare needs.

Honoring these veterans takes more than just legislation; it takes dedicated people who are committed to telling their stories and honoring those who have served.

The Montana American Legion, led by Commander Richard Klose, is an important partner working to ensure vet-

erans who fought in every conflict can get the healthcare, honor, and recognition they have earned.

Since 2014, Montana veterans and their loved ones can choose to be buried under the Big Sky in the Yellowstone National Cemetery—veterans like COL John R. Black of the U.S. Army, the most highly decorated veteran interred at the Yellowstone National Cemetery, earned two Silver Star medals and two Legion of Merit medals in his service to our Nation in the Korean and Vietnam wars; veterans like Captain Ralph D. Myer, a U.S. Public Health Service Officer of the Korean and Vietnam wars, is one of the highest ranking veterans interred at the Yellowstone National Cemetery.

Montana will remember Colonel Black, Captain Myer, and all of our citizens who fought during the Korean war.

We will honor their memory by relentlessly fighting to get the veterans of the Korean war the equal benefits and care that they earned but are too often denied.

Some paid the ultimate sacrifice. Some returned home bearing the seen and unseen wounds of war. All showed courage and strength when they heeded the call to protect our Nation far from home. We cannot forget their service and sacrifice.

To Commander Klose, the Montana American Legion, my friends at the Yellowstone National Cemetery, and all those who dedicate their lives to this country in service, on behalf of myself, Montana, and our Nation, I extend my greatest thanks for your enduring bravery, service, and self-sacrifice.

#### REMEMBERING GEORGE B. WILLIE, SR.

Mr. UDALL. Mr. President, I rise to honor George B. Willie, Sr., one of our last surviving Navajo code talkers, who passed away at age 92 on December 5, 2017. Mr. Willie was a humble man who never bragged and rarely talked about his uncommon feat.

Mr. Willie was born near Sawmill, AZ. He was *Tó Dích'iinii*—Bitter Water—and born for *Tábaahá*—Near The Water Edge—and resided near Leupp when he passed away.

Mr. Willie only had a seventh-grade education. He tried to enlist in 1941, but was too young. He was finally able to join the Marines 2 years later, when he was 17 years old. He served the Second Marine Division, 10th Battalion, from 1943 until 1946.

As a marine, Mr. Willie was one of the 421 code talkers from the Navajo Nation. The original 29 Navajo code talkers developed a code based on their native language. At that time, there was no written language, and only about 30 persons outside of Tribal members understood Navajo. The code talkers were required to quickly and accurately translate and transmit messages about troop movements, tactics,