

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.

As founder and the cochair of the Senate Diabetes Caucus, I am also pleased this bill continues to recognize the importance of investing in diabetes research. Since founding the caucus in 1997, funding for diabetes has increased more than sixfold, from \$319 million in 1997 to \$2 billion in 2018, and that is only appropriate. We know treating and caring for older people with diabetes consumes approximately one out of three Medicare dollars, so this is a very expensive disease as well as one that causes a great deal of heartache and damage to those who are diagnosed with type 2 diabetes later in life. I have also worked very hard with the Juvenile Research Diabetes Foundation on type 1 diabetes, which is usually diagnosed in childhood and is a lifelong disease. The investments we have made have helped us make real breakthroughs in diabetes treatment. The bill provides a \$60 million increase for the National Institute of Diabetes and Digestive and Kidney Disorders at NIH. As the NIH's lead agency for diabetes research, this continued investment is critical to preventing diabetes, improving the lives of more than 30 million Americans, including 12 million seniors already living with the disease, as well as providing the foundation to ultimately discover a cure for type 1 diabetes.

This bill provides \$3.7 billion in the fight against the opioid epidemic that is gripping our country. Sadly, in my State of Maine, the crisis has actually worsened with drug-related overdoses claiming the lives of 407 people in Maine last year, according to the new statistics from the Centers for Disease Prevention and Control.

The crisis in Maine shows no signs of abating. Indeed, the contamination of heroin with fentanyl has made this crisis even worse, taking the lives of even more who are in the grips of addiction. While I am very hopeful the Senate will consider a comprehensive opioids package put together by the Senate HELP Committee, to which many of us contributed in the weeks ahead, it is imperative that the funds provided in this appropriations bill reach our communities without delay.

This legislation also funds key priorities for vulnerable seniors, including the Low Income Home Energy Assistance Program, which I know is of interest to the Presiding Officer because he represents the State of Alaska, and that program is critical there, as it is in the State of Maine. It funds the State Health Insurance Program, Meals on Wheels, and other essential programs that make such a difference to our seniors.

As chair of the Senate Committee on Aging, I am particularly delighted that this bill provides a \$300,000 increase to the administration for community living for the establishment of the family caregivers advisory council. This council was created by a bipartisan bill that I introduced with Senator BALDWIN, the RAISE Family Caregivers Act, and

it will help develop a coordinated strategic plan to leverage our resources, promote best practices, and expand services and training for our Nation's caregivers.

I am sure everyone here has had the experience of a parent who is already older taking care of a disabled spouse—perhaps someone with Alzheimer's disease, which is 24/7 for that caregiver. Caregivers need more support and assistance. They need to know where to go. We need to expand respite care, which is the No. 1 concern I hear from caregivers. Respite care in rural areas is extremely difficult to find. The hearings we have held in the Aging Committee have also put a spotlight on the mobility challenges that many seniors face as they age, such as difficulty climbing steep staircases that can lead to devastating falls, performing routine household chores, taking care of themselves, or being able to drive. This bill provides a \$4 million increase for the creation of a new aging and technology program to support the development of assisted technology for seniors with disabilities in rural areas. The University of Maine Center on Aging is doing such interesting work in this area after collaborating with assisted living facilities and talking directly to older Americans to find out what they need. Sometimes it is merely a matter of renovating a bathroom or putting up grab bars, installing sensors to make sure the refrigerator door is being opened regularly so you know the older American is eating properly. Sometimes it is more complicated than that. This center will help us explore how technology can allow more of our seniors to age in place and stay in the comfort, security, and privacy of their own homes, where many of them long to be.

Maintaining access to care in rural areas is essential, and, thus, I also support the inclusion of \$71.5 million for the Rural Health Care Services Outreach Grant Program. This bill also calls on the Federal Government to remove arbitrary barriers around collaboration between rural and nonrural health providers that could inadvertently close off opportunities. We have seen that happen in my State, where a community health center that is located in Bangor, ME, is trying to help a very rural community, Jackman, ME, which unfortunately recently lost its nursing home and was using the local hospital for assistance. We need to have more collaboration and not let arbitrary bureaucratic rules prevent that kind of cooperation. It is paramount that we do not discourage innovative approaches in healthcare.

On a related note, I also applaud the inclusion of increased funding to support community health centers, which serve approximately 27 million Americans, including upward of 186,000 individuals in the State of Maine. Community health centers will only continue to play a larger role in healthcare delivery as we seek to reduce overall

healthcare costs, as well as provide greater access to behavioral health and substance use disorder prevention and treatment services.

In addition to key health and aging priorities, this bill also supports essential programs at the Department of Education. Notably, this bill provides increased investments in title I, which helps our public schools serve low-income students. The student support in academic enrichment grants, which help to provide students with well-rounded education, is an important program that brings art, music, and technology to our rural community schools. I also strongly support the increased investment in the Individuals with Disabilities Education Act, IDEA, which has provided opportunities to children with disabilities and helped many of them reach their full potential. Across the State of Maine, superintendents, principals, and teachers tell me that one of the most effective ways we can support education overall is to better fund the Federal share of IDEA. That would help every single school district.

When IDEA became law in 1975, Congress set a goal of providing 40 percent of the excess cost of serving students with disabilities. I regret to say, we are nowhere near reaching that goal, but this increase in funding for IDEA represents a step forward toward fulfilling that commitment, and I hope we can do more next year.

This bill also funds teacher and school leader professional development, and the Rural Education Achievement Program, a law that I co-authored several years ago to bring additional resources to small and rural schools. Students in rural America should have the same access to Federal dollars and a good education as those living in urban and suburban communities. REAP has helped to provide equity for small rural schools in Maine and across the country. It has helped to support an array of activities, such as new technology in classrooms, distance learning opportunities, and professional development.

Here is a great example. REAP funding has helped Maine's small island schools connect together to create an island reading program using video conference technology that this program made affordable. In other parts of Maine, REAP has helped schools acquire new technology hardware, software, and to expand teacher training.

Having worked at a Maine college before I came to the Senate—Husson University—I know firsthand this bill's important investments in higher education, including Pell Grants and the TRIO Programs. The University of Maine is one of those institutions that has a great TRIO Program. It will help low-income and first-generation students access college education. TRIO often makes the difference in a student's ability to attend and complete a college education.

Funding for apprenticeships and workforce development programs are

also key priorities that will strengthen Maine's workforce, preparing people with the skills and experience they need to succeed.

I could go on and on, but there are many others seeking recognition. Let me just end by urging my colleagues to support the fiscal year 2019 Labor, Health and Human Services, and Education appropriations bill. It is good and much needed legislation.

Thank you.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, before I talk about what I came here to talk about, let me add my congratulations once again to the vice chairman of the Appropriations Committee, Senator LEAHY, and to Senator COLLINS, both of whom are critical members of the Appropriations Committee. They have gotten us much further than we have gotten in the last 15 years when it comes to the appropriations process.

I am optimistic that we will be able to wrap this up tomorrow. If we do, the Senate will have voted to fund 87 percent of discretionary spending. The last time we sent him an appropriations bill, the President told us: Don't send me another omnibus. He is exactly right. Omnibus appropriations bills are the worst way to do business; maybe close behind that is a continuing resolution.

We are not doing our job if we don't act in a bipartisan way to move these appropriations bills forward, especially since we have agreed to the spending caps.

I would just congratulate all the members of the Appropriations Committee—Chairman SHELBY and all of the committee—for their good work.

#### ARMY FUTURES COMMAND

Mr. President, tomorrow I will be heading back home to Austin where, on Friday, I will be attending the activation ceremony for the new Army Futures Command. The establishment of this command, which began operations last month, is the most significant Army reorganization since 1973. Its new headquarters is in the capital of Texas—Austin. It will make that the epicenter of Army technology development.

So what does the Army Futures Command do? How does it fit into the existing organizational structure? Why is it necessary?

Let's start with what it does. It seeks to modernize the Army, period. It will do this by leveraging commercial innovation, science and technology, and delivering them to warfighters in useful, cutting-edge ways. In a world with rapidly evolving threats distinct from others we have faced throughout our Nation's history, the Futures Command could not come at a more pivotal time.

The Army chose Austin because it wanted to be close to a hub of innovation, which Austin certainly is these days. It has roughly 6,500 high-tech companies nestled among what is affectionately referred to as "Silicon Hills."

We have Silicon Valley and Silicon Hills.

There are major academic institutions nearby, like the University of Texas in Austin, St. Edward's, Texas State, and Texas A&M, with thousands of students graduating each year with degrees in STEM fields—science, technology, engineering, and math.

It is also worth noting that Austin has become a hub for startup culture and is ground zero when it comes to useful talent, technological ingenuity, and path-breaking ideas that are changing industries, institutions, and what our normal ways of doing things were in the past. What sometimes people refer to as "disruption"—certainly, we have seen that.

But Austin, let's not forget, is also a military city. We know Camp Mabry is there, the headquarters of the Texas Army and Air National Guards, and the Texas State Guard. Not far away is the "Great Place" called Fort Hood, as well as Joint Base San Antonio to the south.

Those military installations will now be joined by the Army Futures Command in Austin, giving the bustling, live music capital of the world an entirely new brand and reason for attention. If San Antonio, my home town, is "Military City, USA," you might call Austin "Military Innovation City, USA."

You might be wondering how the Army Futures Command fits into the existing organizational designs of our military. In short, it complements the Army's three other four-star headquarters: the Forces Command, Training and Doctrine Command, and Army Materiel Command.

The first of those trains and prepares combat-ready soldiers. The second is essentially the Army's architect. It recruits, designs, and builds the Army. And the third sustains the Army by providing the necessary equipment.

Now the new fourth command will modernize the Army by integrating technology as it is developed in research labs and other facilities. When staffed at full capacity, the Austin headquarters will be home to 100 soldiers and 400 Department of the Army civilians. That is just a start.

Leading them will be GEN John Murray, who was nominated and confirmed just 2 nights ago to be the commanding general of the Futures Command. My friend and our colleague, Senator CRUZ, said it well. He said: "Just as Austin is uniquely positioned to ensure the Army succeeds in this new mission, General Murray's long career and dedicated service in uniform makes him the right leader for Army Futures Command." I agree wholeheartedly.

General Murray and others will help create cross-functional teams designed to focus on specific things that the Army wants to build or improve—for example, next-generation combat vehicles, soldier lethality, or cloud and network capabilities.

The next question I want to answer is, Why is it necessary? I think the

only answer is because our country's future military readiness depends on it. That is why it is necessary. Our ultimate goal here is to increase the Army's lethality against near-peer competitors in the global conflicts that could arise at some point down the road.

So the Army Futures Command is really the hub of modernization efforts for the Army. It takes new concepts from the realm of the abstract, and it puts them to use concretely in the form of real-world technology that the Army can acquire for its own purposes. Then it helps the warfighters implement and use these new tools in the field.

There is a rough consensus in Congress that the Army's acquisition machinery needs to operate faster and more efficiently—certainly, more cost effectively. It is my hope that the many entrepreneurs, the college graduates, and the military reservists collaborating with the Army Futures Command in Austin will provide innovative ideas to help remedy these problems. The Futures Command could reduce redtape, making it easier to make decisions or changes quickly, particularly ones involving the purchase or upgrade of equipment and systems.

In a world still marred by conflicts in Iraq and Afghanistan, strained by escalating cyber security threats, and threatened by the increased belligerence of China and Russia, the U.S. military must keep pace with evolving technologies in order to maintain our strategic advantage and to maintain the peace.

Modernization is the key to deterring aggression, promoting peace, and projecting American strength around the globe. Secretary of Defense Mattis has made it clear that this ranks among his top priorities.

In closing, let me say that the Army Futures Command is aptly named. When it comes to our national defense, we should always be looking toward the future. It is incredible to think that starting in just under 3 weeks, young people born in the aftermath of 9/11 will be eligible to enlist in the Army with their parents' consent. That is an amazing statistic. That tells you something about the rapid pace of modern life and some of the transitions that are occurring right before our eyes.

These young people born right after the terrible events of 9/11 have grown up in a world that sees new forms of conflict, as well as terrorism, the likes of which the Founders of this great Nation could never have imagined. It is imperative, as brave men and women continue to answer the call to service, even in such harrowing times as ours, that we do our part to give them the tools they need to be successful. The Army's Futures Command, therefore, is most definitely a step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Texas for his remarks. I do appreciate the encouragement he has given both Senator SHELBY and me in getting the appropriations bills through. He has been here long enough. He knows this is the way the Senate should work. We have done it in a bipartisan way, and we are way ahead of where we have been at any time in the past 2 years.

I also want to applaud the senior Senator from Maine. She sits on the Appropriations Committee. We have served together there throughout our careers, and she is a valuable member of that committee. She is one who has helped put together, with her Democratic counterpart, good legislation that is included. In fact, there was nearly a unanimous vote in the Appropriations Committee. Most of this has been either unanimous or virtually unanimous. I say that because some have felt that, in the Senate lately, you could not get a majority vote even to say the Sun rises in the East. But here we have been doing majority votes on things that involve everywhere from Alaska to Vermont. I am pleased with it.

#### NOMINATION OF BRETT KAVANAUGH

Mr. President, I take the floor in my role as vice chairman of Appropriations in managing this bill, but I am going to digress, as others have, for a few minutes and speak about something else.

We are now less than 2 weeks away from Judge Kavanaugh's confirmation hearing before the Senate Judiciary Committee. We are 2 weeks away, and according to the National Archives, the committee has received only 6 percent of his total White House records. This is virtually unprecedented—6 percent of his records and not a single one of the records we have received has been provided by the National Archives. That is because the Archives will not complete its review of the limited number of records requested by Chairman GRASSLEY until October, which is a month after the majority leader intends to hold a final vote on Judge Kavanaugh.

Actually, to date, every single record that we have received from the Judiciary Committee has been hand selected by a political lawyer representing President George W. Bush. He is a partisan lawyer who reported directly to Judge Kavanaugh in the Bush White House, a lawyer who also represents White House Counsel Don McGahn, Steve Bannon, and Reince Priebus in the Russia investigation. I mention this because he has been very selective in the very few things we have been allowed to see.

I mention this because this is in stark contrast to past precedent. Let me talk about the vetting of Justice Kagan, who, like Judge Kavanaugh, had served in the White House prior to her nomination. I was chairman of the Judiciary Committee at that time. I worked hand in hand with then-Ranking Member Jeff Sessions to ensure

that we received every document of interest to the committee. Certainly, on behalf of the Republicans, Senator Sessions demanded an awful lot of records, and I worked with him to get them. In fact, when we were 12 days away from Justice Kagan's hearing, we had already received a full 99 percent of her White House records—99 percent.

I mention that because now, at the same time with Judge Kavanaugh, we are at 6 percent. The Republicans have allowed 6 percent, and the Democrats allowed 99 percent. Does this make the confirmation hearing a partisan joke?

In fact, every single one of Justice Kagan's records was provided by the nonpartisan National Archives. The 6 percent of Judge Kavanaugh's records has been provided by a political, partisan, hyperconflicted attorney. I mean that just on the face of it, it does not pass the giggle test. The Democrats provided from the nonpartisan National Archives 99 percent of Justice Kagan's records. Here we are getting only 6 percent of Judge Kavanaugh's records, and they have been picked by a political, partisan attorney with hyperconflicts.

The superficial vetting of Judge Kavanaugh is all the more troubling because there are still serious concerns about the last time he testified before the Senate. During his 2006 nomination hearing for the DC Circuit Court of Appeals, Judge Kavanaugh minimized his work on highly controversial issues in the Bush White House, including on detainee treatment and warrantless wiretapping. It is now clear that we will only know the full truth if we get his full record. With anything less, we will be, simply, rushing to a verdict before the trial.

Based on the very limited documents they have allowed us to see, there is an additional reason to be concerned. The committee has received new evidence that sheds light on whether Judge Kavanaugh was truthful while under oath in 2006. Unfortunately, I cannot even describe these documents because they have kept them in a classified or confidential forum, and the American people cannot see them. That is because nearly two-thirds of the documents the Judiciary Committee has received have been designated as "committee confidential" by Chairman GRASSLEY, following the request of the partisan attorney on whom the Senate is relying to do the job of the nonpartisan National Archives. To date, that means that two percent of Judge Kavanaugh's White House records have been made available to the American people—2 percent—compared to 99 percent for Justice Kagan, and they have selected what that 2 percent is. Golly, what is in the other 98 percent they don't want us to see?

I have served in this body for 44 years. I have been here for every Supreme Court nomination since John Paul Stevens. I have voted for a lot of Republicans and Democrats on the Supreme Court. For 20 years, I served as

the chairman or as the ranking member of the Senate Judiciary Committee. In those 44 years, I can tell you, frankly, that the vetting of Judge Kavanaugh has been the most incomplete, most partisan, and least transparent of any Supreme Court nominee I have ever seen of either a Democratic or a Republican President. It has not been even close. I have taken the experience I have had here with Democrats and Republicans as President. In 44 years, I have never seen such incomplete, partisan, or nontransparent vetting.

Yesterday, I met with Judge Kavanaugh—a very pleasant man. I had the opportunity to ask him about many issues, including about his work in the Bush White House. Following our meeting, I believe even more strongly that the documents he authored or contributed to during his 3 years as White House Staff Secretary should be released and made public now. What he wrote is far more important than what his personality might be. Let's find out what he wrote. That will tell us what kind of a Supreme Court Justice he would be apt to be.

A vigilant review of the Supreme Court nominee's full record isn't an optional matter. It shouldn't be dependent upon which party controls the White House or the Senate. Again, in 44 years, I have seen very vigilant reviews of Supreme Court nominees by both Republicans and Democrats. That is the way it should be, and I have agreed with that every single time. Yet never, never have I seen something like this. Never, never have I seen one's record hidden the way this one has been. It is undeniable that documents of clear public interest are being hidden from the American people—documents that will shed light on both his views and on his fitness to serve on our Nation's highest Court.

Wearing blinders in this moment is fundamentally incompatible with our constitutional obligation to provide advice and informed consent. The Senate is supposed to be the conscience of the Nation. It is a sad conscience.

The Federal judiciary stands alone. Unlike in any other branch of our government, the Justices, for good reason, never face the scrutiny of the electorate. Once a Supreme Court Justice is confirmed, he or she will serve for life. Barring impeachment, which has happened just once in our Nation's history, they essentially serve with no oversight.

The Senate has no second chance when it comes to vetting a nominee. We have to get this right. We can't have a vote now and 2 months from now get the records and say: Oh, golly gee, if we had known this, we would have voted differently.

We have to have all of the records now and then vote. There is time to do so. The Senate should not be focused on getting Judge Kavanaugh confirmed by October 1—some artificial deadline. Instead, the Senate should be focused

on doing its job. That requires allowing the National Archives to complete its review of Judge Kavanaugh's record as required by the Presidential Records Act.

At a time when the President is facing unprecedented legal jeopardy, it would be an extraordinary disservice to the American people to break all precedence and confirm his selection to the Supreme Court without there being an actual review.

Have the review. Then, every Senator—he or she—can make up his mind on how he is going to vote. Don't vote blindly without having all of the material. The fact that Judge Kavanaugh has a longer record than prior Supreme Court nominees—something the President was keenly aware of when he selected him—does not excuse the Senate from doing its job, because, if confirmed, he is going to shape the lives of all Americans for generations to come.

If, when the National Archives completes its review in October we learn that we did not get it right, it will fall squarely on the shoulders of this body. If the Senators rush this and find out later that there was material there they should have seen, they will have absolutely no excuse whatsoever because they will have concurred in the rushing. We should set this partisan vetting aside. We should work together, as we have in the past, to actually vet Judge Kavanaugh's record in a way that honors our constitutional obligation—the job the American people sent us here to do.

I feel honored to be here as a U.S. Senator from the State of Vermont. I do strongly believe, as I did when I first came here, that this body can be the conscience of the Nation. We aren't following our conscience if we don't do the real work to find out what we are voting on. We have voted on a lot of things. Some have been routine. This is not. This is to vote for a person who will serve on the U.S. Supreme Court long after most of us will have left this body. We owe it to all Americans—I don't care what their politics are or where they are from—to get it right. That is what our oath calls for. That is why we are here.

I have voted more than all but three or four people in the history of this country. Every time I vote, I am hoping I am doing it right, and I try to do it in an informed way.

I know we are going to go back now to the appropriations bills, but here is a case in which I think we have done things right. Senator SHELBY is the chairman, and I am the vice chairman. It is one of only three committees that has a vice chairman. We have worked very closely together, and we have done it in a way to get bills through in a bipartisan fashion. We actually work the way the Senate did when I first came here, which is the way the Senate has worked under great leaders on the Democratic side, like Mike Mansfield, or on the Republican side, like Howard Baker, and we have gotten things done.

I am proud of the Appropriations Committee, but I am concerned about the Judiciary Committee. I have had the privilege of serving on it for over 40 years and have had the privilege of being chairman and ranking member. Yet I have to say that it is not doing its job if it is not requiring all of the material to be here. On the Appropriations Committee, Senator SHELBY and I work to make sure that everybody is heard and everybody has the material. We should be doing the same thing on the Judiciary Committee.

I see the chairman of the committee is on the floor, and I have spoken on the matter on which I wanted to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, Senator BOOZMAN is here and is scheduled to speak before me. So I yield the floor to him and will speak after he is done.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—AMENDMENT  
NO. 3793

Mr. MURPHY. Mr. President, included in the underlying appropriations bill are funds to continue the U.S. support for the Saudi-led bombing campaign inside Yemen. I will speak about an amendment I have that would stop the U.S. support for this campaign pending a determination by the administration that we are in compliance with U.S., international, and humanitarian law regarding the targeting of civilians.

At this point, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3793.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. SHELBY. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. SHELBY. Mr. President, I just say that the Senator from Connecticut has a worthy amendment. We are all concerned about what is going on in Yemen. I would have hoped that we would not do it on this bill because we are trying to keep out a lot of riders and things, but this is something we are going to have to address.

I and others on both sides of the aisle would like to work with him because what has been going on in Yemen is atrocious. I object, though, at this point in time.

The PRESIDING OFFICER. The objection is heard.

The Senator from Connecticut.

Mr. MURPHY. Mr. President, of course, I am disappointed by the chairman's objection, but I take his commitment to work on this issue to heart, and I look forward to doing that.

I would like to speak for a moment about the amendment and the reason I was very hopeful, and remain hopeful,

that we may get the chance to vote on this before the consideration of this bill is passed because in this legislation is substantial funding in order to perpetuate a bombing campaign inside Yemen that is making this country less safe. I argue that since this bill was debated in the Appropriations Committee, some horrifying, new information has come to light that should cause us to reconsider whether this is something that is so urgent, we need to deal with it now, this week, that it can't wait.

Unfortunately, these pictures are a dime a dozen. You could find any number of them every single day coming out of this theater. This picture, in particular, is of a community center that was bombed by the Saudi and UAE-led coalition that the United States finances and supports.

Inside this community center, a funeral was occurring when it was ostensibly targeted and bombed by the United States, the Saudis, and the UAE. This is a horrifying scene, in and of itself, but to know a funeral was occurring there makes it even worse.

What we now know is, the targeting of civilians inside Yemen is getting worse, not better. The new information I spoke of is something that I think is on the minds of many of my colleagues. That new information is that last week, the Saudi-U.S. coalition hit a schoolbus in northern Yemen intentionally. The Saudi's initial reaction was that it was a legitimate military target. There is no way a schoolbus is a legitimate military target. That schoolbus was carrying dozens of children, dozens of children who are now dead because of a 500-pound bomb made in the United States and sold to the coalition.

Over the course of this year, the targeting inside Yemen has gotten more and more catastrophic.

On June 11, a Doctors Without Borders cholera treatment facility, located in the center of a humanitarian compound, with no military value, was hit. There is no way this is a mistake. Everyone knew about this humanitarian compound with a cholera treatment facility inside of it, and the Saudi coalition bombed it anyway. There is no way that is a mistake. There is no way that is a military target. That is an intentional bombing of a cholera treatment facility.

Two weeks later, on July 24, a UNICEF water treatment facility was hit. I will talk a little bit about the cholera epidemic in Yemen in a moment, but the reason there is a cholera epidemic, the biggest in recorded history, is because of these water treatment facilities that are being taken down by the Saudi-led coalition—another one hit on the 24th.

On July 28, a water main supply for Yemen's most important port city was hit, and then on August 9, as I mentioned, there was the schoolbus full of children—kids 6 years old to 11 years old. Forty-four children died, and many

more were left without arms, legs, or had other injuries.

There was a video and photos of the wreckage. The coalition initially denied there were any children on the bus, and they still claim it was a legitimate military target.

The United States is a key player in this bombing campaign. The United States has personnel who sit in the targeting center when decisions are made as to what sites on the ground will be bombed. The United States pays to put planes in the air to refuel the fighter jets flown by the Saudis and the Emirates, and the United States sells the coalition the bombs that are used.

In fact, in this Congress, we have authorized, have taken votes on several sales of precision-guided missiles. We sell them PGMs because we believe they will make fewer mistakes. That probably is right. They are probably making fewer mistakes with the PGMs. The problem is, their targets are schoolbuses, funerals, water treatment facilities, and water mains. They can more effectively hit their civilian targets with the bombs we are selling.

My amendment, which was objected to, would simply say we should not continue to fund this bombing campaign until we have a certification from the administration that the campaign comports with international and U.S. humanitarian laws, humanitarian laws that the United States has signed on to.

These laws effectively say, bombing campaigns such as this need to be proportional to the threat, but, most importantly, they need to refrain from targeting civilian populations.

At some point, we need to believe our eyes rather than the reports we get from the administration that the targeting is getting better and that without the United States in these targeting centers, without the PGMs, and without the refueling missions, the targeting would be worse; that the civilian casualties would be worse.

It is hard to imagine it being any worse than it is today. It is hard to imagine anything worse than schoolbuses and water treatment facilities and cholera treatment centers being targeted by this coalition. At some point, we have to believe what we are seeing rather than what we are being told by the administration.

There has been a 37-percent increase in civilian casualties from airstrikes in 2018 compared to 2017. Seventy percent of the civilian deaths inside Yemen are caused by these coalition airstrikes.

I can spend time talking to you about the atrocities the Houthis, who are on the other side of this civil war, have committed, but the fact is, the majority of the civilian casualties are caused by the side we are supporting—that we are supporting.

Lastly, let me make the case to you that even if you don't buy the unconscionable nature of targeting civilians with U.S. support, this bombing campaign is making the United States less

safe every single day. What we know is, AQAP is the most lethal arm of al-Qaida. It has the greatest capacity to hit the American homeland. It has gotten nothing but stronger inside of Yemen since this civil war started. There are new reports that our coalition partners, the Saudis and UAE, have been cutting secret deals with these terrorist organizations. They are not killing or defeating them, but they are just cutting deals with them to push them out of the way.

There are new reports that the UAE is aligning itself with radical Salafi militias inside Yemen. They are maybe not groups that are technically labeled "ISIS" or "AQAP," but they are groups that essentially trade fighters back and forth with these groups that are aligned with the UAE, aligned with the Saudi coalition on the ground. The very people who want to kill us are getting stronger every single day inside Yemen—every single day that this war goes on.

We have been told by the Saudis and the UAE that if we just keep on backing their play here, eventually, there will be a political settlement. We are getting further and further away from a political settlement every single day.

They are going after Hodeidah now, the humanitarian port. Let me tell you, the Houthis are going to fight to the end to protect Hodeidah, never mind if there is an eventual assault on Sanaa. So the campaign is not expediting a political end; it is simply prolonging the misery and giving more opportunity for our mortal enemies there, those terrorist groups, to get stronger and stronger.

Lastly, the rationale we are given is that we have an interest here because the Iranians are backing the Houthis. There is no doubt—no doubt—that the Iranians are backing the Houthis. There is no doubt we have an interest in trying to push back against growing Iranian influence in the region, but every single day we participate in this campaign, the Iranians go in harder, the Iranians go in stronger.

The military campaign, which postpones the political settlement, is just making the Iranian presence in Yemen worse. They now have more advanced weapons than ever before inside Yemen, including short-range ballistic missiles, because they are readying to defend Hodeidah, and they are readying to defend Sanaa.

Just remember that when things like this happen, it is not that the Yemenis who survive blame the Saudis or the Emirates; they blame the United States. The world blames the United States. We are radicalizing a generation of Yemeni children against us, and that will have implications for U.S. national security for years to come.

Twenty-two million people inside Yemen today require humanitarian assistance. Seventy-five percent of the country cannot live without humanitarian assistance. Eight million people are on the brink of starvation, meaning

they get one meal a day—one meal a day—and 1 million have been affected by cholera.

By the way, according to the WHO, we are on the brink of the third cholera outbreak in that country in the last year and a half because we continue to bomb water treatment facilities.

The bombing, the humanitarian catastrophe, it just shouldn't be on our conscience as a nation to be part of this, but it is making our country less safe every single day. Every single day that we continue this unchecked, unconditional support for this Saudi-led bombing campaign, we are making Iran stronger in the region, we are postponing a political settlement, and we are radicalizing Yemenis against us, driving them to AQAP, driving them into ISIS.

I am going to continue to try to convince my colleagues to allow us to take a vote on this amendment. Again, I just reiterate what this amendment says. It actually doesn't cut off support for this campaign. If I were King, I would cut off American support for this bombing campaign—I would—but I understand that is not where all of my colleagues are, so I am offering an amendment to simply say we should require the administration to certify that civilians aren't intentionally getting targeted, in contravention of U.S. law, before we continue to support this funding.

I truly think that if we took a vote on this, we would get the majority of the body to support the idea that a certification that civilians are not being targeted is a worthwhile precondition to continuing funding for this brutal military campaign.

I will continue to press this. I appreciate the support I have gotten from many Republicans. A growing number of Republicans are supporting the idea that as the facts change, we need to change our approach.

Before I wrap up, I will finally note that we had come together on an amendment to the authorization bill that we thought moved the ball forward. In the authorization bill, we actually did require that the administration make some of these basic certifications before continuing to fund the refueling missions.

In the President's signing statement, he effectively told us he would ignore that section of the authorization bill because he did not think it was in the authorizing power of the U.S. Congress to put those conditions on the refueling missions. I disagree. I think that is clearly within our authorizing power, but there is no way the President or the administration can object to conditions on appropriations because appropriations are unequivocally in the power of the U.S. Congress.

Given the fact that we all came together on these conditions under the leadership of Senator REED, Senator CORKER, and Senator SHAHEEN, amongst others, this is simply reiterating what we did in the authorizing



bill—in the appropriating bill—to make sure we are doing our due diligence as the U.S. Congress to make sure this kind of horror isn't undertaken unnecessarily with U.S. funds.

I yield the floor.

THE PRESIDING OFFICER (Mrs. ERNST). The Senator from Arkansas.

#### PURPLE HEART RECOGNITION DAY

Mr. BOOZMAN. Madam President, I rise to pay tribute to our Nation's Purple Heart recipients. The Purple Heart is one of the most recognizable medals of our Armed Forces.

The military decoration, a heart-shaped medal featuring a bust of George Washington and his coat of arms, is bestowed upon the men and women in our military who are wounded or killed in action. This is a powerful symbol of the sacrifice made by our Nation's military servicemembers.

This month, we recognized Purple Heart Day, which is observed annually on August 7. This day commemorates the anniversary of the Badge for Military Merit, the precursor to the Purple Heart created by George Washington. Purple Heart Day recognizes those men and women who have borne the ruins of battle, and paying tribute to the recipients of our Nation's oldest military medal demonstrates our respect and gratitude for their sacrifices.

I have also been working on new ways to honor and acknowledge the men and women who put themselves in harm's way in the defense of our Nation. In July, Senator SCHATZ and I introduced the Purple Heart and Disabled Veterans Equal Access Act of 2018 to expand commissary eligibility to Purple Heart recipients and other deserving groups of veterans. I am pleased that the recently passed National Defense Authorization Act included this language that opens access to Purple Heart recipients.

Additionally, last year Congress passed the Forever GI bill. At the beginning of August, several provisions took effect, including the eligibility for post-9/11 Purple Heart recipients to receive full education benefits for up to 3 years.

An estimated 1.8 million Purple Hearts have been awarded in our Nation's history, and it is symbolic of the price our men and women who serve in uniform are willing to pay and the debt of gratitude we owe them for their selfless service. The story of these heroes who earned this military honor continue to inspire us all.

Purple Heart Day honors the sacrifice of Aaron Mankin. Aaron joined the Marine Corps in 2003. In May of 2005, while deployed in Iraq as a combat correspondent, he survived an IED attack near the Syrian border. He sustained intense burns and major lung damage. The injury to his lungs was so extensive that he was placed on a ventilator. He had third-degree burns on his arms and lost his thumb and two-thirds of the index finger on his right hand. To date, he has endured nearly 70 surgeries.

During a ceremony by the Military Order of the Purple Heart in Fayetteville, AR, earlier this month, Aaron spoke about the medal's significance to him. He said that his Purple Heart medal reminds him that we have those among us who are willing to shed their blood, their sweat, and their families' tears to protect the values and ideals we hold most dear. He told attendees: "It is up to us to ensure that we are living lives worthy of such a sacrifice."

Aaron has faced many challenges, but his contagious enthusiasm for life has opened many doors, including selection to serve in the Wounded Warrior Congressional Fellowship Program. Seeing how he has fought through this tremendous adversity continues to inspire me. It is important to recognize and not forget the sacrifice of Aaron and his brothers- and sisters-in-arms defending our way of life.

There are patriots like Air Force TSgt John Chapman, who gave his life in defense of this country while bravely fighting against al-Qaida. Sergeant Chapman exemplified the Air Force's core values of integrity first, service before self, and excellence in all we do, during his heroic efforts against the enemy in Afghanistan on March 4, 2002. He continued his defense against the enemy, saving the lives of American rescue team members, despite his own grave injuries. Today, President Trump will celebrate this American hero by posthumously awarding him with the Medal of Honor.

We owe all of the men and women killed or wounded in combat our heartfelt gratitude for their selfless sacrifice. Although they often are not seeking out recognition, awards, honors, or things of that nature, they certainly deserve nothing less than our public and our private displays of appreciation. The Purple Heart symbolizes their patriotism, dedication, and commitment in defense of a grateful nation. It is a fitting tribute to those whose own hearts overflow with a fierce love for their country and who are willing to defend it with their lives.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Carolina.

#### LAND AND WATER CONSERVATION FUND— UNANIMOUS CONSENT REQUEST

Mr. BURR. Madam President, I rise today to talk about the Land and Water Conservation Fund.

Today we have only 39 days until September 30, which is the expiration of the current authorization for the Land and Water Conservation Fund. I am committed more than ever to getting LWCF reauthorized or the authorization across the finish line. I have been waiting to get a vote for the entire 115th Congress. I have been told to wait, and I was patient for a while. The last time I was on the floor, I offered it as an amendment to the last appropriations bill, knowing that it was not germane but knowing that the issue needed to be brought to the forefront of the

U.S. Senate because it is at the forefront of the American people. I will reiterate again that I can't wait any longer.

In 2015, it took the expiration of the Land and Water Conservation Fund before Congress got serious about reauthorizing the program and allowing these vital conservation efforts to continue. I am putting this body on notice once again: I will not allow it to expire again.

Several pieces of legislation have come before this body over the previous months, and yet again I am being told by my colleagues—many of whom profess, by the way, to be supportive of this legislation—that we should wait just a little bit longer, that I can't even receive a vote on the matter until then. I have offered my colleagues a very simple proposition: Give me one vote on reauthorizing the Land and Water Conservation Fund at a 60-vote threshold. I am not asking for us to forgo the requirements for a 60-vote threshold.

I have asked for an amendment for months on any legislation coming through the Senate, and I am being repeatedly told no. So I am here offering a somewhat different solution. The bill that I will ask unanimous consent on shortly is different in that the language hasn't been offered as a stand-alone bill, but it is actually language that has been passed by the U.S. Senate—this Chamber—by a vote of 85 to 12. It is a bipartisan bill—or it is bipartisan language that was part of the energy package that Chairman MURKOWSKI negotiated with the ranking member, and it includes reforms that both sides would like to see.

There is one change that I am offering today; that is, the ability for LWCF to be reviewed every 3 years for all future Congresses, if they believe it is warranted. It does so by including a joint resolution of disapproval every 3 years in perpetuity, meaning an individual from this body can come to the floor and, with the appropriate votes for disapproval, can eliminate the automatic reauthorization.

This is a permanent authorization of LWCF, but every 3 years, the Senate as a body can vote to disapprove the automatic reauthorization, and, in fact, they would essentially bring an end to the program. The provision gives Congress a chance to take another look at the program every couple of years, which seems to be in line with a number of what my colleagues currently want, given the short-period options that I have been offered in the past few years.

Let me talk about the reason this is permanent, because when LWCF was created in the 1960s, its original authorization was for 25 years, and when it came up for reauthorization in 1989, we reauthorized it for another 25 years. It wasn't until 3 years ago, when it was up for reauthorization, that all of a sudden the Senate, in their infinite wisdom, decided: Well, we are only

going to do this in 3-year increments. And even as late as a month ago, we were offered a 1-year reauthorization. What does a 1-year reauthorization say to the conservation community, which plans for generations what programs they will have to work with? It was only in 2015—after LWCF expired, I might add—that Congress chose a short-term extension.

I believe that to embrace what the creators of this program believed, we have to get back to a longer term reauthorization, and I will propound in this unanimous consent request that it be permanent, with a 3-year review and the ability to pass a disapproval of that authorization. It is a responsible proposal.

This Chamber agreed to pass these reforms on a bipartisan basis, and I am offering even more opportunity to appeal to the concerns of my colleagues than we have ever done. I would urge my colleagues to allow me to get this bipartisan language passed so that we can concentrate on other pressing matters.

I think it is important, and I can never miss an opportunity to talk about what LWCF is. It is a popular and successful bipartisan program. There is a House companion bill, which has 233 cosponsors. Let me say that again: It has 233 cosponsors.

LWCF is a dedicated means for the conservation and protection of America's irreplaceable natural, historic, cultural, and outdoor landmarks. Over the 50-plus years of its history, the Land and Water Conservation Fund has conserved iconic landscapes in every State and is responsible for more than 42,000 State and local outdoor recreation projects. It is far and away the Nation's most important conservation program.

LWCF has protected places like the Great Smoky Mountains National Park, Cape Lookout National Seashore, and the Blue Ridge Parkway through the Federal programs and places like Whitehurst Forest, Camden Community Park, and Four Mile Creek Greenway in Mecklenburg County through State and local programs.

LWCF is already paid for by using a very small percentage of receipts off of oil drilling revenues. Let me put that in layman's terms that every Member of Congress can understand. It requires no taxpayer money. We use a percentage of receipts that we collect off of exploration, and that funds the Land and Water Conservation Trust.

I might add that this doesn't bypass appropriators. I will remind everybody that I am not here amending an appropriations bill. This requires appropriators on an annual basis to appropriate money. The pot, though, is accrued based upon the royalties off of exploration, so not a dime of taxpayer money is used.

I might also add that the current account balance for the Land and Water Conservation Fund is \$21 billion. This year, the Congress of the United States

will appropriate roughly \$450 million. So if we were to appropriate the same thing and never increase the size of the trust fund, this program would run well over 30 years on the existing money that is in the fund, assuming that there was no increase in the fund's balance because of money it might make off of it.

LWCF helps make access for outdoorsmen easier by purchasing inholdings and edge holdings. With changing land use and ownership patterns, historic recreational access can be cut off or blocked in many areas. Oftentimes, vast expanses of public land are separated from roads and towns by narrow strips that are privately held, necessitating a long drive to access hunting or fishing grounds only a few miles away.

America's growing population needs more outdoor recreation and more access opportunities, not fewer. If we want our children and grandchildren to enjoy the same hunting, fishing, camping, hiking, and paddling opportunities we enjoy today, protection of habitat and watersheds must keep pace with the growing population and development pressures. This program is widely supported by the outdoor recreation industry, conservationists, hunters, anglers, birdwatchers, and all who appreciate access to America's unparalleled public assets. The U.S. outdoor recreation economy generates \$887 billion in consumer spending and \$65 billion in tax revenue.

North Carolina has received approximately \$246.7 million in LWCF funding over the past five decades. This is a newsletter I got in the mail over the weekend from the Blue Ridge Parkway Foundation. I want to highlight a few things in this because this is all about the program.

The first one is the "Community of Stewards" thanking Project Parkway volunteers, highlighting the effort where 200 volunteers devoted their time to cleanup projects along the Blue Ridge Parkway.

"High Pass Boogie riders":

This spring's High Pass Boogie motorcycle event was a hit! Riders enjoyed a weekend of fun and raised \$13,000 for the Parkway.

"Happy Camper Memories." Here is an individual who, as a child, actually spent her summers camping in the Blue Ridge Parkway, and this is her story of what it meant to her. Talk about a generational impact. It is right there.

"Overlooks get a clear perspective."

Some of my colleagues say this empowers the Park Service—or somebody—and they limit access. I just talked about how we are using this to expand access. But here is one where the Park Service took on the opportunity, with private funding, to begin to clear the view over overlooks so that people who ride down the Blue Ridge Parkway can stop at the overlook and actually see the beautiful land that is out there, where it had been encroached by scrub trees. Some of my colleagues would never think that the Park Service

would go in and actually cut down something. Not only did they do it, they did it with money that was donated to them by people who use the park.

"A Fresh Face for Flat Top." Flat Top is a property that, when the Parkway was created in the 1950s under the jobs program, was a residence that was absorbed into the park property. Hopefully, the restoration on this will let this property last for another 100 years—all driven with volunteer dollars, not with appropriations. We know the backlog we have with maintenance needs on our parks.

The last one I will highlight is "Farm Aid: Repairs to historical structures at Humpback Rocks are underway." I will just read the last sentence of the paragraph: "This is a much needed transformation and a great example of your donations at work!"

You see, this isn't something where we are trying to pull the wool over the eyes of the American people. We are actually highlighting the great things we have preserved, and we have an opportunity to use the Land and Water Conservation Fund with zero taxpayer dollars to leverage these private donations for projects like farm aid.

The last one: "Leave Your Mark on the Mountains: Where there's a will, there's a way." This basically says give to the Blue Ridge Parkway Foundation.

I say to my colleagues, this makes such common sense to me. Across this country, we have individual Americans who give of their own money, not just to protect but to maintain these valuable pieces of land. Here, we have an opportunity to use money that was designated over 50 years ago, authorized, that we accumulate in a pot, and we use that to leverage the private donations. Maybe this is a model for us to look at as to how we do park maintenance, where we might be able to leverage more private sector dollars to help with park maintenance because this, in essence, is maintenance, but it is also preservation of national treasures.

The program has been so successful that just a decade after its original enactment, Congress, in 1977, decided to triple its authorization level to \$900 million—the level it remains at today. Let me just point out for my colleagues, it is authorized to be appropriated, \$900 million a year; it has \$21 billion in its fund, and this year we will appropriate about \$455 million. I am not here to fight an appropriations battle. I will save that for when we have permanent reauthorization because I think it is high on the passion list of many Members.

As of March 30, about \$21.5 billion is in the LWCF fund. From 1965 through 2018, about \$39.8 billion was credited to LWCF. Less than half that amount, \$18.4, has been appropriated.

I want every Member to understand what I am asking today. I am going to ask unanimous consent that the Senate take up a bill with an hour debate



and an up-or-down vote that does this: It permanently authorizes the Land and Water Conservation Fund. It does not appropriate. It still leaves up to appropriators the annual amount that is appropriated. The language of this bill is a negotiated, bipartisan reform package led by the chairman of the Energy Committee. Most importantly, to those who have been uncomfortable with the extension of reauthorization in the past, every 3 years the Congress is given the ability to pass a disapproval for reauthorization, and if they collect those votes, the program is not authorized.

I am not sure that we have left any concerns that have been raised over the past year and a half out of the equation in this bill. I thank the chairman of the Energy Committee for her diligent work at negotiating the bipartisan language and her willingness to be supportive of the reauthorization. I firmly believe that she will have to object because, in some cases, that is your job when you chair a committee. But before I make my unanimous consent request, I want to make a promise to all the Members: If I have to come down here and do this morning and afternoon, day after day after day, I will do it. I have enough iterations of this bill that I can accommodate the concerns anyone may have and find a way to get permanent authorization. It is not because I want it; it is because the American people want it. It is because the next generation deserves for us to do this. For some unknown reason, a small number of people will not even allow a vote to happen.

#### UNANIMOUS CONSENT REQUEST—LWCF

Madam President, at this time, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to consideration of my bill, which is at the desk, in relation to LWCF; that there be 1 hour of debate; and that the Senate vote on passage with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Ms. MURKOWSKI. Madam President, reserving the right to object, I do stand reluctantly and in an unenviable position, as my friend from North Carolina has noted. As the chairman of the authorizing committee, the Energy Committee, I will be objecting at this time. But I want to acknowledge not only the work of the Senator from North Carolina but the passion with which he has put himself into this issue, which is something I think all of us—whether we are from North Carolina or Alaska or points in between, coastal, inland—care about. We care about our Nation's environment. We care about the land that supports us. In our hearts, I think we are all conservationists.

When you think about the purposes for which the Land and Water Conservation Fund was established, it is to do just exactly what Senator BURR has

outlined. Some of the good work we see in North Carolina; some of the good work we see with stateside LWCF. In my State, and in all of our States, I think we have seen that role.

What the Senator has laid out here today I think is, in fairness, very right. It is a very popular program. We have had individuals look at it and see the concrete benefits in the places they love. It does have good support in both bodies. I think that is an absolute, when you look at the cosponsorship, particularly on the House side. Sometimes it is a little bit difficult over there to get those strong numbers.

The Senator rightly points out that the language he has used was part of an Energy bill that enjoyed strong, strong support on this floor—85 to 12—a year or so ago, and the language he has utilized in his proposed bill is language that we had included, for the most part, in our bill, with the addition of what he has suggested, with the opportunity every 3 years to revisit this. So it takes a good core of a bill that has already passed and kind of stood the test of fire, if you will.

I think it is important to note, with that Energy bill, that LWCF piece was part of a negotiated package that did include other components. I think we would still like to see those other components moving through. I am certainly committed to working to advance them and have told the Senator from North Carolina that is my intention.

I also believe Senator BURR when he says that he will continue with this effort—that he will continue to bring this issue to the fore—because he believes it is the right thing to do. Permanent reauthorization is timely. I will note to colleagues that while this authorization does expire September 30, it is important to remember that the outlays from the LWCF will continue. So the appropriations he has referenced—\$450 million for this particular year—still go out. But he raises a very valid point that we have an authorization. As it is coming due at the end of this next month, this is an opportunity for us to act. It seems that we act best when there is a little pressure from behind or with a timeline, and my commitment to him this morning is to continue this work and continue this effort.

I appreciate what he has done to address some of the concerns. I think we both know there are still outstanding issues that we have with some colleagues. In an effort to not only move this across the Senate floor but allow it to get to the point at which it is successfully implemented into law—I want to work with him to achieve that. But at this point in time, I reluctantly will object to the request of the Senator from North Carolina.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

#### LEAD EXPOSURE

Mr. DONNELLY. Madam President, as a parent, I know there is nothing

more important than the health and safety of our children. It is the most basic desire of any mom or dad to watch their child grow up happy and healthy and to achieve his or her God-given potentials. Sadly, for too many children in this country, the chance at a healthy life and a bright future is stunted by external environmental factors beyond their control.

In some communities, in States like my home State of Indiana, with a long history of commercial and industrial manufacturing, the potential for exposure to hazardous contamination is a reality that must be constantly monitored and carefully managed. For that reason, I would like to talk about why our work on this appropriations bill that would fund agencies, including the Department of Labor, as well as Health and Human Services, is so important.

Last week, the Agency for Toxic Substances and Disease Registry, also known as ATSDR, held a community meeting in East Chicago, IN, to discuss the ongoing impacts of lead exposure in particular neighborhoods built over an old U.S. Steel lead smelter.

At the meeting, ATSDR released a report which indicated that in these neighborhoods 30 percent of children tested between 2005 and 2015 had blood lead levels above the CDC's reference level. That is 12 times higher than the national average of 2.5 percent.

The impacts of lead exposure are dangerous and irreversible. Even low levels of lead have been shown to affect a child's I.Q., the ability to pay attention, and academic achievement. Think about what that means for these children, for their families, for the community, and for our country.

In East Chicago, the fight to combat lead exposure is a team effort, and it also includes partners from the city, the State department of health, and IDEM, as well as the Environmental Protection Agency and the Departments of Housing and Urban Development and Health and Human Services at the Federal level.

It is critical that our Federal partners continue to support these efforts by providing the best science, research, and resources to help identify and remediate contamination, as well as educate our impacted communities. That is why I am pleased that this appropriations bill more than doubles the current level of funding for CDC's efforts to reduce childhood lead poisoning. This funding is critical for lowering blood lead levels and preventing future harm. It also helps educate healthcare providers and the public about lead poisoning, monitor childhood blood lead levels, and provide funding to States for childhood lead-poisoning prevention.

Another important tool we have to protect the health and safety of our communities is Trevor's Law. Authored by my good friend Senator MIKE CRAPO and passed as part of the bipartisan Frank Lautenberg Chemical Safety for the 21st Century Act in 2016,

Trevor's Law was designed to provide Federal agencies with the authority to help conduct investigations and to take the necessary actions to help address factors that may contribute to the creation of cancer clusters. Additionally, the law is intended to better enable Federal agencies to coordinate with State and local agencies and the public in investigating and addressing potential cancer clusters. It is the type of commonsense support and coordination Americans expect when they face the fear that something may be putting the health and the safety of their community and their beloved children at risk.

For the community of Franklin, IN, in Johnson County, Trevor's Law is the type of Federal support they need today as they work with the State to seek answers to reports that nearly 50 children have been diagnosed with various types of cancers in the last 8 years. Unfortunately for these families, many of whom I have had the privilege and opportunity to get to know, Trevor's Law has not yet been implemented. That is why I am offering a simple amendment. It provides \$1 million to fund the implementation of Trevor's Law so we can leverage every bit of knowledge, research, expertise, and ingenuity to make sure our communities are safe places to raise our families.

We are blessed to live in a great country, founded on the idea that our children can grow up to be anything they dream of. Our job is to keep that promise for future generations and to give young people every chance there is to succeed. I urge my colleagues to join me and Senator CRAPO in taking this important step to ensure that we employ the very best scientific research, knowledge, response, and coordination to ensure that our communities remain safe places to raise our children.

Madam President, I yield back.

THE PRESIDING OFFICER. The Senator from Mississippi.

#### NOMINATION OF BRETT KAVANAUGH

Mr. WICKER. Madam President, I rise today to support Judge Brett Kavanaugh and to join the chorus of Members of the Senate and millions of Americans who are coming to the conclusion, as I have, that Judge Kavanaugh will be an excellent addition to the U.S. Supreme Court. He has outstanding qualifications for the Court, but some of my friends on the other side of the aisle are desperately seeking to find an argument—any argument—to derail his nomination.

The latest attempt by my friends on the other side of the aisle is to claim they simply do not have enough information about him to make an informed opinion. Yesterday, the distinguished minority leader of the Senate came to the floor and suggested that Republicans and Judge Kavanaugh are hiding something. This raises the question: How much can you hide about a distinguished judge who has been issuing opinions for 12 straight years on the

circuit court of appeals? How much can you hide about that person's legal philosophy?

In the past, my friend Senator SCHUMER has asserted that the best way to evaluate judicial nominees was to review their judicial record. Perhaps he should follow that advice this year, 2018, in our approach to Judge Kavanaugh. In 2009, when considering Judge Sotomayor's nomination to the High Court, my friend the senior Senator from New York encouraged this body to focus on the nominee's 17-year record as a judge rather than engage in what he called fishing expeditions.

To supplement Judge Kavanaugh's 12-year record of judicial opinions, the Senate is receiving a lot of documents—more than 1 million documents so far, the largest volume of records ever reviewed for any Supreme Court nominee. It is the largest volume of records ever. If our Democratic friends want documents, we have them for our Democratic friends to read.

In addition, Judge Kavanaugh has submitted more than 17,000 pages in response to the Senate Judiciary Committee's questions. The documents that have been turned in from his time in the Bush White House total more than 238,000 pages. Most of these were already available to the public. In comparison, Judge Gorsuch made available 182,000 pages. Justice Kagan, when she was being confirmed, made available 170,000 pages for review. In comparison, Judge Kavanaugh's number is 238,000 pages.

What has changed? I think the American people know what is happening in this debate. The Senate should not be distracted by these stall-and-delay tactics. Instead, let's focus on the fact that Judge Kavanaugh brings with him a respected reputation and legal record. He has written some 300 published legal opinions. Let's use the Schumer rule and judge him on those legal opinions.

Judge Kavanaugh's positions have already been adopted by the Supreme Court. No fewer than 13 times, the Supreme Court has adopted for the law of the land an opinion put forth at the circuit court level by Brett Kavanaugh. I will admit that on one occasion, the Supreme Court partially reversed Judge Kavanaugh. To me, it is better than a 13-to-1 record of being adopted and upheld by the U.S. Supreme Court.

Judge Kavanaugh has earned positive attention and praise for being a good mentor, producing a number of clerks who have gone on to work for the U.S. Supreme Court itself. One of his former clerks wrote in July: "No court-of-appeals judge in the nation has a stronger, more consistent record than Judge Brett Kavanaugh." Indeed, Judge Kavanaugh is known for being thoughtful, principled, and a jurist who will defend conservative values and uphold the sanctity of the Constitution. That is exactly what the American people want. It is exactly what the American people have voted for.

Recently, I had the opportunity to meet with Judge Kavanaugh, like many of my colleagues. I found him to be just as his reputation and record suggested—smart, genuine, approachable, and well qualified to serve on the highest Court of the land. What I have not found in my review of Judge Kavanaugh's qualifications is any indication that he is radical or outside the judicial mainstream, as some of my colleagues might contend.

It is disappointing to see that negative assumptions about Judge Kavanaugh were reached almost immediately after his nomination or even before the nomination took place, well before lawmakers could meet with him or take a serious look at his background. One activist group hastily sent out a press release opposing Judge Kavanaugh before filling in his name. It is clear that the message would have been the same no matter whom President Trump chose—just fill in the blank: Oppose President Trump's nomination of judge blank. He is radical and outside the judicial mainstream.

The American people understand this. The American people also chose President Trump in large part, I believe, to fill the vacancy left by the late Justice Scalia. This was a decision we preserved for the American people on election day. President Trump selected an excellent jurist in Judge Gorsuch, and I am certain Judge Kavanaugh will follow in the same great tradition.

The outside noise involving Judge Kavanaugh should not deter the Senate from upholding its constitutional duty to provide advice and consent on judicial nominees. Frankly, we need to get this done before the first Monday in October, when the new session of the Supreme Court will meet. If we follow the precedence of the last two confirmation processes, we will indeed have plenty of time to do that.

I look forward to our consideration next month of Judge Kavanaugh. I look forward to the hearings, which will deal with his many qualifications for the Supreme Court. I think the American people will be watching, and they will see that he is a jurist capable and willing to do what is right and fair under the law.

A former professor summed it up very well in writing about Judge Kavanaugh for the New York Times. Professor Akhil Reed Amar said this: "Good appellate judges faithfully follow the Supreme Court; great ones influence and help steer it." As a circuit judge, Judge Kavanaugh has influenced the Supreme Court, has steered the Supreme Court. It is now time for him to be elevated to the highest Court in the land, and I support his confirmation.

Madam President, I yield the floor.

What is the pending business?

THE PRESIDING OFFICER. H.R. 6157.

Mr. WICKER. Thank you.

THE PRESIDING OFFICER. The Senator from Texas.

FIRST ANNIVERSARY OF HURRICANE HARVEY

Mr. CRUZ. Madam President, I rise today to recognize the first anniversary of Hurricane Harvey's destruction along the Texas gulf coast. This Saturday, August 25, marks 1 year since the most destructive storm in Texas history made landfall.

Hurricane Harvey is now considered the second most costly hurricane in U.S. history, second only to Hurricane Katrina, but more importantly and more tragically, Hurricane Harvey took many, many precious lives. Harvey started out as a category 4 storm hitting South Texas, making landfall at Corpus Christi, Victoria, Port Aransas, Rockport, Aransas Pass, and Refugio, doing devastating damages with 135-mile-an-hour winds.

It took down powerlines. It stopped fresh water. It clogged sewage systems. It devastated people's homes and people's businesses.

I visited each of those communities many, many times in the weeks and months that followed Hurricane Harvey, and I have seen the transition those communities have undergone in dealing with the disaster and then rebuilding.

But Harvey wasn't done after making landfall. Then, it moved north and east, parking over the city of Houston and just sitting there. Over a 6-day period, Harvey dumped 27 trillion gallons of rain over Texas and Louisiana, causing historic flooding—flooding that is not a 100-year flood, not a 500-year flood, but a 1,000-year flood.

In southeastern Texas, Hurricane Harvey dropped rainfall of more than 60 inches, which exceeds the annual rainfall on average for that region. Over 300,000 structures were flooded in southeast Texas, and a half million cars. More than 200,000 single family homes were flooded across the State, many of which were not in flood plains and not deemed to be at risk of floods.

But we don't mark this anniversary in a spirit of tragedy—rather, in a spirit of triumph. There were many bright lights that cut through the darkness of the storm. There were the police and first responders who led thousands of families to safety. Some, like Sergeant Perez of the Houston Police Department, made the ultimate sacrifice while protecting his community.

There were over 17,000 national guardsmen who answered the call from Texas and from all around the country.

The U.S. Coast Guard rescued 11,022 people and 1,384 pets during the storm. There were countless acts of heroism from folks next door, from church basements offering shelter to neighbors, people making human chains, plucking one another out of the flood waters, and from our countrymen in the Cajun Navy, who boldly answered the call with memories of Katrina still fresh and vivid, to business owners like my friend Mattress Mack, who threw open the doors to give entire communities shelter, warmth, and comfort.

I have never been prouder to be a Texan than I was in the days during

and after Hurricane Harvey, when you saw ordinary Texans risking their lives to save each other. There were no party lines. There were no Republicans and Democrats. There wasn't Black, White, Hispanic, or Asian. We were simply Texans helping Texans, standing as one, united. We were lifted up by prayers from millions across Texas, across the country, and across the world.

I remember one gentleman I met. It was at the George R. Brown Convention Center, which had been stood up as a shelter for the many who had lost their homes. I was there one morning volunteering, serving oatmeal. Next to me, someone else was volunteering, serving oatmeal as well, and I said to him, as I tried to say to many, many people throughout that tragedy: Thank you. Thank you for the difference you are making. Thank you for helping out your fellow Texans. Thank you for being here.

I remember he laughed, and he said: Well, I have to be here. My home is underwater. I don't have another place to sleep.

Even though he had gone to seek shelter, once he got there, he wasn't content simply to receive aid and assistance. He wanted to help out. That was the spirit and the community that we saw all up and down the gulf coast.

I remember visiting with two young boys. They were 8 and 10 years old. They were in their home when water rose to waist level, and they had to be rescued by boat. I remember visiting with these boys and saying: Was that scary? How are you doing?

Both boys started laughing, and they said: Are you kidding? We got to swim in our living room.

That kind of joy suffused dealing with the tragedy.

Since the flood waters have receded, many, many families have returned home. Some bravely made a home in new surroundings, and the long, important work of rebuilding has continued.

One year ago, you could take a boat through city streets. I still remember riding on a boat down Clay Road, a road in northwest Houston. I became a Christian at Clay Road Baptist Church. Clay Road was under 8 to 10 feet of water, and I remember taking a boat over cars, over trucks, going right down the middle of Clay Road.

Today, our communities are coming back stronger than ever. Our businesses are once more a part of the Texas booming economy. Our neighborhoods ring with laughter, lawnmowers, and barbecue grills.

I am humbled and grateful to say that the amazing success of recovery has been helped by the willingness of Congress to recognize the extraordinary crisis caused by Harvey and to step up in a bipartisan manner to address it. Since Harvey made landfall, Congress has appropriated over \$140 billion in emergency funding to respond to the 2017 hurricane season and to the California wildfires. Over three sepa-

rate bills, we came together and made it possible to clean debris, to open schools, to rebuild homes for families, and to give entire towns a new start.

My colleague Senator CORNYN and I have worked hand in hand on each of these relief bills in the Senate, increasing the funds available to hurricane victims from those that originally had come over from the House, increasing the overall amount of funding for the U.S. Army Corps of Engineers for flood prevention projects, as well as for funding other mitigation activities under the Community Development Block Grant Program and the Disaster Recovery Program.

Last month, as part of this funding, the Army Corps announced that Texas would receive nearly \$5 billion for projects in the State as part of its disaster supplemental funding plan—projects dealing with long-term flood mitigation to prevent this sort of tragedy from occurring again and to rebuild in a way that is stronger and more resilient and that protects homes and businesses and families. This means that roughly half of the relevant Army Corps construction funds will go to projects in Texas intended to help to prevent future flooding events.

The Department of Housing and Urban Development has awarded over \$10 billion in community development block grant disaster recovery funds to Texas. These crucial funds will go a long way and already have to meet the needs of Texans who are continuing to repair and to rebuild from Harvey.

We also joined together to pass an emergency tax relief bill. I joined with Senator CORNYN and Senator RUBIO, and together the Cruz-Cornyn-Rubio bill granted over \$5 billion in emergency tax relief to those who had been impacted by these hurricanes, allowing people who had lost their homes or had seen devastating damage to their homes to deduct those damages from their taxes and allowing people to take money from their retirement savings—their IRAs and their 401(k)s—and to use those savings to rebuild their homes without paying the ordinary 10 percent early withdrawal fee. It also gave a tax credit to employers—the many, many small businesses who kept the paychecks coming even as the businesses may have been underwater and even as the employees couldn't come into work because their homes and cars were flooded.

Until recently, houses of worship had been excluded from Federal disaster assistance just for being faith based. That policy was wrong. It was discriminatory. Many religious institutions were badly damaged or destroyed during Hurricane Harvey.

I remember visiting a synagogue in Meyerland, a neighborhood of Houston, that had been flooded repeatedly and badly. I went to work with my colleagues, introducing legislation to fix this problem. A few months later, FEMA announced a critical reversal in their policy so that houses of worship

would no longer be discriminated against and would be eligible for the same relief funds as everybody else. Then, in February, our legislation codified FEMA's decision into law, ensuring that religious institutions were not discriminated against. We protected the First Amendment rights of our churches, our temples, and our synagogues, which had suffered so greatly in Harvey and contributed so much to the relief efforts.

That was one of the striking things—how many people who were helping themselves had been damaged.

Just over a week ago, I visited Ellington Base, meeting with the Coast Guardsmen, the swimmers and pilots who had gone into harm's way. For many of them, their own homes were underwater. I visited with one Coast Guard pilot who had to walk through waist-high water to get to a parking lot where a helicopter could go and pick them up so they could fly and save others.

That story, over and over, was the story of Harvey.

One year after Harvey's devastation, the work continues. The Texas gulf coast continues to recover, and it will take years for the rebuilding to be complete, but as the Lone Star State rebuilds stronger than ever, we will keep moving forward.

May we never forget the tragic days that Harvey hit our shores, but may we always remember the heroes who triumphed in the midst of the darkness, the brave men and women who were a light to their country. They are the best of America. They are the best of Texas. God bless them all, and may God continue to bless the great State of Texas.

I field the floor.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Rhode Island.

#### THE MILITARY LENDING ACT

Mr. REED. Madam President, I rise today to support the Senator from Florida, my dear friend Senator BILL NELSON, and to thank him for his leadership in working on a bipartisan basis to enact the Military Lending Act in 2006, which caps the annual interest rate for an extension of consumer credit to a servicemember or his or her dependents at 36 percent.

Because of his efforts, servicemembers and their families have strong consumer protections that defend them against unscrupulous lenders who unpatriotically, in my view, prey upon these young men and women while they are selflessly and valiantly serving this Nation.

It has been my honor to work with the Senator from Florida in enacting, protecting, and strengthening the Military Lending Act since 2006.

I must say that my experience is not just as a legislator. I had the privilege of commanding a paratrooper company in the 82nd Airborne Division, and before that I was the executive officer. I spent many, many hours with young

soldiers who had been taken advantage of by—not all businessmen, but, in fact, very few—unscrupulous operators who would prey on them, who would leave them in a financial condition that ruined their careers and their lives. Because of Senator NELSON's efforts in passing the Military Lending Act, we took some steps to protect these young men and women who are protecting us, and we owe the Senator a great deal of regard and respect for what he has done because he, too, has recognized the demands of service to our Nation by men and women in uniform.

For generations, Americans have set aside partisanship and have made every effort to provide servicemembers and their families with all the resources and protections they deserve. Indeed, it should not matter to servicemembers whether the Commander in Chief is a Democrat, Republican, or Independent, and there should never be a question whether an administration will make every effort to support men and women in uniform.

Unfortunately, this administration is forcing servicemembers to question whether the administration has their backs in light of recent reports that the Consumer Financial Protection Bureau, under OMB Director Mulvaney's leadership, will no longer make every effort to protect servicemembers and their families under the Military Lending Act due to their claim of a purported lack of authority.

Let me be clear. The CFPB has all the authority it needs, and it should not be abandoning its duty to protect our servicemembers and their families and ensure that they continue to receive all their MLA protections.

We should not forget that the CFPB's routine examination of at least one payday lender already uncovered Military Lending Act violations, where a payday lender extended loans at rates higher than 36 percent to more than 300 Active-Duty servicemembers or their dependents. Let me also put this in perspective. The requirements of the Military Lending Act set an interest ceiling of 36 percent. In this environment, 36 percent is more than an adequate return, and the idea that businesspeople would be trying to engage soldiers, sailors, marines, and airmen in lending arrangements that went beyond 36 percent is, on its face, not only deplorable but flabbergasting. That is what CFPB was able to further prevent. Because of their supervisory activities, they were able to discover these violations, alert the appropriate authorities, and stop these individuals from continuing to prey on service men and women.

In an April 2018 DOD letter I received, the Department of Defense stated: "initial indications are the new MLA rules . . . are having their intended outcomes . . . the use of high-cost credit products and associated readiness problems appear to be decreasing."

We are making progress under Senator NELSON's MLA and under the leadership of the Consumer Financial Protection Bureau to protect servicemen and servicewomen. Why would we turn our backs and retreat? Servicemembers wouldn't turn their backs and retreat. Why is Director Mulvaney suggesting we do that?

Indeed, DOD has stated that losing a servicemember due to personnel issues, such as financial instability, cost taxpayers and DOD more than \$58,000 for each separated servicemember. Again, recalling my service, dealing with young men—and at that time paratroopers were all males in the 82nd—dealing with these young men, their whole lives were ruined. They were reported for being late for formations or missing formations because their car had been repossessed or they were so overwhelmed by debt they didn't realize they were accumulating, they couldn't function. They could lose their security clearances because one factor of maintaining a security clearance is having no credit problems. They could be dismissed at a cost to taxpayers of \$58,000 per servicemember for each separation.

So in addition to saving the Department of Defense and taxpayers money, the CFPB's Office of Servicemember Affairs—again, on a bipartisan basis, working with Senator Scott Brown of Massachusetts, I cosponsored legislation that created within the CFPB an organization that is exclusively devoted to protecting servicemembers. The first Director was Holly Petraeus. She did a superb job. She was succeeded by a career JAG officer, Colonel Kantwill, who also did a superb job. This organization, the CFPB, with their Office of Servicemember Affairs, has all the authority it needs and an obligation to protect the men and women in uniform who protect us.

Their website says it has "helped return hundreds of millions into the pockets of servicemembers affected by harmful practices." The CFPB, through the Office of Servicemember Affairs, has returned hundreds of millions of dollars to men and women in uniform who were being victimized by unscrupulous operators, and we are going to stop that? We are going to walk away from success? As I said before, are we going to turn our backs and retreat on people who don't turn their backs and retreat on this Nation? That is why it is frustrating, and it is inexplicable that the Trump administration would tout its dedication to servicemembers in one breath and roll back military consumer protections with the next. To set the record straight, rolling back MLA protections prioritizes the interests of predatory lenders over the interests of servicemembers and their families. If you can't make a decent return with a limit of 36 percent interest, you shouldn't be in business—you shouldn't be a legitimate business. This is not what any administration, Republican

or Democratic, should do and certainly not what the CFPB should do.

As the ranking member of the Senate Armed Services Committee and also having had the highest privilege of serving this Nation in uniform, I stand with my fellow veterans, my colleagues, and all Americans to call on the administration to do the right thing, honor our Nation's commitment to provide servicemembers and their families with all the protections they have earned.

Again, I thank the Senator from Florida for his efforts. Because without his efforts, we would not have the Military Lending Act. Service men and women would be victimized even more grievously. So to Mr. NELSON, I salute him and thank him and urge him to continue his valiant efforts.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, you can't say it any better than how the Senator from Rhode Island has said it. He is a West Point graduate, was a company commander, was the executive officer of a brigade—he just told us, the 82nd Airborne.

He has seen what has happened to these young troops. They get their pay, they go outside the gates, there are folks who want to give loans to them, and then they run up rates as much as 100 percent and 150 percent. That is why we passed the Military Lending Act back in 2006, to cap those rates at 36 percent. That is high enough, but it is a lot less than the 150-percent rates given to these poor, unsuspecting troops who are being taken advantage of.

As a former 82nd Airborne member, the Senator from Rhode Island has just shared his personal experience of what would happen. Troops would not show up for muster because suddenly their car had been repossessed or they had people hounding them. What has happened over the years since 2006, when we passed the bill, is, in fact, they found ways to get around it. Now commanders are receiving harassment calls. They found a way to get around the 36 percent.

What we want to do is lower it down to 24 percent. If someone cannot do well in business when getting a return of 24 percent on what they are loaning out, then they shouldn't be in business, and especially they shouldn't be in business to take advantage of our U.S. military troops.

That is why I have introduced the Military Lending Improvement Act of 2018. That is why it goes into more specifics. It not only lowers the interest rate but ensures that auto loans are covered by the Military Lending Act. Let's remove any ambiguity there—to prohibit creditors from calling servicemembers' commanding officers or improperly threatening action under the Uniform Code of Military Justice to collect a debt from a U.S. military servicemember. It is commonsense. It

will show members of our military that the law will protect them and will go after these shady lenders.

I urge all of our colleagues to support it. Obviously, this doesn't have anything to do with partisanship. This is supporting the troops. I urge our fellow Members of the Senate to work with Senator REED and me to get the CFPB leadership off the dime to protect our bravest from financial scams. It is just mind-boggling that the Consumer Financial Protection Bureau that is set up for the purpose of protecting consumers would now turn a blind eye to protecting some of the most vulnerable who almost everybody in America would say we want to protect. That is because there are the unscrupulous lenders.

We saw a lot of this in the early years of the wars of Afghanistan and Iraq. When a servicemember was overseas in Operation Enduring Freedom and Operation Iraqi Freedom, they were being scammed by the payday, title loan, and other kinds of lenders, and they were being charged those exorbitant rates. It is just morally wrong. That is what brought the law in 2006, and now we need to update that law.

Back in 2006, there was a Department of Defense report that told the story of one young servicemember who was charged \$100 to take out a \$500 loan. Using the CFPB's formula, that equates to an annual percentage rate of 520 percent. That servicemember was forced to take out other loans. He had to do multiple rollovers to pay off the initial \$500. It snowballed into a cost of \$15,000 when it was all said and done. The servicemember can't pay that. So the law was passed in 2006, but now we need to update it, and before we update it in law, we need to get the Consumer Financial Protection Bureau to act and to protect the consumer.

The law says creditors "may not impose an interest rate higher than 36 percent," and it says that specifically on servicemembers. There is no ambiguity there. So the CFPB ought to enforce that law until we update it with this new one. When you have to force a member of the military to have to be concerned and harassed and taken away from his duties and to file a complaint with the CFPB, it just ignores the law. What is there to protect the very people we want to protect?

Indeed, this is a matter of right and wrong. Indeed, this is a moral reason. Let's get the administration to enforce the existing law, and then let's update that existing law with even tighter restrictions on the lenders that are taking advantage of the very people we want to honor and help, the people in uniform who are protecting this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, I ask unanimous consent to speak as in morning business.

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

NOMINATION OF BRETT KAVANAUGH

Mr. HEINRICH. Madam President, I rise today to call on each of us to take seriously one of our most important duties as Senators—our constitutional duty to provide advice and consent on Presidential appointments to the Supreme Court.

As we all know, over the last 3 years, the longstanding tradition of building bipartisan consensus in the Senate around nominees to our highest Court was flown into the ash heap of history. The majority leader and Senate Republicans completely dismantled the rules that made advice and consent real in the Senate—all to steal a Supreme Court nominee from our last President. By making nominations to the highest Court—perhaps the most consequential votes we take as Senators—subject to only a simple-majority vote, Republicans rigged the system to make it possible for the most extreme nominees to make it all the way to the Bench.

Before they broke the rules, requiring 60 votes ensured that both parties would have a real seat at the table and that mainstream nominees would be nominated and confirmed with the advice and consent of the Senate. Now we have been told that we must accept the resulting new normal of a politicized and completely partisan selection process to fill any new vacant seat on the Court.

I, for one, refuse to legitimize this broken process. Under these broken rules, the minority party—even in as closely divided a Senate as we currently have today—has effectively zero ability to say: Wait. Hold up. There is something about this nominee that is too extreme or too disqualifying for a lifetime appointment to the highest Court in the land.

That is not democratic. That is not what the Founders had in mind when they created the Senate as a deliberative body. This body was intended by the Founders to be the methodical answer to the fiery passions of the day, not an amplifier of them.

I fear that this broken system will create potentially disastrous consequences for the health of our democracy as a whole. It has already resulted in a crisis of confidence where the public no longer views our Supreme Court as independent. Frankly, the public is correct—not just because of the precedent it set and hostility that it created but also because of the nominee before us.

Because President Trump knew going in that he would not need a single Democratic vote, he went straight to a predetermined list of names given to him by the Heritage Foundation and the Federalist Society. That meant that the President only considered nominees who fulfilled all of the ultra-conservative special-interest litmus tests. This ensures that each of the judges he considered opposed women's

healthcare, environmental protections, and workers' rights. You don't have to take my word for that; President Trump was very explicit on the campaign trail in saying that he would only choose from this list of extreme conservatives for the Supreme Court. Without real advice and consent, there is no counterbalance and no real voice for Americans who don't want to see the country unrecognizably changed forever by his ultraconservative Court-packing.

We have been asked to go through the motions of a broken and partisan confirmation process for a nominee with a troubling and dangerous track record. If confirmed, a Justice Brett Kavanaugh would be a deciding vote on so many important issues that I have no doubt will come before the Supreme Court. Would a confirmation process in which both parties had a real seat at the table produce a nominee who believes that polluters should be able to poison our air and water unchecked; a nominee who does not believe women have the right to make decisions about their own private healthcare needs; a nominee who has ruled against well-established rights of privacy? No. And that is precisely the point.

Judge Kavanaugh's hyperpartisan opinions formed over a lifetime as a Republican DC operative will influence his decisions from the Bench. He is out of touch with consensus views held by the American people, and his extreme views could drastically alter our daily lives.

Judge Kavanaugh is exactly the type of ideologue and politically motivated nominee we can expect to see not just for this seat but for all Supreme Court seats moving forward if we allow the Senate rules for providing advice and consent to remain in tatters. But I worry that by rushing this through on a completely party-line vote, we are enabling an even greater threat to our democratic institutions and to our Republic itself, and that is because, from what we do know about his judicial record, work experience, and writings, Judge Kavanaugh believes in giving a disturbing amount of deference to the executive branch and to the President of the United States.

Judge Kavanaugh has written and delivered very clear statements saying that he believes a sitting President should not have to face prosecution, criminal investigation, subpoenas, or civil litigation. To be clear, this judge believes the President is above the law. This is the United States of America. No one—I repeat, no one—is above the law.

It really makes you wonder why President Trump would pick him for a potentially deciding vote on the Supreme Court, doesn't it. Do I need to remind you that our President and members of his campaign team remain under Federal investigation for coordinating with the Russian Government's interference in our election?

Just yesterday, the President's longtime attorney and his campaign chair-

man were each declared guilty in eight separate Federal crimes. In his guilty plea for campaign finance violations, the President's former attorney, Michael Cohen, implicated the President himself in coordinating payoffs to women who alleged affairs in an effort to influence the election.

Look, combine all of President Trump's ongoing legal troubles with his unbalanced and impulsive style of governing, and there are many plausible and even likely questions about the scope of the executive branch's authority that could come before the Supreme Court. Especially after yesterday's major developments, this is no longer purely hypothetical. We don't know enough about how Judge Kavanaugh might rule on these questions, but what we do know is deeply concerning.

Judge Kavanaugh has questioned whether Presidents should be forced to answer to civil lawsuits, criminal investigations, or questions from a prosecutor while they are in office. That, to me, is unbelievable. In another example before he became a judge, Kavanaugh said that he thought the Supreme Court had made an "erroneous decision" when it unanimously ruled that President Nixon needed to turn over White House tapes that ultimately proved the role that he played in covering up the Watergate scandal. Kavanaugh has also stated that he opposed the post-Watergate special counsel law and implied that nothing limits the President's authority to terminate a special counsel with or without cause.

It is easy to see how Judge Kavanaugh's views on Executive power are especially dangerous in the current times. This view of an executive branch untethered from the checks and balances that form the very norms of our political system should terrify Senators on both sides of the aisle who believe that the separation of powers is a cornerstone of our American democracy.

On top of this, we need to know more about Judge Kavanaugh's actions when he was in the executive branch. As a high-ranking official in the George W. Bush White House, Judge Kavanaugh served on the legal team and as Staff Secretary to President Bush during controversial abuses of Executive power. Senate Republicans have so far obstructed requests to review all of the records that would show what role Kavanaugh played in determining the legality of President Bush's policies. What side did he take as the Bush administration's CIA used illegal torture techniques, such as waterboarding? Was he aware of the Bush administration's warrantless mass surveillance of Americans' phone and internet records? These are unanswered questions until we are able to review relevant Presidential records—the same types of reviews we have been able to do for past nominees when there was real advice and consent.

The National Archives told Senator GRASSLEY, the chairman of the Judiciary Committee, that it cannot physically process all of the relevant records until October. Yet Senate Republicans have scheduled confirmation hearings and then a likely confirmation vote for Judge Kavanaugh to begin in early September.

We should never proceed on a confirmation vote for a lifetime appointment to the Supreme Court until we have done our due diligence in reviewing every relevant document on a nominee's record. We should not proceed on Judge Kavanaugh's nomination until we have clear answers to highly important questions about his actions in the Bush White House. Under a functioning confirmation process, the need to review these records would not even be up for debate. It is just plain common sense and part of our constitutional duty to carefully, to methodically review the qualifications of nominees as part of providing advice and consent.

Unfortunately, as is obvious to anyone watching this process unfold, the United States is no longer operating under rules that ensure a fair process. Instead, Republicans are rushing to push this nomination through at a breakneck pace so that they can confirm Judge Kavanaugh before this fall's election regardless of legitimate questions about his record, regardless of the dangerous consequences of his extreme views on so many issues.

At a time when our democratic institutions themselves are under attack—from undermining the free press to there being foreign influence in our elections—we should be very careful in weighing who sits on this, the Nation's highest Court.

Once again, I plead with my colleagues that we can do better than this. We must restore advice and consent in the Senate before we confirm any nominee who will be tainted by this partisan, broken system. I call on each of us to work together to create a better system and to restore a bipartisan process on which we can build consensus to see us through these politically turbulent times. Until we restore a fair confirmation process, I will fight alongside the American people, who are demanding that we do our jobs that they elected us to do and with the seriousness required to get this right.

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. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MANAFORT AND COHEN TRIALS

Mr. LEAHY. Madam President, there have been a number of headline-grabbing days during the first 18 months of the Trump administration, and I think yesterday is going to rank among the



most extraordinary. But for this Senator from Vermont, it has been the most troubling.

The President of the United States was effectively identified by his longtime lawyer and confidant as an unindicted co-conspirator in their efforts to commit criminal campaign finance violations. If what they are saying is true, what his confidant is pleading guilty to is that then-Candidate Trump arranged payments to two women he had affairs with, in violation of Federal law, in order to keep those affairs hidden from the American people at a most critical time, days before the election.

Further, last night, the lawyer for Mr. Cohen claimed that his client also has information relevant to whether President Trump had advance knowledge—and even supported—the hacking of Democratic electronic files. We know that he gave a speech at one point saying that if Russia is listening, they should hack. That crime, which we know was committed at the direction of Russian President Vladimir Putin, serves as a basis for Special Counsel Robert Mueller's investigation.

Also yesterday, within minutes of Mr. Cohen's entering his guilty plea, a jury found the President's former campaign manager guilty of numerous tax and bank fraud charges. Paul Manafort will now face a separate trial concerning his work for a Putin-connected oligarch both in Ukraine and here at home. In this second trial, scheduled to begin next month, Mr. Manafort has been charged with conspiracy to defraud the United States, failing to register as a foreign agent, and money laundering, among other charges.

The clouds of criminal conduct surrounding those close to the President are darkening. Directly or indirectly, his campaign manager, personal attorney, and multiple aides have now been swept up in the Special Counsel's investigation. This probe has resulted in numerous guilty pleas and 34 criminal indictments. And it is not complete.

I have watched, both as a Senator and as a former prosecutor, and it is so troubling. I know one thing; it is crucial that the special counsel be permitted to complete his investigation and to do so without the daily—often hourly—interference from the President. During my four decades in the Senate, I have never before seen an investigation led by career, apolitical law enforcement officials so personally and publicly maligned by a politician—let alone by the President of the United States. No one is above the law, and the President should stop acting as though he is.

I would also urge the Majority Leader to immediately bring the bipartisan legislation to protect the Special Counsel to the Floor. We passed this legislation out of the Senate Judiciary Committee with a bipartisan vote. Anyone who says that the President can be trusted not to undermine the Special

Counsel has clearly not been paying attention. Think of all of the tweets he sent as the Manafort trial was going on. Do you think those weren't seen directly or indirectly by those involved in the trial? We know that the judge made clear his opposition to the prosecution, and the jury also had to listen to the President's tweets. Just think of what that does.

It is equally critical that the Senate reassert its oversight responsibility over the Executive Branch—something for which we have advocated. If these were normal times, the Senate Judiciary Committee would immediately pursue an investigation.

Indeed, the Judiciary Committee is uniquely situated to investigate the allegation raised by Mr. Cohen. The Committee has jurisdiction over our criminal laws, including our campaign finance laws. Mr. Cohen's lawyer has indicated that he is willing to testify before Congress without being granted immunity—pretty extraordinary.

It is difficult to reconcile the Judiciary Committee's inaction here with one of the most critical constitutional crises we have seen—certainly since I have been in the Senate, and I have been here for 44 years.

It is difficult to reconcile the Judiciary Committee's inaction with its race to confirm President Trump's nominee to the Supreme Court. In fact, the timeline the Republicans are pursuing to consider Judge Kavanaugh is so aggressive that it will sideline the non-partisan review of the nominee's record performed by the National Archives. That has occurred for every Supreme Court nominee since Watergate, whether Republican or Democratic.

I mentioned earlier today that when I was chairman, Justice Kagan was up, and the Republicans asked for her records. We got 99 percent of them. I went to the Archives. I joined with the senior Republican, Jeff Sessions, on the Committee to request them. We got 99 percent of those records before the hearing. We have 6 percent of Judge Kavanaugh's records. And those were handpicked by a lawyer whose clients include, among others, Stephen Bannon and other very partisan clients.

The Russia investigation is the most pressing national security investigation of our time. Here we have a powerful country—Russia—that is working against us. We know it. We can just pick up the paper. Without going to any of the classified hearings that most of us have been to, we can read what is in the paper about the hacking Russia has done and the billions of dollars it has cost people and the hacking that continues to this moment against the United States. This is the Russia that the President publicly called upon during a campaign rally to hack his opponent's computers. We know from what we have seen and what our intelligence community has told us that they did try to influence the last election, and we do know they intend to

try to influence the elections this year, not only in our country but in other countries. This is a major problem, and it is being ignored.

I think history is going to judge all of us in the U.S. Senate very harshly if we collectively shrug our shoulders and disregard our constitutional responsibility to oversee the Executive Branch in this moment. We represent a coequal branch of government. It is time to act like it.

Mr. President, I was going to suggest the absence of a quorum, but I see one of my distinguished colleagues on the floor, so I will simply yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. DAINES. Mr. President, I rise in support of the Defense appropriations bill being considered by the Senate. With this important measure, we are greatly enhancing our national defense by providing the actual funds our warfighters need to maintain a decisive advantage over our adversaries.

As home to one-third of our strategic ground-based nuclear arsenal, Montana plays a critical role in deterring aggression, enabling diplomacy, and maintaining a posture of peace through strength.

While serving in the U.S. Senate, I have visited Malmstrom Air Force Base in Great Falls, MT, several times. I have toured the missile fields and the silos. I have had the honor of sitting down and speaking with the men and women who maintain this important nuclear deterrent. Their hard work and their professionalism are unmatched. We owe it to them to support their work and give them the tools they need to be successful.

It is so important that we advance the deployment and the development of the next ground-based strategic deterrent. This bill achieves that goal by replacing Montana's current Minuteman Missile, as well as the UH-1N replacement helicopter that services our missile fields. It also recognizes the important work Montana's university researchers and small businesses do in support of our Nation's military readiness.

Montanans are quite proud of the critical role our State plays in defending this great Nation. This bill strengthens and enhances that role.

As a member of the Defense Appropriations Subcommittee, I am pleased to note that it makes substantial investments in emerging technologies, such as hypersonics, directed energy, artificial intelligence, and cyber security. In particular, we are providing additional funding for new cyber units within the National Guard that will be available to the States under title 32 authority.

I worked with my colleagues here in the Senate to secure these additional funds because I believe the National Guard will play an increasingly important role in defending our Nation against government-backed cyber attacks from nations like China, Russia,

North Korea, and Iran. These nations target critical civilian networks like schools, hospitals, or private businesses, where the military's authority is limited. Only the National Guard has the unique ability to provide assistance on request by a State's Governor.

These new units will fill a critical need and increase the effectiveness of our military's existing cyber defense forces. They will also bring in new skill sets and new perspectives from citizen soldiers who work in cyber-related professions.

In closing, I wish to urge my colleagues to support the measure before us today to empower our servicemen and our servicewomen and ensure that our Nation's military capabilities are unmatched by our adversaries.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, Boy Scouts shouldn't get a merit badge for telling the truth, and U.S. Senators shouldn't get an award for passing appropriations bills. That is what we are expected to do. That is what we are here for. That is our most basic responsibility. But I think it is worth noticing, especially since the distinguished vice chairman of the Appropriations Committee is still on the floor, that this is the largest number of appropriations bills passed before August since the year 2000. We have already done that with seven bills, and if we are successful this week, as I expect we will be, in passing the third package of appropriations bills, we will have passed in the Senate annual appropriations bills that account for nearly 90 percent of the discretionary Federal Government spending. That is the part of the government spending that is not automatic—we call that the mandatory spending. It is the part of the government spending that is under control.

For the last 10 years, this basically 30 percent of the Federal budget that we call discretionary spending that we appropriate every year—that has been going up at about the rate of inflation, and over the next 10 years, according to the Congressional Budget Office, it will go up at just a little more than the rate of inflation. So this money we are spending on behalf of our taxpayers, we are spending in a budgeted, responsible way, and we are spending it on time—if we continue the progress we are making—which makes it easier for our military, our National Laboratories, and our agencies to plan and spend money more wisely.

Nothing is more wasteful—almost nothing is more wasteful—than the failure of the U.S. Congress to appropriate or decide the amount of money that is to be spent every year before the year begins. Too often over the last several years, it has been the middle of the year before agency managers knew what they could spend that year, and that is a wasteful practice. In a military sense, our leaders in the Department of Defense tell us it is a dan-

gerous practice in terms of what we can count on for our national security.

I would like to pause for just a moment and reflect on what the Appropriations Committee is doing, what the U.S. Senate is doing and doing properly—not because we deserve an award or a merit badge for doing our most basic responsibility but because it is worth noting when we do it because it hasn't been done for so long.

The following are the seven appropriations bills that have already passed the Senate. One is the Energy and Water Development legislation. I am chairman of that committee and of the conference that is working on that. I am working with Chairman MIKE SIMPSON in the House, Senator FEINSTEIN, and Representative KAPTUR. We are working together. We hope to have that bill—which has already passed the Senate and has already passed the House—we hope to come together and have a conference immediately after Labor Day so we can complete the bill and send it to the President for his signature. That is one of the appropriations bills. Others are Military Construction, Veterans Affairs, and Related Agencies—we passed that one; the Legislative Branch—we passed that one; and Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and that passed.

In past years, Interior, Environment, and Related Agencies has been very difficult to pass. There are some controversial issues there, but Senator SHELBY and Senator LEAHY have led us, along with Senator SCHUMER and Senator MCCONNELL, to say: We are not going to try to solve every controversial issue that we can think of on the appropriations bills, because we have learned in the past that practice will sink them. So we have tabled a few bills—a few amendments that have come before us because they would have kept the appropriations bills from proceeding. We can deal with those more controversial ideas and amendments at another time.

Transportation, Housing and Urban Development, and Related Agencies has been passed. Financial Services and General Government has also been passed.

So there are seven. That is the largest number of appropriations bills the Senate has passed before August since the year 2000—18 years ago. This week, we are debating the third package of appropriations bills, which includes Labor, Health and Human Services, Education, and Related Agencies and the Defense appropriations bill. That means that if we are successful in completing our work this week on those two, we will have considered all nine of those appropriations bills under what we call in the Senate the regular order. That means we have an opportunity to offer other amendments when they come to the floor, we debate them, we vote on those amendments, we pass the bills, and then we go to conference with the House. In other words, not

just the 31 members of the Appropriations Committee get to work on this; all Members of the Senate get to have their say.

This week, we have already voted on some amendments, and we may get to consider more. After we finish these two bills—as I said earlier, hopefully tomorrow—the Senate will have passed the annual appropriations bills that account for nearly 90 percent of the discretionary Federal Government spending.

Senator SHELBY, the chairman, and the vice chairman, Senator LEAHY, as well as the majority leader, Senator MCCONNELL, and Senator SCHUMER, all deserve credit and our thanks for creating the environment that makes this possible. I appreciate their commitment. I want to especially commend Senator BLUNT, Senator MURRAY, Senator SHELBY, and Senator DURBIN for their work on the bills that are before us this week.

A few weeks ago, one of my friends in Nashville, one of the major contributors to Vanderbilt University Medical Center, came up to me. He said: It is a real shame that you guys in Congress aren't funding biomedical research.

So I said to my friend: Well, let me tell you what has happened the last 3 or 4 years, and see if you still believe that. The U.S. Senate is on track for the fourth straight year to provide record funding for biomedical research at the National Institutes of Health in a regular appropriations bill.

This year's bill includes \$39.1 billion for the National Institutes of Health—a \$2 billion increase over last year.

Over the last 3 years, Congress has increased NIH funding by about \$7 billion. First, Congress increased National Institutes of Health funding by \$2 billion in 2015. Then, in 2016, we increased it another \$2 billion. Then, in 2017, Congress increased funding at the NIH by \$3 billion, including \$500 million to work on a non-addictive pain killer, which, in my view, is the Holy Grail of the fight against the opioid crisis—finding some form of painkiller that is not addictive for the 100 million Americans who hurt and the 25 million who have chronic pain.

This year's increased funding for biomedical research will mean more medical miracles—new treatments and cures. The reason Congress has given this such a priority was very well described by Dr. Francis Collins, the head of the National Institutes of Health. He calls it the “National Institutes of Hope.”

When he testified before our Appropriations Committee, he talked about what we might expect to see during the next 10 years if we properly fund the National Institutes of Health. Some of those predictions by Dr. Collins were these: Being able to identify Alzheimer's disease before symptoms appear; the possibility that we could rebuild a patient's heart with the patient's own cells—in other words, put

the transplant surgeons out of business; the creation of a safe and effective artificial pancreas, making life easier and healthier for the millions of Americans with diabetes; development of new vaccines, Dr. Collins said, including for Zika, for HIV/AIDS, and a universal flu vaccine; development of a new, non-addictive painkiller, which I mentioned; significant progress on the Precision Medicine Initiative, which President Obama championed, which aim to map the genomes of 1 million volunteers so that we can better tailor treatments to patients; and new treatments for cancer patients. Those are just some of the new treatments, cures, and miracles we might expect, Dr. Collins said, in the next 10 years.

This bill we are talking about also provides \$3.7 billion to help those on the frontlines of the opioid crisis and help bring an end to opioid abuse. Senator MURRAY and I, as well as about 60 Members of this body, have put together a comprehensive opioids authorization bill, which we hope to be able to present to the full Senate at the end of next week, or shortly after Labor Day, that can be put together with the House to address this crisis. But this is the money for the opioids initiative; it is in this bill: \$1.5 billion for State Opioid Response Grants, state grants originally authorized by the 21st Century Cures Act; \$500 million to develop non-addictive painkillers; funding for more substance abuse and mental health treatment services at Community Health Centers.

The other funding bill included in this minibus appropriations bill is the Defense Appropriations bill. The Senator from Illinois is on the floor. He is the ranking Democrat on that committee. He has also been one of the foremost leaders of the effort to increase the biomedical research I just mentioned.

Chairman SHELBY and Senator DURBIN worked together to produce a bill that provides a total of \$675 billion to make sure our troops have the resources they need to maintain our national defense. The funding included in this bill will provide the largest pay increase since 2010 for the men and women serving in the military, including those who serve at Fort Campbell in Tennessee and Kentucky.

Also, \$2.8 billion is provided for basic research at the Department of Defense. This is the largest Defense Department research and development budget in history.

It is hard to think of a major technological development since World War II in this country that wasn't supported in some way by federally sponsored research. Funding basic research at the Department of Defense will give the United States an advantage over our adversaries and allow us to maintain the strongest military in the world.

I have suggested to President Trump that he make science and research a part of his "America First" agenda. We need to do that. Since 2007, over the

last 10 years, China has increased its spending on basic science by a factor of four and may surpass the United States in total spending on research and development this year, according to Norm Augustine, who, during the George W. Bush administration, chaired the bipartisan committee that wrote a report called "Rising Above the Gathering Storm," which made recommendations to the Congress on how to retain America's competitive advantage.

Our country needs to continue to be first in the world in basic research. The President has already signed into law two consecutive appropriations bills that provide record funding for science, technology, energy, and biomedical research, and the two appropriations bills we are debating this week will provide even more funding for basic research.

I urge my colleagues to support these bills because passing these bills means more biomedical research at National Institutes of Health for treatments and cures; more Federal help for States and communities struggling to combat the opioid crisis; the largest Department of Defense research budget in history; and pay raises for the men and women who serve in our military.

Let me say again what I said a little earlier. This funding that we are talking about—this record funding for science, technology, basic research, supercomputing in another bill, the need for our national defense—all of this is within the part of the Federal budget that is under control. Over the last 10 years, this discretionary part of the budget—roughly one-third or a little less than one-third of the budget—has grown at about the rate of inflation, and over the next 10 years, according to the Congressional Budget Office, it is expected to grow at just a little more than the rate of inflation.

So this is not the Federal spending that is causing the big Federal deficit. This is spending for national defense, national parks, the National Institutes of Health, and national laboratories. This is the core of what we need to do in the United States of America.

We need resolve and courage in a bipartisan way, and the President needs to join us, in dealing with the part of the budget that is running up a big deficit; that is, Medicare, Medicaid, Social Security, and other entitlements. Nobody wants to touch that. That is a separate question. But it is important for people to know that there is no need to beat your chest and pat yourself on the back when you cut funding for the military, when you cut funding for the National Institutes of Health, when you make our national laboratories work less, or when the National Parks can't maintain themselves.

We go the opposite direction here: record funding for national laboratories; we are considering more maintenance for National Parks; record funding for supercomputing; record funding for biomedical research, all

within the budget limits, all within our priorities. That is what we need to do.

As I said when I started, Senators don't deserve a merit badge for passing appropriations bills any more than Boy Scouts deserve a merit badge for telling the truth. That is what we are supposed to do. But when we do it and do it properly, as we are doing this year, it deserves to be noticed.

I congratulate Senator DURBIN, Senator LEAHY, Senator MCCONNELL, and Senator SHELBY for their roles and their leadership in this.

I thank the President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

AMENDMENT NO. 3787

Mr. DURBIN. Mr. President, I thank my colleague from Tennessee for his kind words and thank him for his leadership on so many issues. He is chairman of the health and education authorizing committee, and we also serve together on Appropriations Committee. It has been a real pleasure to work with him over the years on so many issues but particularly on the issue of medical research.

It would surprise a lot of people—maybe even disappoint them—to know how bipartisan we are when it comes to this issue. I can say, on behalf of Senator MURRAY on our side of the aisle and Senator BLUNT on the other side of the aisle, that he and I have created a little team, a little cabal, that watches the authorization and appropriations bills.

This will be the fourth consecutive year that we have had 5 percent real growth at the National Institutes of Health. As Dr. Collins—one of the great living Americans—has told us, this is going to reap dividends, as the Senator described earlier in his speech, in terms of breakthroughs when it comes to dealing with suffering and disease and early death that we can do something about in our lifetimes.

I don't quarrel with the Senator's conclusion in his speech that we are talking about the direct appropriations bills here, the direct spending of the government, and we are keeping that at a slow rate of increase.

On the mandatory side of the programs where we see dramatic increase, part of it has to do with the cost of healthcare in America. That cost continues to go up. One of the drivers of the cost of healthcare, according to insurance companies and others, are the costs of prescription drugs. They are going up dramatically.

We had a hearing yesterday, and a young mother came to tell us the story of losing her son who, I think, was about 23 years of age. No, I know exactly; I remember now. He was 26 years of age. He no longer qualified to be on the family health insurance. He was diabetic, and he went to buy his insulin at the drugstore and was told it would cost him \$1,300. He wasn't going to get paid for 4 days, so he put it off. During that period of time, he died from complications of diabetes.

The cost of insulin at \$1,300 is incredible to me. This is a drug that has been available for decades, and that it would go up in cost so dramatically that he would be unable to afford it and lose his life is scandalous in this country.

I know the Senator senses this, as well, and believes, as I do, that we want pharmaceutical companies to be profitable, we want them to do research, and we want them to invest in new drugs. But we cannot step back and ignore when their pricing is out of control, and in many instances that is the case.

I have said before on the floor—I have asked the people who gathered here to follow our speeches: How many of you have never seen an ad on television for a drug? If you held up your hand, I know one thing for sure: You don't own a television because the average American sees nine drug ads a day—a day.

Why do pharmaceutical companies buy nine drug ads a day for every American to consume at \$6 billion a year? So that, eventually, we will become so familiar with the names of their drugs that we will ask our doctors to prescribe them, and doctors do prescribe them when the patients ask. Sometimes the patient may not need that drug. The patient may be able to deal with a generic drug that is much cheaper, but the pharmaceutical companies want us to reach the point at which we know these drugs by name and ask for them, and the doctors prescribe them.

The most heavily prescribed drug in America today—here is a name you are familiar with: HUMIRA. Of course, if you turn on the television, you see HUMIRA, which was originally designed to deal with rheumatoid arthritis and is now being advertised as a cure for psoriasis. What they don't tell you is the information we put at the bottom of this display: HUMIRA costs \$5,500 a month. Did you know that? You would never know it, listening to their ads because they don't disclose it.

I have an amendment here that is bipartisan, which Senator CHUCK GRASSLEY and I have offered, to say that on all the drug ads, they have to put the price of the drug. It is pretty simple, right? If you knew HUMIRA cost \$5,500 a month, you might not even consider it for that little red patch of psoriasis on your elbow. If you knew that some of these drugs they are talking about, like XARELTO—it took about 10 times for me to figure out how to pronounce it and spell it, but they keep coming at you. It is a blood thinner, and it costs \$500 or \$600 a month. All of these disclosures made to consumers would give them more information to make a decision and perhaps think twice before they ask for a very expensive prescription drug.

So I have this bipartisan amendment pending on this bill, which would say to the Trump administration and the Department of Health and Human Services: Develop the rules for putting

prices of these drugs on the ads. The Trump administration supports it. How about that? Republican Senator GRASSLEY, Democratic Senator DURBIN, and the Trump administration support it. It sounds like a pretty good deal, doesn't it? It sounds like just the kind of thing that would pass in the ordinary course of business in the Senate. But, unfortunately, it ran into a problem. The problem? Pharma. The pharmaceutical companies don't want to tell us how much these drugs cost, so they are trying to stop this amendment.

They are trying to stop this amendment. They have one Senator who has created many obstacles for me to bring this to the floor. We have had everybody on Earth calling him, and we are not getting anywhere. It seems that pharma is not ready for putting the cost of the drug on their ad.

It means that when it comes down to it, not only will the American Medical Association, which supports our amendment, the American Association of Retired People, which supports our amendment, and the 76 percent of Americans—despite all of the support—we are going to have a tough time passing it. Pharma is hard to beat. Pharma is hard to beat.

When we talk about the increasing cost of Medicare and the cost of healthcare across America, Blue Cross Blue Shield tells me it is the driver of the increase in healthcare costs, prescription drugs.

Blue Cross Blue Shield in Illinois told me they spend more money on prescription drugs each year than they spend on inpatient hospital care. Think about that—more money than inpatient hospital care.

If we are going to do something about it, we ought to do the basics. The basics would be disclosing to the American people how much these drugs cost. You haven't heard the last of it when it comes to this amendment.

If Pharma is successful in stopping us from offering this amendment, and even getting a vote on it, I will be back. I am going to continue to return because I think it is important that consumers across America get full disclosure of information on these drug ads.

Incidentally, you know how many countries in the world advertise drugs like the United States? Only one other country, New Zealand. New Zealand and the United States are the only two, and pharma spends \$6 billion a year.

When it comes to dealing with increasing costs of Medicare, this is one of the things we can do. We also want to say Medicare can bargain, just as the Veterans' Administration does, to get a good deal on drug pricing. Right now, they can't, but if they could bring down the cost of drugs under Medicare, it would help us maintain the solvency of that critically important lifesaving program.

I see the Senator from Tennessee is on his feet.

Mr. ALEXANDER. Mr. President, if I may, I thank the Senator for his remarks and his leadership on this amendment. I think it is important to be clear about this. Of course, the Senator has a right to object to the amendment, I suppose, but sooner or later this amendment, or something like it, is going to become law. I support the amendment. President Trump supports the amendment.

Senator DURBIN has worked with Republicans and Democrats, over the last 3 or 4 weeks, to think of different appropriate ways to require television advertising to state what the price of a drug is. There would be different ways to do it. I asked him to take a few weeks to help us talk that out. He did that. I think he has come to a conclusion that deserves support. I support the bill.

I am chairman of the authorizing committee, the Health Committee, in the Senate. This is going to happen one way or the other. I suggest we try to find a way to go ahead and do it now because if the President supports it and you have bipartisan support in the Health Committee and bipartisan support in the Labor and Health Appropriations Subcommittee, it is going to become law. It makes good sense.

The cost of healthcare is a major issue we need to address, and we can't do it all at once. Prescription drugs are a part of it. Prescription drugs are 10 percent of the cost of healthcare. They are 17 percent—we have had testimony before our committee—if you include the drugs that are administered in hospitals. There are other factors as well.

Complexity is a big factor. Administrative burden is a big factor. Electronic healthcare records and their inadequate operation and lack of inoperability are big factors. Overutilization is a big factor.

Through the Chair, I wish to say to the Senator of Illinois, we have had excellent witnesses through our committee from the Institute of Medicine—some of the most distinguished witnesses we could have in the country—who tell us that as much as 30 percent to 50 percent of all that the United States spends on healthcare is unnecessary, wasted.

We spend 17 or 18 percent of our entire gross domestic product on healthcare. We are the richest country in the world. We produce about 24 percent of all money in the world, and we spend 18 percent of that on healthcare, much more than similar countries do, and our own experts tell us much of it is unnecessary.

We can't deal with it all at once, but one way to deal with it is competition and transparency and letting patients know the cost of what they are buying, whether it is doctors' services or it is a prescription drug.

I believe Senator DURBIN and Senator GRASSLEY are correct. The President believes they are correct. The Secretary of Health and Human Services supports their bill, and we should pass

it. Consumers should know, when they see a television ad about a prescription drug, what the cost of that drug is.

My hope for the Senator from Illinois is that he is ultimately successful with his proposal, and if he is not, I hope he counts me as an ally in an effort to continue to see that it gets done.

Mr. DURBIN. Mr. President, let me thank my colleague from Tennessee. I value his friendship and professional support on this idea. This is basic that Americans know what the cost of the prescription drugs will be. Do you know when you discover it? When you go to the cash register, that is when you discover it.

Shouldn't we know in advance? Shouldn't we know so that if Humira, which is now at \$5,500 per month, goes up to \$6,000—and I understand it just did—we are aware of that fact? If we can't use transparency in competition, what are the alternatives—a government mandate? There are alternatives to that, which I think we have come up with.

Let's let the American consumer know what they are facing when it comes to these drugs, and let's use this Congress, as we are elected to use it, to reflect the will of the people, who are fed up with the spiraling cost of prescription drugs.

I thank the Senator from Tennessee for joining me on the floor.

I yield.

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. TILLIS. 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.

CALLING FOR THE RELEASE OF PASTOR ANDREW BRUNSON

Mr. TILLIS. Mr. President, I have come to the floor every week for the past several months to draw attention to a matter that I think should be important to anybody who travels overseas, anybody who does missionary work, anybody who can go to a country and potentially get detained for false charges and imprisoned for nearly 2 years. I am talking about a Presbyterian minister from North Carolina who has been in Turkey for the better part of 20 years. He was a missionary that entire time. He created a church in Izmir and has lived there peacefully and lawfully for two decades.

In October of 2016, after the coup attempt—an illegal coup attempt, and the people responsible for it should actually have to answer to the Turkish justice system—they swept Pastor Brunson and thousands of other people into the Turkish justice system, and he has been in prison since 2016.

He was in prison for nearly 19 months before he was ever charged with anything. In fact, he lost 50 pounds over the course of about a year. He was in a

cell that was designed for 8 people but had 21 people in it. I don't believe any of the others even spoke English. He was then transferred to another prison where he was kept in a cell with one other person, given virtually no access to the outside world.

He has experienced medical challenges, as anyone would expect when you are in prison without charges, and we found out the charges were bogus. That would weigh on you mentally.

We started working to try to first let Pastor Brunson know we knew about him and that I, as a Senator from North Carolina, cared about him. I cared enough to go to Turkey to visit him in prison several months ago. I told him I wanted to assure him face-to-face that as long as he is in prison, I will be working for his release. As a matter of fact, we have more than 70 Senators who have signed on to a letter who share my concern that he is illegally in prison.

What have we done? We actually put a provision in the National Defense Authorization Act that holds Turkey accountable. They are a partner in developing the Joint Strike Fighter. It is a capability I sincerely hope someday Turkey may have. There is no way on Earth we should transfer that technology to Turkey as long as they are illegally imprisoning Pastor Brunson and others whom I will talk about shortly.

We did make some positive progress a few weeks ago. After he had been in prison for nearly 20 months, a little over, he was released on house arrest. At least he is now in his apartment near Izmir. He has an ankle bracelet on and is not allowed to go out of his house.

He has had several hearings. I actually attended one earlier in the spring. I was in that courtroom for almost 12 hours. I heard some of the most absurd claims you could ever allege as a basis for keeping somebody in prison overnight, let alone 2 years in October.

We are working with the administration, and I want to give the President a lot of credit for making this a priority. If you have read the newspapers recently, it would be hard for you not to hear about the Presbyterian minister, Pastor Brunson, and the difference of opinion between Turkey and the United States on what should be done.

When I talk to a lot of the Turkish officials, they say you have to respect our justice system; this has to play out, no matter how absurd the claims may be. Those are my words, not theirs. I wonder if they are sincere. Here is why. Several months ago, President Erdogan, the President of Turkey, made a public statement saying: How about this? We will give you your pastor if you give us our pastor?

There is a person living in the United States named Gulen, who they believe may have had something to do with the coup. We have an extradition treaty with Turkey.

We said: Honor the requirements of the extradition treaty, present credible evidence that Gulen is guilty of having conspired, and then we will let our process take its course.

Let me tell you what is interesting about making that offer in the context of the other elected officials, including Erdogan, saying: We have to let our legal process play out.

On the one hand, how can you say your hands are tied but on the other hand make a hostage swap request—or what they would consider to be a hostage swap request.

Maybe he just misspoke. Presidents do that from time to time.

Let's take a look at what we are dealing with now. A week ago, instead of offering Pastor Brunson for Mr. Gulen, now there is a new exchange on the table: If we drop a case against a Turkish bank, which has risen to our level of jurisprudence, the allegations against them are going to have to go through the legal process. Apparently, their judicial system does allow you to say: Well, if you drop that case in the gold standard for judicial systems—that is the U.S. judicial system—then, we will release Pastor Brunson.

Clearly, Turkey has the authority to release Pastor Brunson. Turkey has the authority to release a NASA scientist who happened to be visiting his family, who has been in prison for almost 3 years now, and has a 7-year sentence or another 4½ years ahead of him. They had the authority to release him. The only thing he seems to be guilty of is having been in Turkey visiting relatives when the coup attempt occurred.

They have the authority to release a DEA agent who they said was involved in the coup attempt. They have the authority to release a number of Turkish nationals who have worked with our Embassy for years. All they were doing was their job, and they were swept up, as thousands more have been.

Thank you again for the opportunity for me to come to the floor and make sure the American people understand what is at stake.

Turkey is a NATO ally. No NATO ally in the history of the alliance has ever illegally detained a citizen from one of their partner countries, but that is exactly what has happened here since October of 2016.

So I hope this is the last time I have to come to this floor to talk about releasing Pastor Brunson. I hope next week I am coming to the floor thanking the Turkish leadership for doing the right thing, thanking them for letting Pastor Brunson and his wife Norine come back to the United States, and advocating for a great relationship with Turkey as a NATO partner, which is very important. But none of that can happen as long as Pastor Brunson and the others that I have mentioned are illegally in prison.

I yield the floor.

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. WYDEN. 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.

#### HEALTHCARE

Mr. WYDEN. Mr. President, what the Trump administration is doing to sabotage healthcare in our country is a monumental scandal in slow motion. What the President promised was better care for all Americans at lower cost. What he and his officials have delivered is special deals for special interests and rewards for rip-offs.

It is almost as if you took the clock above the Chamber and turned it back. What Americans want—and I heard it at townhall meetings last weekend at home in Oregon—is to move forward on healthcare. They want, for example, to have strong measures, not empty rhetoric, to hold down the cost of their medicines—lifting the restrictions so that Medicare can bargain and hold down the cost of medicine and use the smart principles of negotiating power that the private sector uses all the time. They want to move forward on healthcare, not backward.

There is no clearer example of the administration's trying to take the country back on healthcare than its efforts to give a green light to junk health insurance. Junk health insurance represents all of the unsavory insurance industry tricks and abuses that the Affordable Care Act sought to eliminate. Junk plans exist, literally and figuratively, so that companies can prey on the vulnerable and the people with preexisting conditions, such as if you have asthma or diabetes, or prey on women, prey on older people, or prey on the less fortunate. They certainly don't exist to cover the healthcare that Americans actually need because that is where they always fall short.

The centerpiece of the Affordable Care Act was an ironclad, loophole-free guarantee that no American would ever face discrimination over a preexisting condition.

I note that my friend, the President of the Senate, has joined the Chamber. He knows this pretty well because he worked with me on our bipartisan effort to ensure that there would be loophole-free, airtight protection for Americans from discrimination against those with a preexisting conditions. For all practical purposes, we got what we worked on in a bipartisan way, when we had eight Democrats and eight Republicans. We got that into the Affordable Care Act. Essentially, now what the Trump administration seeks to do is to undo that guarantee of airtight, loophole-free protection for people who have these preexisting conditions.

I am going to read a question that appears on an application for one of these plans that are being marketed now. Under a bold headline that says

"Important: You must answer the questions below as they apply to You and all other family members applying for coverage," the question reads: "Within the past 5 years, have you or any other person to be insured been aware of, diagnosed, treated by a member of the medical profession or taken [medication] for: cancer or a tumor, stroke, heart disorder, heart attack, coronary bypass or stent, peripheral vascular disease, carotid artery disease, Chronic Obstructive Pulmonary Disease or emphysema, kidney disorder or disease, neurological disorder, degenerative disc disease or herniation/bulge, rheumatoid arthritis, degenerative joint disease of the knee or hip, diabetes, Crohn's disease or ulcerative colitis, bipolar disorder or schizophrenia, any eating disorder [or] alcohol abuse or chemical dependency, or does anyone listed on the application currently weigh over 250 pounds (women) or over 300 pounds (men)?"

Another question on the same application asks, "Have you or any other person to be insured been hospitalized for a mental health condition in the past 5 years or been treated by a member of the medical profession for a mental health condition in the past 12 months?"

Finally, another question asks, "Have you or any other person to be insured ever been diagnosed or treated for Acquired Immune Deficiency Syndrome (AIDS), AIDS-related complex, or any other immune system disorder such as HIV?"

I would also note that this part of the application contained a number of typos, a mislabeled number, and a mislabeled word. Apparently, the scam artists are as bad at editing their documents as they are at covering the healthcare people actually need. But setting aside the bad grammar, the questions collectively tick through dozens of health categories that include hundreds of various conditions and illnesses, so we are talking about well more than 100 million Americans who would answer yes to at least one of them.

Americans need to know and they ought to know that the only reason junk insurance companies ask these probing questions about your health background is to use the information against you and keep you from getting meaningful coverage. That forms the basis of the Trump-era discrimination against those with a preexisting condition.

A lot of people have preexisting conditions. What is that? Everybody knows folks in Tennessee or in Oregon who have asthma or diabetes. We are talking about millions of Americans.

When my colleague from Tennessee and I were working together—eight Democrats, eight Republicans—I said: You know, it is really going to be monumental if we get airtight, loophole-free protection for those with pre-existing conditions. The reason I said that is that ever since I was director of the

senior citizens at home, the Gray Panthers, it has been clear to me that as long as our country allowed discrimination against those with preexisting conditions, healthcare in America would basically be for the healthy and the wealthy. If you are healthy, no sweat, no preexisting conditions, and if you are wealthy, you have no real problems because you can just write out the checks to pay for your treatment. But now we are talking about going back to those days—not the days when the Senator from Tennessee and I and other Democrats and Republicans got together and did something that really was a monumental step forward, protecting millions of people with preexisting conditions—now we are going backward.

What are those Americans going to hear in their time of need when their cancer comes back or when they face another bout of medical illness? What they are going to hear, with policies like the one I just read from, is the fraudsters who conned them into buying the junk insurance basically saying: You are on your own. And those Americans are going to be buried under mountains of medical debt.

By the way, we are talking about medical debt. I think my friend from Tennessee and I have talked about this over the years. Healthcare is the great equalizer. For example, in a discussion Democrats ran yesterday on healthcare, we had a gentleman who did everything right. He worked hard. He was a professional. He was constantly trying to better himself and contribute—not just supporting his family but the community. He got Parkinson's. All of a sudden, he wasn't able to pay his bills. So healthcare is the great equalizer in America.

When I read about the junk plans, I have to tell you, it takes me back to the old days when these scam artists preyed on the seniors who needed insurance coverage above and beyond what they got from traditional Medicare.

Mr. President and colleagues, this is something that is very personal to me. When I was a young man, I was co-director of the Oregon Gray Panthers. I would go and visit seniors in their homes—very often they would have a small apartment or something—and they would go in the back, and they would pull out a shoebox full of Medigap policies. These were policies that insurance salesmen sold them that the salesmen said would fill in the gaps in Medicare. Frequently, a senior would spend thousands of dollars—this was a number of years ago—on these policies that were worth little more than the paper they were written on. They often contained—we saw this at our legal aid program for seniors—what were called subrogation clauses, which essentially meant that if you had another policy that covered it, the first one didn't have to cover it. The two of them canceled each other out. So vulnerable seniors with serious medical



conditions would get conned into buying these plans that were essentially worthless.

After years of effort—we began in Oregon in the State insurance commission office. I had the honor of getting elected to represent Oregon in the U.S. House of Representatives. We began there and continued it in the Senate. We acted in a bipartisan fashion to eliminate the junk plans. We did that literally decades ago. We drained the swamp, to use the lingo of today. We really drained the swamp as it related to these rip-off Medigap policies. We got it down to a handful.

I would be willing to bet that the Senator from Tennessee, the Senator from Ohio, and my other colleagues on the floor don't have folks at home coming up to them any longer and telling them that they have rip-off Medigap insurance. I haven't had a complaint about that for years and years. Now the Trump administration is trying to bring back junk insurance for an even larger portion of the American people—more people than just the seniors.

The bad news with these junk policies doesn't begin and end with discrimination and debt. The Trump administration is letting the junk insurance companies steal the money Americans pay in premiums and other expenses.

According to one recent study, half of each premium dollar and sometimes as much as two-thirds gets wasted on overhead, administrative costs, and profits. The Affordable Care Act had a rule that banned that kind of waste. The Trump administration threw it out so that the rip-off artists can once again pocket unsuspecting Americans' premium dollars.

What the Trump administration is doing to undermine healthcare is not only playing out in what is called the individual insurance market; the harmful threat is a threat to the 167 million Americans who get their insurance through their jobs as well.

Worse healthcare at a higher cost—a far cry from what people were promised a few years ago—is clearly a growing problem. Worse healthcare. Higher costs. A forced march back to the days when healthcare in America, as I have said—and it has really been my reference point as much as anything—I said: Let's not turn back the clock to the days when healthcare was for the healthy and wealthy. This junk insurance is unquestionably the kickoff of this administration's formal effort to do just that.

There was an effort in the Affordable Care Act to build a functional market that didn't trample all over typical Americans and their families. The President and his allies in Congress have done everything they can—starting with an Executive order on day one—to empower the scam artists and powerful companies to have the ability to make healthcare worse and rip off our people. That has been the story from day one of this administration. As

I said a few minutes ago, it is a monumental scandal in slow motion.

On behalf of those Americans who are hurting, who are not being taken care of, many of us are going to do everything we can to make sure—for those who are getting hurt, who can't afford these kinds of practices, we are going to keep this front and center of the American people until we end this consumer scourge.

I yield the floor.

The PRESIDING OFFICER (Mr. CORKER). The Senator from Ohio.

NOMINATION OF BRETT KAVANAUGH

Mr. PORTMAN. Mr. President, today I want to talk about a huge responsibility we have here in the Senate and a great opportunity that lies before us. The Senate is asked to confirm nominees both for executive branch appointments and for judicial branch appointments. We have heard a lot of great debate here on the Senate floor over the past 1½ years on some of these nominees. We were able to confirm Justice Neil Gorsuch to the Supreme Court, who I believe is doing a superb job. That was quite a debate here. In the meantime, we have been able to confirm a number of circuit court judges, some district court judges, and executive branch appointments.

That is all important, but once again, we are asked to do something that is perhaps our most important task, and that is to fill yet another opening on the U.S. Supreme Court. There are only nine of these Justices, and this is a lifetime appointment. What the district court and circuit court do—it all comes up to this one Court. Our Founders created this Court in order to have a place where people could get a fair hearing and where we could have a dispassionate look at whether what we pass here fits within the Constitution and whether laws are being properly interpreted. These are hard and tough issues, and we want the right people there to do it. Once again, because of an opening that has occurred on the Supreme Court, we have the opportunity and responsibility to step up as a body and do that.

In this case, we are asked to fill the seat of Justice Kennedy, who is viewed by many as being an important player in the Court because he was often the swing vote. He is a thoughtful guy. I think we are very fortunate in that one of Justice Kennedy's law clerks has been nominated by the President and has agreed to step forward for this confirmation process to be an Associate Justice on the Supreme Court and to fill that ninth spot. My hope is that this can be done in a way where we have honest and spirited but fact-driven debate on the floor of the Senate.

I have to tell you that I am probably a little biased in this case because I know this nominee personally. I think a lot of him, not just as a judge, where he has an amazing record on the second highest court in the land, but also as a person.

This is the third time I have come to the Senate floor to talk about him be-

cause I feel so strongly and I want to be sure that he gets a fair shake. I think that as the American people get to know him better, he will see a lot of support around the country for his confirmation because people will see that he is the kind of person they would want to have representing them, their family, and their children on the Supreme Court.

I worked with him in the George W. Bush White House. He had a job there, which we will talk about in a second, called Staff Secretary, which is a job where you are responsible for being the traffic cop, basically, for the Oval Office. The documents that go into the Oval Office and go out of the Oval Office go through that office. It is not a substantive job in that sense, but it is an important job to the President to have somebody he trusts to decide what he looks at, what he doesn't look at, and how this material is then distributed out.

He is someone who became close to President George W. Bush. President George W. Bush, as he has said many times publicly and to me and others privately, thinks the world of him. He got to know him very well.

So I know Brett Kavanaugh more as a person, as a friend, as a father, and as a husband, but his legal background is incredibly impressive. I don't think anybody is better qualified to serve on the Supreme Court based on his legal background and his judicial philosophy. I know some of my colleagues have now met with him, as well.

I am told that as of yesterday, 49 of the 51 Republicans who are here in the Senate have now met with Judge Kavanaugh. I am glad to hear that. By the way, the reactions have been very positive. I talked to most of my colleagues about their meetings with him, and a number of them have gone out of their way to speak publicly about how impressed they were with him, his demeanor, his background, and his character.

I am also pleased to hear that several of my colleagues on the other side of the aisle have now met with Judge Kavanaugh, as well. I think that is really important. I know that this is a partisan town these days, and it is tough to get things done, but in this case, I would hope that more of my colleagues on the other side of the aisle agree to sit down with him and talk to him. I think he needs to have the ability to talk one-on-one to some people who perhaps don't know him well, based on some of the comments I have seen about him. I think he could put some of their concerns to rest.

For some, that may not be possible. They may have philosophical differences with his approach to the law. I get that, but I hope they will take the opportunity to sit down with him and talk to him. The Supreme Court is going to be faced with a lot of tough issues, and this needs to be a serious consideration. I am pleased that we are taking it seriously.

Some have said that this is going too fast. I will tell you that the amount of time between when he was nominated and when his hearing will be—which is scheduled now for the week of September 4—is more time than elapsed during the previous few Supreme Court nominations—Justice Kagan, Justice Sotomayor, and Neil Gorsuch, about whom I talked a minute ago. There has been adequate time here relative to other confirmations.

Second, some of my colleagues on the other side of the aisle are saying they want more documents to review his nomination. I would just make this point: More documents have been produced with regard to Judge Kavanaugh than any other Supreme Court nomination in history. That is what I am told by the Judiciary Committee. Some Democrats have suggested they need to review the literally millions of documents that passed through his office and passed through his desk when he held the job we talked about earlier as Staff Secretary for President George W. Bush.

Again, this is a job that is sort of like the traffic cop. It is not to be substantively giving the President the documents from an agency, department, or other White House policy office, but rather to provide the documents to the President in a timely way to be sure the President is seeing the right documents and to be sure there is coordination. It is the flow of the documents.

So I think seeing all those documents are not relevant, frankly, to the confirmation process because they don't relate to him. What they do relate to, obviously, are a lot of things that have to do with President George W. Bush, which I am sure were very personal documents where the President would write in the margin and so on. That would be interesting for people to look at. People could probably write a book about those things. That is not the purpose here. And that is why I think it is a fishing expedition to say: Let's see millions of documents that passed through this guy's desk, particularly in the context of a confirmation where more documents are being provided than any previous confirmation.

I was told by the Judiciary Committee this morning that 430,000 pages of documents are being produced. I don't know how many of my colleagues are going to read through 430,000 pages of documents, but they are free to do so. By the way, this compares to 170,000 pages of documents that were produced with regard to former Solicitor General Elena Kagan's confirmation. Think about that: 430,000 versus 170,000.

Elena Kagan also served as a senior aide in the White House. She worked for President Clinton. She had a senior position there—a substantive position, actually—in domestic policy. She also, of course, was the Solicitor General of the United States—yet 430,000 versus 170,000. I just hope people keep that in mind when they hear about the documents.

What is really relevant to me is what he has done as a judge. He has spent 12 years on the DC Circuit Court, which is viewed by most as being the second highest court in the land. He has a lot of documents that are related to that. He has authored more than 300 published opinions. Clearly, these opinions are relevant. By the way, more than a dozen of his opinions on the Circuit Court have been endorsed by the Supreme Court, which is an unusually high number and a testament to his outstanding judicial record.

In addition to the more than 10,000 pages of published opinions he authored or joined, out of the 430,000 pages of documents I mentioned, the Judiciary Committee tells me they have released more than 176,000 pages of appropriate documents from Judge Kavanaugh's time in the executive branch. So there are plenty of documents to look at. I encourage my colleagues to do so.

As I said earlier, based on the traditions that we have here and on the amount of time spent between nomination and confirmation and based on the number of documents that have been produced, I think it has been an appropriate and transparent process. I am glad Chairman GRASSLEY has made it so.

My hope is that from his time on the bench and his time in the executive branch, both of these documents will be reviewed—the appropriate ones.

Brett Kavanaugh is very well respected as a judge. He is the thought leader among his peers. I am sure you have heard a lot about that. There have been op-eds written about him from Democrats and Republicans alike saying: I know the guy. I clerked with the guy. I worked with the guy. I was one of his students. He is smart. He is thoughtful.

He has said very clearly that he will be guided by the Constitution and the rule of law. He understands that the proper role of the Court is not to legislate from the bench. He has respect for precedent. He actually wrote the book, meaning he is one of the coeditors of this book looking at legal precedent and what they call *stare decisis*. He is someone who is very much in the mainstream of legal thought and very well regarded.

His former colleagues, his current colleagues, his former students, and legal experts on both sides of the aisle have come out to say this about him. I think he has exactly the right qualifications, extensive experience, and a judicial philosophy that most Americans agree with and would want in a judge.

Again, as important as that is to me, he is also a good person. He is compassionate. He is humble. He is someone who has a big heart. Maybe, most importantly, he has the humility to be able to listen, to hear people out. As I said earlier, there is no more important a quality in a Supreme Court Justice given the incredibly important issues they have before them.

So, as his confirmation process continues, I hope my colleagues and the American people will get to know the Brett Kavanaugh that I know. I hope he is soon able to continue his lifetime of distinguished service as a member of the highest Court in the land. I am proud to strongly support his nomination for this important position.

I yield back my time.

THE PRESIDING OFFICER. The Senator from Vermont.

MR. LEAHY. Mr. President, when Justice Kagan was up for nomination, I was chairman of the Senate Judiciary Committee. I, along with then Ranking Member Jeff Sessions, sent a letter saying that we needed all of her White House records. We received 99 percent of those records.

Now for Judge Kavanaugh's nomination we are told, after being carefully selected, that we can only have 3 percent of his records. It is an interesting standard. Republicans want all of it when there is a Democratic President, for a woman who was nominated by a Democrat. Now, when the Republicans nominate this man, they say: We will selectively give you 3 percent. It is an interesting double standard. It makes me wonder what there is to hide in there. Why not take the time to see it all?

If I am going to vote on a lifetime appointment—I voted for a lot of Republican nominees for the Supreme Court and other courts—I want to see the whole record. I don't want, a month after I voted, more to come out in the record and to think: Whoops, who knew about that? We had this happen with one judge already after they were confirmed to a lifetime appointment. The final records came out, and we found out what they did with issues of torture and other things. It was bad.

AMENDMENT NO. 3993 TO AMENDMENT NO. 3699

MR. PRESIDENT, I have an amendment at the desk, and I ask unanimous consent that it be reported by number.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [MR. LEAHY] proposes an amendment numbered 3993 to amendment No. 3699.

In lieu of the matter proposed to be inserted, insert the following: “\$8,503,001.”

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following: “\$8,503,001”

MANAFORT AND COHEN TRIALS

MR. LEAHY. Mr. President, earlier I talked about what has happened on the Manafort and Cohen matters yesterday. I understand the great amount of consternation there is at the other end of Pennsylvania Avenue. Having been a prosecutor, I can understand why there is consternation.

I note for my colleagues that we passed in the Senate Judiciary Committee a bipartisan bill—Republican and Democrats voted for the bill—to protect the special prosecutor. There

are those of us who are old enough to remember when Richard Nixon fired the special prosecutor in the Watergate matter and the great constitutional problems that followed. It was something the country suffered over for years, and we want to make sure we don't have another firing like we did in the Watergate matter. So we wrote this bill. Again, Republicans and Democrats voted for it. It could be brought up anytime by the leadership, if they wished. I am hoping that it will be brought up. I am hoping we can bring it to the floor and we can have a vote. I know we had a good debate—again, Republicans and Democrats—in the Judiciary Committee, and I would like to see it voted on.

I notice we are at the hour of 3:30, and I know the Presiding Officer has a ruling to make, so I will withhold.

### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4:30 p.m.

Thereupon, the Senate, at 3:30 p.m., recessed until 4:33 p.m. and reassembled when called to order by the Presiding Officer (Mr. GARDNER).

### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019—Continued

The PRESIDING OFFICER. The Senator from Ohio.

#### HONORING JOURNALISTS

Mr. BROWN. Mr. President, the work that reporters do as members of a free and independent press is vital to our country and to our communities.

It is why, last week, in an unprecedented action, nearly 300 newspapers all over the country—a dozen or so in my State—came together to stand up for the free press and defend the First Amendment. There were 300 newspapers that wrote editorials—all independently written, of course, with all different takes on this—to advocate for a free press and to defend the First Amendment.

The Chagrin Valley Times, which is not far from where I live in Northeast Ohio, wrote:

We are indeed your lens into your community. We are not your enemy.

Clearly, this was a takeoff on the President's comments that the media are the enemies of the people.

The Athens NEWS, from Southeast Ohio, wrote: "Good reporting often succeeds in righting wrongs and making things better for people."

The Akron Beacon Journal, one of the great newspapers in this State, wrote:

Power . . . belongs to the people. The press thus received extraordinary protection because of its capacity to inform readers and check the powerful.

It is shameful that journalists have to defend their First Amendment rights, our First Amendment rights,

our Nation's First Amendment rights just so they can do their jobs. As these community papers show us, nothing could be further from the truth. That is why I want to highlight yet another story by an Ohio paper, informing the public, that has been reported by a journalist who serves her community.

CityBeat Cincinnati describes itself as having been "a voice in Greater Cincinnati for nearly a quarter of a century now, publishing a print edition weekly, and producing regular content throughout the week online to try to help keep you informed of what is happening in your city."

A great example of that content was in a story last week that was reported by Maija Zummo on the Black Family Reunion that took place in Cincinnati and its celebrating its 30th year. The event was founded in 1989 by the iconic Dr. Dorothy Height, who served as President of the National Council of Negro Women for more than 50 years.

As Ms. Zummo reported, the festival brings together community groups, performers, and small businesses to "celebrate the values and strengths of the black family." Ms. Zummo's reporting informed Cincinnati readers about the events they could attend that weekend, including a parade, festival, church service, and other community activities.

That kind of reporting is what journalists do every day, every week, every month across Ohio and around the country. They serve their readers, their viewers, and their communities. They deserve our respect. They don't deserve a President who calls reporters, journalists, and all kinds of people in this business the enemies of the people. Again, reporters serve their viewers, their readers, and their communities. They serve all of us. They deserve our respect.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### REMEMBERING MOLLIE TIBBETTS

Mr. GRASSLEY. Mr. President, I come to the floor to speak about a recent tragedy that has deeply impacted my home State of Iowa and I think all of the country because cable television is well aware of this.

Yesterday, authorities announced they found the remains of a 24-year-old University of Iowa sophomore, Mollie Tibbets, of Brooklyn, IA. After searching tirelessly for months, State and local law enforcements announced the unthinkable, Mollie was murdered in cold blood.

I would like to commend the efforts of all who were involved in searching for this remarkable young woman, including the Iowa Division of Criminal Investigation, the FBI, Homeland Se-

curity, and the individual members of the community who volunteered tirelessly to find Mollie.

Americans watched the news every night, all of us, holding out hope that Mollie would soon be found and returned to her family. I extend my sincerest condolences and sympathies to Rob Tibbetts, Mollie's father, and Laura Calderwood, Mollie's mother. They spent the last month and a half searching the State for their missing daughter. Rob and Laura traveled across the State, raised awareness on TV, and handed out buttons, T-shirts, and missing person fliers at the Iowa State Fair. Both Rob and Laura showed remarkable bravery in the face of tragedy.

Know that our thoughts and prayers are with you and your family during this difficult time.

For those of us in Washington, we ought to try to learn something from Mollie's character and the example she set. As Mollie's boyfriend Dalton Jack said, "She's not just a missing person flyer." Mollie was an avid reader who enjoyed the choir, theater, and writing.

Mollie loved her friends and had a natural ability working with children. Her friends say she had a gift for making everyone feel like the most important person in the room. There is no doubt her nurturing character and her ability to be everyone's counselor—as a friend put it—led her to the University of Iowa to study psychology. While there, Mollie spent her summers taking classes and working at a day camp with the Grinnell Regional Medical Center, where she mentored children. It is no surprise that when Mollie went missing, over 200 people showed up for a vigil in her honor.

While we mourn the loss of Mollie Tibbetts, it is the duty of this Senator and every other Senator to act to prevent further tragedies such as this one from devastating a family and an entire community.

We now know that Mollie was murdered by a 24-year-old, undocumented immigrant who has been in the United States illegally for 4 to 7 years. That is right. For 4 to 7 years, this man was here undetected and unaccounted for. This raises questions about his immigration, employment, and criminal history, and we must receive answers.

So, today, I sent a letter to the Department of Homeland Security seeking any immigration history on this man and a briefing to better understand how he was able to get to and stay in Iowa. This isn't too different from what I have done in many cases with some undocumented person, particularly those who had been deported and returned, asking for answers when there was a tragedy such as what happened to Mollie. I think of recent cases, maybe within the last 2 years, of murders in Northern Virginia and in Maryland. The Tibbetts family, the people of Iowa as well, and I hope all of the American public feel they deserve answers.