

It is my privilege to congratulate the men and women of the KHIC for their golden anniversary. Under the leadership of the chairman of the board of directors William Singleton and president and CEO Jerry Rickett, the people of southeastern Kentucky have strong advocates working tirelessly on their behalf. In particular, I want to thank Jerry Rickett for his many years of outstanding work for the people of southeastern Kentucky. I would like to extend my sincere congratulations to the KHIC and its staff and supporters, as the organization celebrates 50 years of accomplishment. Along with my Senate colleagues, I wish them the best and look forward to the KHIC's many future successes.

#### PURDUE GLOBAL UNIVERSITY

Mr. DURBIN. Mr. President, more than a year ago, Senator SHERRON BROWN of Ohio and I sent a letter to Purdue University President Mitch Daniels in which we expressed our concerns about Purdue's proposed acquisition of the predatory, for-profit Kaplan University.

Kaplan was notorious in the for-profit college industry for their mistreatment of students.

They had been the subject of numerous State and Federal investigations and lawsuits for misleading marketing claims, inflated job placement numbers, and unfair recruiting.

As Senator BROWN and I cautioned at the time, Kaplan's troubled history posed major risks for Purdue's current students and the institution's reputation as a top public university.

We suggested that at the very least Purdue should commit to clear protections and reforms for students if it intended to press on with the transaction.

Among our suggestions was an end to the use of predispute mandatory arbitration in student enrollment.

Predispute mandatory arbitration clauses prevent students from bringing suit against a school in a court of law when the school harms a student, like misleading them about job placement rates or luring them with other false information.

Instead, students are forced into a dispute resolution process, known as arbitration, which lacks the procedures and precedents of the court system and is often stacked against students.

The proceedings themselves, including the outcome, are secret which hides misconduct from regulators and accreditors.

The clauses are often buried in the fine print of stacks of enrollment documents that students must sign in order to enroll.

The practice, along with class action bans which prevent students from bringing suit as a group, are a hallmark of the for-profit college industry; schools like Corinthian, ITT Tech, and Kaplan notoriously used the practice to shield themselves from being held

accountable while exploiting students and taxpayers.

But predispute mandatory arbitration and class action bans are almost unheard of at public and legitimate not-for-profit institutions of higher education.

In fact, in an August 30 public comment letter to the Department of Education, the Association of Public and Land-Grant Universities, APLU, of which Purdue is a member, and other education organizations wrote, "We fail to see how allowing [pre-dispute mandatory arbitration and class action bans] is beneficial to the public."

Since the Purdue-Kaplan deal was finalized, creating Purdue Global University, it turns out that the new school continues to use predispute mandatory arbitration and class action bans.

In response to it coming to light, a Purdue spokesman said that the practice was "inherited from Kaplan," in an apparent attempt to deflect responsibility.

The spokesman went on to assert that the Purdue board "has complete control over Purdue Global, and has the final say as to which policies it retains, and which it alters . . . and to enact whatever policies it deems to be in the interest of students . . ."

Well, Purdue can't have it both ways.

Either the continued use of predispute mandatory arbitration and class actions bans are a remnant of Kaplan that the board disavows—in which case, the board should use its authority to immediately end the practice—or the board must accept responsibility for the practice continuing under its control and acknowledge predispute mandatory arbitration as an affirmed Purdue policy that it "deems to be in the best interest of students."

As Senator BROWN and I told the Purdue Board in a new letter recently, they have to choose.

We will be waiting.

I want to be clear: Anything short of meeting the high bar set by Purdue's fellow public universities and APLU institutions—not using predispute mandatory arbitration and class action bans in student enrollment—will be a betrayal of students and Indiana taxpayers.

#### VOTE EXPLANATION

Mrs. FEINSTEIN. Mr. President, due to an excused absence on October 11, 2018, I was unable to vote on several judicial nominations. Had I been present I would have voted in the following matter:

On Executive Calendar No. 1007, on the nomination of David James Porter, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit, I intended to vote nay.

On Executive Calendar No. 1081, on the nomination of Ryan Douglas Nelson, of Idaho, to be U.S. Circuit Judge for the Ninth Circuit, I intended to vote nay.

On Executive Calendar No. 1082, on the nomination of Richard J. Sullivan, of New York, to be U.S. Circuit Judge for the Second Circuit, I intended to vote yea.

On Executive Calendar No. 627, on the nomination of William M. Ray II, of Georgia, to be U.S. District Judge for the Northern District of Georgia, I intended to vote nay.

On Executive Calendar No. 628, on the nomination of Liles Clifton Burke, of Alabama, to be U.S. District Judge for the Northern District of Alabama, I intended to vote nay.

On Executive Calendar No. 629, on the nomination of Michael Joseph Juneau, of Louisiana, to be U.S. District Judge for the Western District of Louisiana, I intended to vote nay.

On Executive Calendar No. 634, on the nomination of Mark Saalfeld Norris, Sr., of Tennessee, to be U.S. District Judge for the Western District of Tennessee, I intended to vote nay.

On Executive Calendar No. 638, on the nomination of Eli Jeremy Richardson, of Tennessee, to be U.S. District Judge for the Middle District of Tennessee, I intended to vote nay.

On Executive Calendar No. 894, on the nomination of Thomas S. Kleeh, of West Virginia, to be U.S. District Judge for the Northern District of West Virginia, I intended to vote nay.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)

#### HURRICANE MICHAEL

● Mr. RUBIO. Mr. President, due to Hurricane Michael's direct hit on Florida's panhandle, I am traveling to northwest Florida to survey the devastation that has occurred in my home State. Yesterday, Hurricane Michael made landfall as a devastating, high-end Category 4 hurricane, near Mexico Beach. Initial reports indicate more than 400,000 utility customers in Florida are without power and areas within the storm's path have been decimated.

Therefore, given these circumstances and the fact that my vote would not have been determinative of the outcome of the measures before the Senate, I will survey the damage firsthand and help coordinate efforts between Federal, State, and local officials. ●

#### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD NOMINEES

Mr. WYDEN. Mr. President, I rise today to comment on the confirmation of three nominees to the Privacy and Civil Liberties Oversight Board, often called the PCLOB. The PCLOB is a vital oversight mechanism, empowered by Congress to investigate and write public reports on some of the government's most secretive and controversial programs.

Today, three board member nominees were confirmed to the PCLOB: Edward Felten, a computer science professor at Princeton; Jane Nitze, a former lawyer

at the Department of Justice Office of Legal Counsel; and Adam Klein, nominated to be chair, who is a fellow at the Center for New American Security.

I have concerns about some of the policy perspectives the Republican nominees hold. In this case, however, a functioning PCLOB with board members who listen to dissenting views is better than the status quo, where the five-member board has only one member. The PCLOB has been dormant for most of the current administration and regrettably—and in contrary to its statutory mission—has not made all of its previously investigated and written reports public. I look forward to working with the new board members to returning the PCLOB to its core mission of public oversight of classified programs.

Additionally, I am particularly grateful for Professor Felten's confirmation. The presence of a true public servant technologist on the PCLOB will hopefully raise awareness and understanding surrounding controversial surveillance programs that use advanced technology.

In the coming weeks and months, I will be working with the new board members on the critical issues of privacy, security, and secret interpretations of public law. It is my sincere hope that the new members share my deeply held belief that the government should not have classified interpretations of public laws that cause the programs to operate differently than the public understands.

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#### S. 3021

Mr. WHITEHOUSE. Mr. President, the passage of the bipartisan America's Water Infrastructure Act, more commonly called the 2018 WRDA bill, is celebrated by a wide spectrum of supporters, including environmental organizations, national associations representing cities and counties, and water and coastal business associations.

I would like to commend the chairman, the ranking member, and the staff of the Environment and Public Works Committee for their hard work on this bill. I appreciate their consideration of my requests and their willingness to work with my staff in ensuring Rhode Island's needs are well represented in the final WRDA bill.

In particular, the American Water Infrastructure Act includes my provision directing the Army Corps of Engineers to study the resiliency of harbors of refuge and hurricane barriers in the North Atlantic, like the Fox Point Hurricane Barrier in Providence, that are under threat from rising sea levels and stronger storm surge. Though they may be able to endure current conditions, extra feet of sea level rise coupled with stronger storm surges will overpower the capabilities of many of these structures. We need to get ahead of these consequences of climate change and protect our coastal commu-

nities, instead of waiting for these barriers to fail and imperil coastal homes and businesses.

As oceans overtake our coastal infrastructure, we will also need to look to new and innovative building materials and techniques that can endure corrosive saltwater and other harsh environmental conditions. This WRDA bill also includes my provision requiring the Corps to submit a report to Congress summarizing its research and investments in innovative materials, like Rhode Island-created composites, in-water infrastructure projects, and recommend in which Army Corps projects those materials could be used.

This year's WRDA bill also instructs the Corps to study the extent to which it has made use of its authority to clean up waterways littered with marine debris, like the deteriorating wooden pilings in the Providence River. It also expedites the completion of important projects and studies in Rhode Island, like the Providence River dredging project, Pawcatuck coastal risk management study, and the Rhode Island historical structure flood hazard vulnerability assessment that will bolster Rhode Island's coastal economy and prepare it for future conditions.

Overall, the bill does well to give special consideration to coastal communities, also requiring the Corps to consider natural infrastructure solutions to flood and storm damage risk reduction projects, prioritize coastal erosion mitigation projects in New England, and assess coastal resiliency needs for the Great Lakes. Though only 17 percent of total land area, the United States' coastal counties are home to over half of the U.S. population and were responsible for 48 percent of the country's GDP in 2017. Investing in our coasts is an investment in the well-being of the entire country's economy.

I am also grateful this bill includes a focus on our water infrastructure. In addition to reauthorizing the Drinking Water State Revolving Fund and WIFIA programs, it also creates a new water financing opportunity that will better support water infrastructure projects in small-and medium-sized communities. I am, proud to be a co-sponsor of the SRF WIN Act which creates this new program and thank Senators BOOZMAN and BOOKER for their leadership on this issue.

I look forward to working with my colleagues, the Corps of Engineers, the Environmental Protection Agency, and Rhode Islanders as we move towards implementing this important infrastructure bill.

Mr. VAN HOLLEN. Mr. President, this week the Senate completed work on America's Water Infrastructure Act of 2018, a new water resources development bill that authorizes U.S. Army Corps of Engineers civil works activities and drinking water and wastewater infrastructure improvements.

The legislation will invest in numerous infrastructure projects in Mary-

land and across the country and includes funding to repair aging drinking water, wastewater, and irrigation systems, protect Americans from dangerous floodwaters, and increase public participation and State funding flexibility in local infrastructure projects.

This bill rejects the Trump administration's proposed reclassification of the Poplar Island restoration project, which could imperil the progress of this national model for restoration success located in Talbot County and extends the original 7-year authorization of the Mid-Bay Islands Ecosystem Restoration Project, focused on James and Barren Islands in Dorchester County, by an additional 3 years, to total 10 years.

To allow for greater involvement of local governments in project selection, the bill requires the Army Corps of Engineers to increase public participation by, at a minimum, holding annual public meetings at the district level, providing information about the administration's budget requests, and allowing non-Federal interests the opportunity to collaborate and share in concept development and decision making to solve problems.

The bill also authorizes \$8 million in new EPA grants through a Drinking Water System Infrastructure Resilience and Sustainability Program for water systems that will assist in planning, design, construction, implementation, operation, or maintenance to improve resilience to natural hazards.

I am pleased to support this bill, and I look forward to working with the Army Corps of Engineers to ensure more transparency in the process.

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#### CONFIRMATION OF BRETT KAVANAUGH

Ms. COLLINS. Mr. President, I rise today regarding remarks I made on October 5, 2018, on the nomination of Brett Kavanaugh. In reference to Justices O'Connor, Souter, and Kennedy, I misspoke and should have said that pro-choice groups opposed two of the nominations, not each.

My remarks should have read, "Furthermore, pro-choice groups vigorously opposed two of the Justices' nominations."

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#### TAX REFORM

Mr. RISCH. Mr. President, as you may know, small businesses are thriving in one of the best economic climates that we have seen in several years. The National Federation of Independent Business's Small Business Optimism Index for August saw its highest reading ever over its 45-year history and the MetLife and Chamber of Commerce's most recent quarterly Small Business Index found that a substantial majority of small business owners have a positive outlook of their business and of the overall economy.

I believe that this uptick in small business confidence is due in large part