



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, WEDNESDAY, AUGUST 22, 2018

No. 140

## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, August 24, 2018, at 11 a.m.

## Senate

WEDNESDAY, AUGUST 22, 2018

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, You lead us like a shepherd, for we desperately need Your tender care. We thank You for life's clouds and storms that position us to receive Your deliverance and assurance. Thank You also for refusing to move our mountains but instead giving us strength to climb them.

Today, bless our Senators and each member of their staffs, who routinely deliver excellence in the midst of frenetic activity. May these faithful staffers never forget Your promise to always be with them. Guide them today with fresh insights on abundant living, as You supply all their needs out of the riches of Your celestial bounty.

We pray in Your generous Name.  
Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM COTTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, August 22, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### ECONOMIC GROWTH

Mr. MCCONNELL. Mr. President, this week, I have been highlighting some of the examples of the strength of the U.S. economy. The people of West Virginia, where President Trump visited yesterday evening, are no exception to this national trend.

During the Obama years, West Virginia's economy was hit hard. Manufacturing employment shrunk by 13 percent. Coal and logging employment shrunk by 38 percent. But today things are different. The State's unemployment rate has been lowered during each of the past 19 months under this united Republican government than it

was during any month of the Obama administration. Coal jobs are surging back, and according to one industry estimate, in 2017, West Virginia saw faster growth in construction jobs than any other State.

As Senator CAPITO explained in a recent op-ed, figures like these are more evidence that Republican policies are helping her State and the entire country write a new chapter. Senator CAPITO recently shared with me that in Wheeling, WV, the owners of Warwood Tool are creating a new line of products thanks to the new flexibility brought about by tax reform. In Wellsburg, Eagle Manufacturing is buying new machinery. In Jane Lew, Doss Enterprises is planning to hire up to 30 new workers. It is really amazing when we remember that only one of West Virginia's Senators voted for the tax reform policies that helped make all of this good news possible.

As Senator CAPITO notes, recent months' promising economic numbers and all the new opportunities they represent are only the beginning. Tax reform will also help strengthen our economic foundation for the long term.

In particular, one provision of the tax rewrite will specifically help the most depressed communities in our Nation. It will turn these areas into opportunity zones that are especially attractive for investment. The Treasury Department has already certified zones in every State, including 55 in West Virginia and 144 in my home State of Kentucky. Nearly 35 million Americans live in communities within the newly designated opportunity zones. Together, they have an average poverty

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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rate of around 32 percent. This program is just one of so many ways that Republican policies are providing a boost to the very communities that Democratic policies systematically left behind.

The opportunity zones, by the way, were the idea of Senator TIM SCOTT from South Carolina, who was able to insert them into the pay raise—into the tax reform bill.

So there are bonuses, pay raises, and tax cuts for middle-class families today and the foundation for more investment and more jobs tomorrow.

#### APPROPRIATIONS

Mr. MCCONNELL. Mr. President, on a related matter, I am proud that on this Congress's watch, our economy has produced so many job opportunities for the American people.

Here was the AP's headline a few weeks ago: "Open jobs outnumber US unemployed for 3rd straight month." But that growth and prosperity needs to reach all families and all communities. That means expanding Americans' opportunities to invest in their own human capital by building new skills and transitioning into growing industries. That is why the appropriations legislation the Senate is currently considering provides billions of dollars for training and employment services. It includes \$160 million for apprenticeship programs, \$220 million for displaced workers, with a special \$30 million emphasis on displaced workers in rural communities like those I represent in Eastern and Western Kentucky, and just under \$100 million to integrate ex-offenders back into productive society.

These are just a few of the important items that our appropriation for Labor, Health and Human Services, and Education will fund.

It provides the resources to continue investing in college affordability through Pell grants, Federal work-study programs, and programs specifically aimed at low-income and first-generation students.

It contains a \$2 billion funding increase for the National Institutes of Health, paving the way for important research and, we hope, new medical breakthroughs.

Crucially, it will supply more resources for treatment, prevention, and recovery programs pertaining to the opioid epidemic. State opioid response grants put States in the driver's seat so local responses can be tailored to local challenges. This legislation funds them to the tune of \$1.5 billion. In addition, there are hundreds of millions of dollars for community health centers, hundreds of millions for prevention and public awareness, and more for research into the nature of this addiction and alternatives for managing pain. There is over \$100 million in targeted help for rural communities, like those in Kentucky, which continue to bear the brunt of this national crisis.

I was proud to secure \$5 million for a brandnew Centers for Disease Control initiative to help prevent the spread of infectious diseases like HIV and hepatitis B and C, which are a consequence of the opioid epidemic. The CDC is directed to prioritize high-risk areas, including 54 counties in Kentucky.

This legislation also contains provisions from my CAREER Act, which would dedicate new Federal funds to career and training services so that recovering substance abuse patients can transition back into the workforce and begin to rebuild their lives.

In sum, the appropriations measures we are considering this week invest in human capital from all angles. They will put new tools in the hands of distressed communities, of workers who need new skills, and of families who need help defeating drug addiction.

I thank the subcommittee chairman, Senator BLUNT, and the ranking member, Senator MURRAY, for their bipartisan work on the Labor-HHS title. I look forward to voting in support of this legislation, along with the vital funding for the Department of Defense, in the coming days.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, yesterday I met with President Trump's nominee for the Supreme Court, Judge Brett Kavanaugh. Our conversation covered many different topics. Unfortunately, Judge Kavanaugh refused to answer even the most basic questions about his jurisprudence.

He refused to say if he believed Roe was correctly decided. He refused to say if he believed Casey was correctly decided. He could not name for me a restriction on a woman's right to choose that he would consider an undue burden. Even when I asked him if a ban on abortion after only 4 to 6 weeks would be an undue burden, he said he couldn't answer that.

He could not tell me if he believed the Affordable Care Act was constitutional. Nor would he answer or recall his level of involvement in a number of controversies during his time in the Bush White House, a portion of his record the Senate has been denied access to by the Republican majority.

Now, I understand the imperative all judges face not to bias themselves by commenting on cases that could come before their court, but these are some basic questions of already decided cases. Furthermore, I told Judge Kavanaugh that he is in a different place than others.

President Trump has said that he will only appoint nominees who will undo *Roe v. Wade*. President Trump has said he will only appoint nominees who will declare the ACA unconstitutional. Judge Kavanaugh is under a burden to refute that.

I asked him if, even when he sat with the President, did he tell the President not to count on him, that he will not absolutely vote to repeal *Roe*. He didn't.

So Kavanaugh has a burden beyond that of a normal Justice because of what President Trump, the person who selected him, has said unequivocally.

So here is Justice Kavanaugh's silence or refusal to commit to even the most common things that should be said. He said he would say *Brown* was correctly decided. Why can't he say *Roe* was correctly decided? There is his silence, especially given his recent praises of dissent in *Roe* and *Casey*. In 2016 and 2017 he praised Justice Rehnquist and Justice Scalia's views that *Casey* and *Roe* were decided wrongly. What is anyone supposed to reasonably believe?

Given that President Trump said that he will only choose people who will repeal *Roe* and declare ACA unconstitutional, given that he has praised the dissents in *Roe* and *Casey*, the fact that he was unwilling to refute any of that in any way or to even say that a limit on abortion after 4 weeks was an undue burden should raise real questions for any American who believes in choice and who believes in the constitutionality of government helping with healthcare, including preexisting conditions.

Then, there is one issue we discussed yesterday that took on a whole new light mere minutes after our discussion concluded. I asked Judge Kavanaugh about his remarkably expansive views on executive authority. As context, Judge Kavanaugh has said that Presidents should not be subject to criminal or civil investigations while in office. He said the only remedy for a President who committed a serious crime is impeachment by Congress.

So I asked Judge Kavanaugh a more basic question: Does he believe that a sitting President must comply with a subpoena or testify or provide records? He would not say that the President must comply with a subpoena.

I asked him that in the most extreme situation: In a criminal investigation