

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

against a sitting President, where our national security is at stake, could the investigator subpoena the President? He wouldn't say he would.

Now, that was before the news that broke late yesterday. During our meeting, actually, the news broke that President Trump's former personal attorney, Michael Cohen, implicated the President in a violation of campaign finance laws.

The sequence of those two events—Kavanaugh's refusal to say that a President must comply with a duly issued subpoena and Michael Cohen's implication of the President in a Federal crime—makes the danger of Brett Kavanaugh's nomination to the Supreme Court abundantly clear. It is a game changer. It should be.

The President, identified as an unindicted coconspirator of a Federal crime—an accusation made not by a political enemy but by the closest of his own confidants—is on the verge of making a lifetime appointment to the Supreme Court, a court that may someday soon determine the extent of the President's legal jeopardy.

In my view, the Senate Judiciary Committee should immediately pause the consideration of the Kavanaugh nomination.

The majority of the Senate has still not seen the bulk of Judge Kavanaugh's record. At the very least—the very least—it is unseemly for the President of the United States to be picking a Supreme Court Justice who could soon be, effectively, a juror in a case involving the President himself.

In light of these facts, I believe Chairman GRASSLEY has scheduled a hearing for Judge Kavanaugh too soon, and I am calling on him to delay the hearing.

I know that Chairman GRASSLEY and Leader McCONNELL hold all the cards in terms of scheduling hearings, but the plain facts of the case should compel them to the same conclusion I have reached—that the Judiciary Committee should postpone Judge Kavanaugh's hearings.

At this moment in our Nation's history, the Senate should not confirm a man to the bench who believes that Presidents are virtually beyond accountability, even in criminal cases, and a man who believes that Presidents are virtually above the law and that only Congress can check a President's power.

Over the past year, despite numerous abuses of Presidential authority, despite numerous encroachments on the separation of powers, despite numerous attacks on the rule of law, this Republican Congress has done almost nothing—nothing—to check this President. If Congress can be captured by one party's deference to the President, we cannot allow the Supreme Court to be captured as well.

The doubts about Judge Kavanaugh's fitness for the bench were just magnified by Mr. Cohen's plea agreement.

The prospect of the President being implicated in some criminal case is no longer a hypothetical that can be dismissed. It is very real.

If Judge Kavanaugh truly believes that no sitting President, including President Trump, must answer for crimes he may or may not have committed, then he should not become Justice Kavanaugh with the power to make those views manifest in our books of law.

More broadly, yesterday's news has blackened an already dark cloud hanging over this administration. In addition to Mr. Cohen's implication of the President, Paul Manafort was convicted of violating Federal law on eight different counts in this trail, his first of two trials.

To take a step back, President Trump's campaign manager was convicted of Federal crimes. President Trump's personal attorney pled guilty to Federal crimes. President Trump's first National Security Advisor pled guilty to Federal crimes. A foreign policy advisor to his campaign pled guilty to Federal crimes, and more trials are coming.

Cabinet officials have been forced to resign for flagrant graft and profligacy funded by the American taxpayer. That is to say nothing of the fact that the first two congressional endorsements of President Trump's campaign came from two Congressmen who have recently been indicted on counts of insider trading and campaign finance violations—what a swamp, what a swamp. It is far worse than the swamp that existed when President Trump took over. He has not cleaned the swamp. He has made it more retched and more fetid.

No one in America can dismiss what has happened as the actions of a few bad apples. There is a cesspool around this President. There is now an unmistakable sinister hypocrisy to President Trump's campaign slogan: Drain the swamp. President Trump brought the worst swamp we have seen in Washington's history to town when he came here.

Yesterday's news leads me to make two points. First, Special Counsel Mueller's investigation is clearly doing what it was constituted to do and finding criminal activity in the process. Already there have been four guilty pleas or verdicts and dozens of indictments. The idea of calling Special Counsel Mueller's investigation a witch hunt was already absurd and laughable, and it becomes even more so today.

Second, the President should not even consider pardoning Mr. Manafort or Mr. Cohen at any point in the future. To do so would be the most flagrant abuse of pardon power and a clear obstruction of justice.

The Rosenstein-Mueller investigation must be permitted to conclude its work, and the President must resist the impulse to interfere with pardons, dismissals, or any other action that prevents the work of the Justice Department from going forward.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6157, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Pending:

Shelby amendment No. 3695, in the nature of a substitute.

McConnell (for Shelby) amendment No. 3699 (to amendment No. 3695), of a perfecting nature.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

It has been 11 years since a Labor, Health and Human Services, and Education appropriations bill has been considered on the Senate floor, so let me begin my remarks this morning by commending the chairman and ranking member of the full Appropriations Committee, Senators SHELBY and LEAHY, for their determination to report each and every one of the appropriations bills so they can be considered, fully debated, and amended in the regular order. I also commend the subcommittee chairman, Senator BLUNT, and the ranking member, Senator MURRAY, for their leadership in creating a bipartisan bill.

This bill will make critical investments in medical research, opioid abuse prevention and treatment, the education of our students, and strengthening America's workforce.

I appreciate so much that the subcommittee accommodated so many of my priorities in crafting this bill. It has my very strong support. I am particularly pleased that the bill includes another \$2 billion increase for the National Institutes of Health. Robust investments in biomedical research will pay dividends for many American families struggling with disease and disability, just as such research has enabled us to prevent, treat, or cure other serious illnesses.

Notably, this year, for the first time, the bill reaches the milestone of providing at least \$2 billion a year for Alzheimer's disease research—the amount that the advisory council to the National Plan to Combat Alzheimer's Disease has calculated is needed to find an effective treatment for this disease by the year 2025. Tomorrow, I will join Senator BLUNT and others of my colleagues delivering separate remarks dedicated to this milestone achievement, but I did want to briefly highlight that investment now.