

Federal debt and how it was squeezing out some of the essential programs that make our country competitive. So I stopped by a meeting of the National Academy of Sciences on American competitiveness, and I said to them: Most ideas fail in Washington, DC, for there being the lack of an idea. If you, the academy, will give Congress 10 specific ideas in priority order to improve American competitiveness, I believe Congress will enact those ideas."

The academy immediately got busy and recruited Norm Augustine and then put together a task force of American leaders, called the Committee on Prospering in the Global Economy of the 21st Century. Under Norm's leadership, they produced a National Academies report entitled "Rising Above the Gathering Storm." They came up with 20 ideas, not just 10, and they were specific, such as doubling the funding for basic science research and creating an energy agency to be modeled after the Department of Defense's highly successful DARPA agency, which would invest in the high-potential, high-impact energy technologies—what we now call ARPA-E.

Congress used most of those ideas and put together a bill that we called America COMPETES. We passed it in 2007 and reauthorized it in 2010. It was introduced by the majority and minority leaders and had a large number of Republican and Democratic sponsors.

That is an example of what can happen when experts give us specific recommendations toward an important public goal and give them to us in a way that we can actually implement them.

That is what I am looking for in the letter that I am sending to experts today at the American Enterprise Institute and at the Brookings Institution—specific recommendations, preferably in priority order, about what Congress and the President can do to reduce the staggering healthcare costs, which is a problem in America. Our witnesses from the National Academy of Sciences and all across the board tell us that nearly half of everything we spend on healthcare is unnecessary.

I also want input from other leading policy experts, including economists, doctors, nurses, patients, hospital administrators, State regulators, legislators, governors, employers, insurers, and healthcare innovators. I am asking, in writing, for as many specific legislative, regulatory, or sub-regulatory solutions as possible by March 1, 2019.

I am especially interested in policies that bring to the healthcare system the discipline and lower cost benefits of a real, functioning market. One way to do that is to remove the barriers that discourage innovators from coming up with new ways to reduce healthcare costs. A second way is to make it easier for the consumers of healthcare to know the true price of what they are buying.

I welcome suggestions of how those policy ideas could be implemented—

what law to amend, what regulation to change—and any potential downsides to the policy recommendations. I will share the recommendations with Senator PATTY MURRAY, who is the ranking Democratic member of the Senate's HELP Committee, and with all of the members of our committee. I will share the recommendations with Senator GRASSLEY and Senator WYDEN, who are expected to be the chairman and ranking member of the Finance Committee. Our HELP Committee and the Finance Committee have shared jurisdiction over healthcare costs. It sometimes gets in the way of solutions, but there is no reason it should. We should all be able to work together in a bipartisan way to address this startling phenomenon that the experts tell us is true, which is that we are spending nearly half the money—wasting it unnecessarily on healthcare. Now we need the experts to tell us exactly what to do about it.

The Federal Government is not going to lower the cost of healthcare overnight, but I believe there are steps we can take to make a real difference to American families. It might be two or three big steps, or it might be a dozen smaller steps, but we shouldn't let this opportunity to make progress pass us by.

I ask unanimous consent that the letter I have written and am mailing today to experts at the American Enterprise Institute and the Brookings Institution, as well as to other leading healthcare experts, be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

DECEMBER 11, 2018.

JAMES C. CAPRETTA,  
*Resident Fellow and Milton Friedman Chair,*  
*American Enterprise Institute, Washington,*  
*DC.*

PAUL B. GINSBURG, PH.D.,  
*Director, Center for Health Policy, Brookings,*  
*Washington, DC.*

DEAR MR. CAPRETTA AND DR. GINSBURG: I am writing to ask for your specific recommendations to help address America's rising health care costs. The Senate Committee on Health, Education, Labor and Pensions (HELP) I chair has held five hearings on the cost of health care and heard from Americans from across the country—from Alaska to Tennessee—that health care costs are a growing burden on taxpayers, employers, and family budgets.

At a hearing in July, we heard a startling estimate from our witness, Dr. Brent James, a member of the National Academy of Medicine, who said that 30 percent, and probably over 50 percent, of all health care spending in America is unnecessary. That means that American taxpayers, patients, and businesses are wasting as much as \$1.8 trillion a year. A number of witnesses corroborated Dr. James' estimate, pointing to causes such as excessive and duplicative federal reporting requirements on doctors and hospitals and a lack of accessible information on health care costs and quality.

I am sending this request to additional experts including economists, doctors, nurses, patients, hospital administrators, state lawmakers, governors, employers, insurers, and health care innovators, on what steps the

next Congress should take to address America's rising health care costs as well as any steps we can recommend that the Trump Administration or state governments should take.

For the last eight years, Republicans and Democrats have been locked in a stalemate over the cost of insurance in the individual health insurance market, where six percent of all Americans with health care purchase their insurance. This is an important part of the discussion, but it puts the spotlight in the wrong place. The hard truth is that we will never get the cost of health insurance down until we get the cost of health care down.

This is why the HELP Committee has been holding hearings on how to reduce administrative burdens; how to reduce what we spend on unnecessary health care tests, services, procedures, and prescription drugs; how to reduce the prices of health care goods and services; how to make available more information on the cost and quality of care; and how the private and public sectors have been able to lower health care costs.

I am especially interested in trying to bring to the health care system the discipline and cost saving benefits of a real market. Too many barriers to innovation drive up costs. And most Americans have no idea of the true price of the health care services they buy—which also drives up costs.

I request that you provide written responses to the below questions by email to [LowerHealthCareCosts@help.senate.gov](mailto:LowerHealthCareCosts@help.senate.gov) by March 1, 2019:

1. What specific steps can Congress take to lower health care costs, incentivize care that improves the health and outcomes of patients, and increase the ability for patients to access information about their care to make informed decisions?

2. What does Congress or the administration need to do to implement those steps? Operationally, how would these recommendations work?

3. Once implemented, what are the potential shortcomings of those steps, and why are they worthy of consideration despite the shortcomings?

Thank you for your consideration and attention to this request.

Sincerely,

LAMAR ALEXANDER,  
*Chairman.*

Mr. ALEXANDER. 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.

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

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

BORDER SECURITY

Mrs. CAPITO. Madam President, we are faced today with an escalating crisis on our southwest border. We all know it. We see news of it every day, and it is very real.

As the chairman of the Appropriations Committee's Subcommittee on Homeland Security, I would like to present some facts to the Senate that make the case for increased investment in our border security.

In the fiscal year 2018, Border Patrol apprehensions at the southwest border were up more than 30 percent compared with fiscal year 2017. In real numbers, over 396,000 people were apprehended.

It is getting worse because, if you look at October of 2018 compared to October of 2017, apprehensions were up 88 percent. The numbers are going up.

The facts I have laid out don't tell the entire story. Border Patrol estimates that it could be catching as little as half of the traffic that is illegally crossing our southwest border between the ports of entry, so we really don't know who we are catching, and we don't know what they are carrying.

Border Patrol apprehensions of gang members is up 50 percent from fiscal year 2017 to fiscal year 2018. Mexico is a primary source for narcotics entering the United States. This is extremely important to me as a representative from the State of West Virginia. Fentanyl seizures by Border Patrol were up 115 percent over the past year, from 2017 to 2018.

We know that a significant portion of opioids enter our country through ports of entry, but we cannot ignore the fact that we are seeing opioid smuggling between the ports of entry increase at alarming rates as well.

Similarly, methamphetamine seizures by Border Patrol have increased 75 percent since the year 2015. In more populated areas along the border, aliens and smugglers are crossing the border unimpeded and quickly vanishing into our neighborhoods, into our commercial areas, and onto highways, headed to places like Mississippi and West Virginia.

A single load of fentanyl, walked across our land border in an unassuming backpack, could threaten the lives of several thousand Americans. Failure to better secure our border will have consequences for all American communities.

I am very sad to say that my home State is an acutely affected area. In the year 2017, drug overdoses were responsible for more deaths per capita in West Virginia than in any other State. Listen to this. This is so sad. Overdoses tragically took the life of 1 out of every 1,700 West Virginians and 1 out of 46 Americans in this country. We saw a 500-percent increase in meth overdoses in West Virginia from the years 2013 to 2017. What I have learned about this is that we have gone from prescription drugs to heroin, to heroin laced with fentanyl, and now it is synthetic methamphetamines that are the threat. This is occurring while we are seeing an uptick in meth that is mass produced in places like Mexico, trafficked across our border, and then distributed across the United States. Even more troubling, these types of meth are also being laced with the synthetic and dangerous opioid, fentanyl.

In this current debate, it is easy to forget that just over a decade ago, on a bipartisan basis, Congress—and I was over in the House of Representatives at the time—was making significant investments in our border security infrastructure. What we have seen from these past investments is that physical barriers actually work at the border. The statistics show that.

In the 1990s and 2000s, we built physical barriers in four sectors: the San Diego sector, the El Paso sector, the Tucson sector, and the Yuma sector. In each of these places, the number of apprehensions dropped by more than 90 percent after the infrastructure was installed. In these areas, investment in border security has enhanced the safety and the security on both sides of the border.

Neighborhoods that were once overrun with illegal activity are vibrant. Commercial areas that were once considered dangerous and unprofitable are now flourishing with economic development. Nature preserves that were once trashed and trampled are again full of our native plants and animals.

The cartels on the other side of the border profit in places where we haven't invested. Criminals aren't going to stop smuggling humans and narcotics into the United States because we have invested in certain key places; they have simply changed their routes and shifted their tactics to areas where we haven't yet built infrastructure.

If we fail to better secure our border, we are inviting vulnerable migrant populations, many of whom may be fleeing danger in their own home communities, to subject themselves to dangerous journeys through rugged terrain. They are often doing so under the thumb of cartels who profit from the illegal human trafficking, just as they profit from drug trafficking.

We need to secure our borders and encourage these migrants to instead seek entry legally at the designated ports of entry.

This past summer, I traveled for several days to the southwest border, both in California and in Texas. I witnessed the needs that we have there firsthand. I saw the open pathways across the border and into our communities. I saw the gaps in our border security. I also saw communities that have become safer because we have provided border security. I didn't just see those things; I heard from the men and women who patrol our border each and every day. It is a tough job. It is a tough job. They expressed the need for and the value of the investments I am talking about here today.

While the need for additional investment in border infrastructure may be obvious to some, Congress has recognized that we need to be strategic in these investments. It was said on the Senate floor last week that there is no plan for these investments. I am here to tell you that is not the actual, true story.

In fact, the bipartisan fiscal year 2017 appropriations bill required Customs and Border Protection to provide us with a comprehensive border security plan, an improvement plan, to ensure that we get it right. This plan was developed sector by sector by agents in the field, and it was weighted by illegal activities that are occurring in those sectors. It was written from the bot-

tom up by career law enforcement professionals who walk the line every day, sometimes on boats on the Rio Grande—we did that too—and know where new infrastructure is needed most.

The plan was delivered in January of 2018 and provided us with a 10-year roadmap for border security investment based on operational requirements. Here is what we learned from this plan.

As traffic slowed in San Diego, in Arizona, and in El Paso, we have seen it shift to South Texas, to the Rio Grande Valley sector. This sector covers just 17 percent of the mileage of the entire border, but it now sees 40 percent of the illegal border traffic. This sector also accounts for an outsized number of narcotic seizures and a significant portion of the assaults on our Border Patrol agents.

Through the fiscal year 2018 appropriations bill enacted in March, Congress provided a downpayment of nearly \$1.4 billion toward this plan, this improvement plan.

Despite claims on the Senate floor last week to the contrary, Customs and Border Protection is executing this funding at an astounding rate. About one-third of it is already under contract. Another third will be under contract in the next several weeks, and the entirety of this funding will be under contract within a year of enactment of this legislation. They are spending it where it is needed most and as fast as we can get it to them.

In June, the Appropriations Committee, led by my subcommittee, produced a bill that recommended border security funding in line with this plan. Specifically, the bill recommended significant funding for new physical barriers along the southwest border. This is a very good bill, but over the summer and over the fall, this crisis on the southwest border has escalated.

I believe we in Congress must demonstrate that we are flexible enough to respond when the situation calls for it. The statistics I cited certainly make a compelling case.

Providing additional resources in fiscal year 2019 and fiscal year 2020 for border security infrastructure would be consistent with the border security improvement plan when viewed through the lens of an escalating crisis. This funding would go straight to the places in South Texas where we are seeing the most illegal traffic.

It is important to note that providing an appropriate level of funding is possible without exceeding any of our budget caps and without short-changing any of our other very important programs, as long as we get serious about finding a bipartisan way forward.

I will take a time out here to recognize that Senator SCHUMER and rising Speaker PELOSI are going to be meeting with the President on this very issue today, so I urge them to reach a bipartisan way forward.

I urge my colleagues here in the Senate to take a long, hard look at the undisputable facts, which demonstrate that the crisis on the border is escalating. Our law enforcement personnel have provided us with a plan to work toward improving and solving that problem, so let's work together and get this done.

I yield back my time.

The PRESIDING OFFICER. The Senator from Washington.

#### NOMINATION OF JONATHAN A. KOBES

Mrs. MURRAY. Madam President, I come to the floor today to oppose Jonathan Kobes' nomination to serve on the 8th Circuit Court of Appeals. People across the country know how important it is that we fight back against extreme and extremely unqualified judicial nominees.

Earlier this year, during Judge Kavanaugh's confirmation, we saw just how far President Trump and Senate Republicans are willing to go to jam through extreme judges who will work to strip away women's rights.

But that wasn't all we saw. We saw millions of women and men across the country inspired to stand up and fight back against his nomination. We saw people speak out and share their own personal stories about what was at stake, about sexual assault, and how important it is that we believe survivors, and about the right to safe legal abortions, what it means for women and their families, and about what kind of country we want to live in.

We saw, without question, that people across the country want us to stop President Trump from swinging our courts far right by packing them with ideological judges—judges like Mr. Kobes, who will continue the Trump-Pence agenda of rolling back women's rights and access to healthcare.

Making sure families know exactly what Mr. Kobes would mean for women if he is seated is what I am here to do today. It means weaker rights and less access to healthcare.

He is like many of President Trump's nominees before him. Mr. Kobes lacks almost any real experience to qualify him for a seat on the Eighth Circuit Court. He has little trial experience, little appellate experience, and no record of legal scholarship to speak of.

I am not the only one concerned by that. The American Bar Association has rated him unqualified. That makes Mr. Kobes the sixth judicial nominee from President Trump who is opposed by his professional colleagues.

But the thin record he does have is disqualifying because it shows he will put extreme rightwing ideology ahead of women and science. Mr. Kobes is an outspoken advocate for fake women's healthcare centers, sometimes called crisis pregnancy centers, that seek out women looking for information about their healthcare needs and reproductive rights and then use misleading—

even blatantly false—propaganda to scare and pressure them. Mr. Kobes even went out of his way to represent some of these fake clinics free of charge.

He voluntarily defended a law requiring providers to give a lecture full of ideological propaganda and fearmongering to women seeking safe, legal abortions. The required lecture in this case actually went so far as to demand that providers lie to women and claim abortion increases their risk of suicide. It does not.

Think about that. He argued for a law that directly interfered with the relationship between a patient and her healthcare provider—a law that said women making their own decisions about their own bodies and seeking healthcare, which is their constitutional right, should be lied to, should be frightened out of a decision with fake information, including fake information about suicide. That is utterly wrong and disqualifying for any judicial nominee.

Mr. Kobes hasn't merely represented these fake clinics. He served on the board of an organization that aimed to deceive and frighten women out of getting abortions. It is clear he wasn't chosen for his bona fides in the legal field. He doesn't have them.

Women and men across the country are paying attention. They know what is at stake. Hours before the final vote on Kavanaugh, I came here to speak about how angry I was when the Senate failed Anita Hill in 1991 and confirmed Justice Thomas, how I decided to run for the Senate after that so I could fight to change things, and how I hoped everyone who was angry about Judge Kavanaugh would stay angry and keep fighting for change. I also promised right here that whatever happened, I was going to get up the next day and keep fighting, too, and I meant it.

I am going to keep standing up, speaking out, and making clear just how harmful the President's ideological nominees are.

I strongly oppose Mr. Kobes' nomination. I hope all of our colleagues will do the same.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The question is, Will the Senate advise and consent to the Muzinich nomination?

Mrs. CAPITO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 257 Ex.]

#### YEAS—55

Alexander	Flake	Murkowski
Barrasso	Gardner	Nelson
Blumenthal	Graham	Paul
Blunt	Grassley	Perdue
Boozman	Hatch	Portman
Burr	Heller	Risch
Capito	Hoeven	Roberts
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Rubio
Coons	Isakson	Sasse
Corker	Johnson	Scott
Cornyn	Jones	Shelby
Cotton	Kennedy	Sullivan
Crapo	King	Thune
Cruz	Kyl	Toomey
Daines	Lankford	Wicker
Enzi	Lee	Young
Ernst	McConnell	
Fischer	Moran	

#### NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Sanders
Booker	Heitkamp	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Harris	Peters	

#### NOT VOTING—1

Tillis

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. BLUNT. I further ask that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that at 2:15 the Senate vote on the Kobes nomination as under the previous order; finally, if the nomination is confirmed, that the motion to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXCELLENCE IN MENTAL HEALTH ACT

Mr. BLUNT. Mr. President, I know that we have a number of things scheduled here, including some farewell speeches from some of our colleagues. I was scheduled to speak, and I do want to speak, and I will try not to take too much advantage of the time.

I wanted to speak today and this week about the importance of treating mental health and the importance of