

universe here is 18,000 people when we are talking about the exchanges. In the year 2016, which was the most recent year about which the IRS can give us information, there were about 15,000 people who chose to pay the individual mandate penalty rather than to buy the insurance. Think about what that means. They are weighing this, and they are saying: I would rather pay a fine, pay that penalty. It is not that I don't want the insurance, but I cannot afford it.

So you had 18,000 people on the individual exchanges, and 15,000 people chose to pay the individual mandate penalty rather than buy the insurance. That is because, if an Alaskan does not get the subsidy—and a pretty heavy subsidy—the exchange plans just aren't affordable. Even though you want to have that coverage—you want that insurance—wanting it doesn't necessarily get it to you if you cannot afford it.

The average premium for plan year 2018—this is according to CMS data—is \$804 per month. What am I getting from constituents, from folks who are writing in to me and calling me? They are telling me what they are paying for their plans. For a family of four, the premium was over \$2,000 a month, with a \$7,500 deductible. Think about what that actually means for this family, for folks with those kinds of bills, who, basically, only have catastrophic coverage, as it is. Again, you think about the number of folks on the individual exchanges, and you think about those who choose not to pay the fines. You look at the numbers of those who receive the subsidies in the State of Alaska, which is quite considerable.

We also have about 10,000 or so Alaskans—this is according to the State division of insurance—who have enrolled in healthcare sharing ministries. This is yet another option for people out there. A significant number has turned to these healthcare sharing ministries, and these folks have managed to avoid the penalty in prior years. In fairness, some of the ministry plans do not provide much in the way of coverage, but it is an indicator of what people feel they have to do in the face of just very, very high-cost plans.

I understand where those who oppose this rule are coming from, and I have had good, long conversations about this. I guess I would ask that they turn to the realities that we are facing in a State like Alaska and just appreciate where people are coming from when you think about the 15,000 Alaskans who have chosen not to buy insurance over these past few years because it has been too expensive, but they want to have something they can afford. These short-term plans, while not ideal—I am not suggesting that they are—are an option for them to consider.

What about the people who don't get subsidies and are paying over \$50,000 per year before their insurance covers anything? That too is a situation in which they are looking for alter-

natives. So perhaps these short-term plans could be a viable option. For the 10,000-some-odd people who are currently using a sharing ministry, again, these types of plans could be an alternative. For the people who may choose to drop off the individual exchanges next year, these plans could be a path forward for some having some level of coverage.

Again, I am not saying that this is perfect, and I am not saying that this is ideal. I am saying it offers a limited option in a place in which we have very few affordable options to turn to.

Another reason these shorter term plans are helpful for us and why I have heard from so many Alaskans on this is that we are a State in which our employment base is very, very seasonal.

You have a construction industry, but it is not like it is back here. Construction is, maybe, 6 months out of the year—longer in some parts of the State and shorter in other parts of the State. Yet you have a seasonal job.

Our fishing industry is a great example. If you are working in the processing end of fishing, it may be 3 months. If you are working as a crabber, it may be 2½ months. If you are working on a tender out in Bristol Bay, it may be a very truncated 2 months.

Then we have the tourist season. Again, we would like to think that we can entice you all to come up year round, but quite honestly, it too is very, very seasonal. So we need to have some level of flexibility for those many, many Alaskans who move between many of these seasonal employment opportunities.

Under the prior rule, a short-term insurance plan could only last for 3 months. That is not going to help out, say, those in the fishing or in the tourism industry or, again, in so many of these areas in which you need longer term coverage but you don't need a full year. So flexibility is something that people have been asking for as well. Where that sweet spot is, I am not sure. I am telling you that, for us, 3 months doesn't make it. Maybe 3 years is too long. Maybe we do need to look at that. I happen to think that we do, but that is an area that is open for review.

The last point I would make is that I think we have to have some trust in both our States as regulators and in individuals, the consumers. The rule that we were speaking about this morning really does allow States to have a great deal of leeway in regulating at the local level. We are seeing that among many of the States. I had a long conversation with our director of insurance up in the State of Alaska. We talked about where our State might take this and looked again at, perhaps, the length of these short-term, limited duration plans and how they might be regulated.

Also, there is the transparency side of this, and this is something that concerns me. Some of the things we have

heard are that people have bought these less expensive plans, these shorter term plans, and then, when they need them the most, they realize the coverage doesn't take care of them. That is also not a place we want anyone to be. Making sure that there is a level of transparency, that there is a level of disclosure that is real and not just the tiny boilerplate that nobody can understand—it has to be, again, transparent in that way.

I think this is one of those areas where trusting in our laboratories of democracy, which are our States, to tailor plans that fit a State well should not be an action that we here in the Senate are so unwilling to take.

As we look to how we do more in this Congress and how we do more to help those for whom healthcare—the cost of healthcare and access to healthcare—is still their No. 1 issue, still the No. 1 subject of discussion, I have come to speak on this particular issue today because there are maybe 25,000 people in my State who could see some benefit from these types of plans being available and also because I believe that trusting the regulators, certainly in my State, to handle the plans intelligently is an important part of how we move forward as well.

I wanted to put that on the record today following the discussion from earlier this morning and the vote at noon.

CONFIRMATION OF BRETT KAVANAUGH

Mr. President, I want to transition really quickly and just take a minute because last week, as we all know, was a very difficult time in the Senate as we processed the nomination of Judge Kavanaugh to serve on the U.S. Supreme Court.

That vote has concluded. Judge Kavanaugh is now Justice Kavanaugh, and I truly wish him all the best as he begins his new term on the highest Court in the land. But there is a residue—I don't know if it is a residue. I don't know how we make sure we are able to move forward after difficult votes that divide us all and work to come back together.

I am going to speak very directly about my friend who sits right here next to me on the Senate floor. She and I went through, probably, a similar deliberative process. It was probably the same as everybody else here on the floor, but we perhaps shared more discussion about it than I did with other colleagues. At the end of the day, we came down on different sides, but both of us—both of us—agonized over the decision and the process.

She is now enduring an active campaign against her. It is not just an active campaign against her, but there are protests at her home every weekend, and she cannot travel without a police escort.

I made comments as I prepared for the final vote last week. I said: We are better than this. We have to set the example here.

I am really touched that after I had taken a hard vote within my caucus,

there are some who are notably angry at me. But we are working together on the next issue of the day, and we are moving forward. We need to set that example in this body because if we don't set it here, I don't know how we can expect anyone on the outside to follow us.

There is a need for civility. It is a hard time for us, but I would urge us all to choose our words carefully. Don't be afraid to speak with kindness toward one another. Don't be afraid to call out the good in somebody else, even though you have voted against them. We are better than what we are seeing right now.

I am smiling only because I feel I should recommend that my colleagues watch a movie, a documentary. I don't do that often, but after the vote on Saturday, I just, by chance, picked up a DVD that had been sent to me. It is a documentary about the life and career of Fred Rogers—Mister Rogers—“Won't You Be My Neighbor?” I figured I needed something kind of calming for the night.

It is OK to be good to one another. It is OK to accept people for who they are. It is OK to just find the good.

With that, Mr. President, I thank you for allowing me to speak a little bit from the heart. I would ask us to be civil with one another now, not civil when the next election comes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOOMEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I will oppose the pending nomination of Jeffrey Clark to be the Assistant Attorney General in charge of the Justice Department's Environment and Natural Resources Division. This is the division that leads the Department of Justice's enforcement of environmental laws and regulations. Mr. Clark is not the right person for that job.

In 2014, he said the science of climate change is “contestable.” He represented British Petroleum in litigation over the Deepwater Horizon explosion and oil spill. He has represented the Chamber of Commerce and other industry groups in challenging EPA greenhouse gas regulations.

He is a favorite of the Federalist Society, having chaired that group's environmental law and practice group. But his nomination is strongly opposed by groups that care about protecting the environment.

The Sierra Club called him an “outspoken opponent of environmental and public health protection.” The Natural Resources Defense Council described him as an “enemy of the environment.” He is exactly the wrong person to be in this job of enforcing regulations to protect our environment.

Just during these last few days, the United Nations put out an alert to all of the members around the world. We are going to pay dearly for this current administration's decision to remove ourselves from the Paris Agreement, where literally every country on Earth agreed to try to do something to clean up the mess of our environment and leave our children a better place to live. We decided, under President Trump, to be the only Nation to step away from it. Why? What in the world were we thinking? Can you believe that things that are happening that are easily documented can be ignored? Do you see the flooding that is going on now in Florida on a regular basis? That is just 1 of 1,000 different examples.

If we don't accept responsibility in our generation to make this a better world, shame on us. We want to leave our kids a better world, but for goodness' sake, do we have the political courage to do it? Will we be able to say to the President: You are just wrong.

We have to work together with nations around the world. The United States should be a leader, not an apologist. The President said he wants to make America first. How about America first when it comes to cleaning up the environment? There is nothing wrong with that leadership. It is something we should be proud of.

This man, Jeffrey Clark, who is aspiring to be the Assistant Attorney General, just doesn't buy into what I just said, and I can't support him as a result.

S. 3021

Mr. President, the 2018 WRDA bill—the Water Resources Development Act—that we are considering on the floor this week is an important step in modernizing our Nation's water infrastructure and ensuring access to clean drinking water. It goes back to my earlier comment. If we are talking about the environment, one of the first things people say is, I want safe drinking water for myself and my family. Next to that, I want to be able to breathe in air that is not going to make me sick or hurt any member of my family.

Our Nation's infrastructure is aging and in need of significant investment. Last year, the American Society of Civil Engineers gave our Nation's levees, inland waterways, and drinking water infrastructure a D rating in terms of its infrastructure report card. They estimate that \$80 billion is needed over the next decade to improve our Nation's levees—\$80 billion. They also estimate that \$4.9 billion is needed over the next 2 years to maintain our inland waterways—\$4.9 billion—and \$1 trillion is needed over the next 25 years to expand our drinking water infrastructure. These are massive numbers, and they are going to require sustained and significant Federal investment if we are ever going to reach these goals.

This bill—the WRDA bill—is a step in the right direction. It authorizes \$6.1 billion in funding for the Army Corps

flood control, navigation, and ecosystem restoration projects around the country. These are critical projects in every State.

I just went down a few weeks ago with Senator MCCONNELL to the Ohio River. The Olmsted Locks and Dam that has been under construction for decades is finally completed. It is an amazing investment. It is the most expensive civil infrastructure project in our Nation's history, and it is an indication of the kind of investment that is necessary if we are going to try to tame rivers like the Ohio River.

There are critical projects like that in every State. They improve our inland waterways to help deliver \$600 million in goods and 60 percent of our grain imports each year.

If we want the United States to literally lead the world—if we want America first—for goodness' sake, we need to be first in investing in our infrastructure. These projects maintain levees and build reservoirs that protect millions of people and an estimated \$1.3 trillion in property, and they protect the environment, they restore wetlands, and they prevent the spread of invasive species.

I am especially proud that this bill includes an important cost share change for the future operations and maintenance costs at the Brandon Road Lock and Dam in my State of Illinois. I worked with Senator TAMMY DUCKWORTH on this project.

The Brandon Road project is integral to ensuring that invasive Asian carp never spread to the Great Lakes. Knock on wood. We have held up that carp from going into the Great Lakes and, in doing so, we have preserved an important part of the fisheries and the lake itself. I want to continue those efforts, if not redouble them.

While I am proud to support passage of this authorizing bill, I also implore my colleagues to remember that unless we are willing to work together—Republicans and Democrats—to provide these authorized projects with consistent and increased appropriations each year, then we are sending out press releases and not even getting the job half done.

Let me say it another way: It is not enough to go home and take credit for passing the WRDA bill, which is an authorization bill, if you aren't also willing to pass an appropriations bill that actually provides the money to break ground on these projects. An authorization bill is just that: It gives you permission to do a project, but then you need to go to the spending bill—the appropriations bill—to come up with the money to actually achieve it.

Listen to this number. I want to make this part of the record as we debate water resources and infrastructure. An analysis by the Roll Call newspaper from earlier this year found that while Congress has authorized more than \$25 billion toward Army Corps projects in the last decade—\$25 billion in the last decade—Congress has