



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, WEDNESDAY, SEPTEMBER 5, 2018

No. 147

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JONI ERNST, a Senator from the State of Iowa.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our rock and fortress, we trust the unfolding of Your loving providence. May our lawmakers find refuge in the shadow of Your citadel. Give our Senators eyes that are willing to see their own mistakes and to be patient with the faults of others. May our legislators walk with reverence and sensitivity through all the seasons of their lives. Lord, give them steadfast hearts as they strive to glorify You in all they think, say, and do. Open their minds to think Your thoughts and their hearts to do Your will.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 5, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JONI ERNST, a Senator

from the State of Iowa, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. ERNST thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING SENATOR KYL

Mr. McCONNELL. Madam President, over the weekend, Senator McCain was laid to rest at Annapolis. Our dear friend left a towering legacy of service and sacrifice. As Senator GRAHAM reminded us last week, while none of us can hope to fill his shoes, we should all strive to follow in his footsteps. Today, the great State of Arizona has sent us a successor who is as well-equipped as you could imagine to do just that.

Our friend and former colleague, Senator JON KYL, is one of the most serious, most expert, and most effective legislators with whom I have had the pleasure of serving. In his 18 years of Senate service, he forcefully defended the interests of Arizonans on issues local, national, and international. He mastered the details of water and natural resource issues. He became a go-to point person on missile defense, nuclear modernization, strategy, and arms control. He built a reputation as a steady and energetic public servant who put his State and his country first.

On a point of personal privilege, I am glad we will have JON back with us. He has great judgment and an even keel. He is a team player, a true friend, and an inspiring example of what a Senator can and should be.

It is a good thing, too, because Congress has a lot to accomplish in the coming weeks—like finalizing appropriations bills, completing our consid-

eration of Judge Kavanaugh, and confirming more of the President's qualified nominees. It is going to be all hands on deck for the American people. I could not be happier that this new, not-so-junior Senator from Arizona will be here to help us through this period.

SENATOR INHOFE NEXT CHAIRMAN OF THE ARMED SERVICES COMMITTEE

Mr. McCONNELL. Madam President, speaking of continuing John McCain's legacy, I am also happy that our colleagues on the Armed Services Committee have officially chosen Senator INHOFE to serve as their next chairman. JIM INHOFE filled in for Senator McCain during a difficult year. He rose to the occasion and helped lead the committee in passing crucial legislation that honored the example of his predecessor and the volunteers who defend our Nation. He possesses rich experience on the committee, including decades of work on behalf of American servicemembers, as well as his own military service. Congratulations and thanks to Senator INHOFE.

WORK OF THE SENATE

Mr. McCONNELL. Madam President, on another matter, the Senate continues work on a number of important priorities. This morning, I joined a number of our colleagues in the first conference committee meeting for the farm bill, including the occupant of the Chair. Others of our colleagues are continuing to confer with the House on appropriations bills so we can stay on track with respect to funding the government.

On the floor this week, we will continue attending to personnel business. We voted yesterday to advance the nomination of Elad Roisman to serve on the Securities and Exchange Commission. After we confirm him, we will

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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turn to eight more qualified district court nominees.

Of course, the Nation turned its attention yesterday to the start of Brett Kavanaugh's confirmation hearings to serve as Associate Justice of the Supreme Court. Those who tuned in heard about a well-respected judge and well-respected professor with flawless judicial temperament and integrity, someone who makes those around him better. They heard these accounts from a former U.S. Secretary of State, a sitting U.S. Senator, and a prominent liberal litigator with extensive experience before the Supreme Court. From Judge Kavanaugh himself, they heard about his guiding principles—among them, "Interpret the Constitution as written, informed by history and tradition and precedent."

In sum, the American people saw the impressive, talented, measured jurist they have heard so much about. Unfortunately, the country also saw disappointing displays of attempted partisan obstruction. The rude, disrespectful, and boorish behavior we saw yesterday in the Judiciary Committee was the confirmation hearing equivalent of an "abolish ICE" protest—the confirmation hearing equivalent of an "abolish ICE" protest right here in the Senate Judiciary Committee room.

Well, I guess we shouldn't be too surprised. The antics confirmed two things that our Democratic colleagues have told us before: Their minds are already made up—they have already made up their minds about the Kavanaugh nomination—and they will try anything to stop it.

Democrats interrupted Chairman GRASSLEY literally scores of times. They treated the nominee rudely, even insulting the patriotism of this devoted public servant and highly esteemed judge. They offered one stale process complaint after another—completely ignoring the fact that more documentation has been produced for Judge Kavanaugh's nomination than for the last five Supreme Court nominations combined.

I guess our Democratic friends' coordinated plan was to throw a pot of spaghetti at the wall and see if anything stuck. Nothing stuck. Nothing stuck except the complete contrast between a gracious, thoughtful, patient nominee and the hyperventilating by Senate Democrats who are obviously not interested in giving Judge Kavanaugh the fair consideration he deserves.

Half a million pages of documents, 12 years of opinions, the testimony of peers and colleagues from across the political spectrum—any Member who is actually willing to give Judge Kavanaugh fair consideration has every tool they already need to do so.

I implore my friends across the aisle, let's put the partisan theatrics behind us—it is rather embarrassing to see that in the Senate—and continue these hearings with the dignity befitting the serious task before us.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elad L. Roisman, of Maine, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2023.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the Roisman nomination?

Mr. MCCONNELL. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 85, nays 14, as follows:

[Rollcall Vote No. 202 Ex.]

YEAS—85

| | | |
|--------------|------------|------------|
| Alexander | Graham | Paul |
| Barrasso | Grassley | Perdue |
| Bennet | Hassan | Peters |
| Blunt | Hatch | Portman |
| Boozman | Heinrich | Reed |
| Brown | Heitkamp | Risch |
| Burr | Heller | Roberts |
| Cantwell | Hirono | Rounds |
| Capito | Hoeven | Rubio |
| Cardin | Hyde-Smith | Sasse |
| Carper | Inhofe | Schatz |
| Casey | Isakson | Scott |
| Cassidy | Johnson | Shaheen |
| Collins | Jones | Shelby |
| Coons | Kaine | Smith |
| Corker | Kennedy | Stabenow |
| Cornyn | King | Sullivan |
| Cortez Masto | Klobuchar | Tester |
| Cotton | Lankford | Thune |
| Crapo | Leahy | Tillis |
| Cruz | Lee | Toomey |
| Daines | Manchin | Udall |
| Donnelly | McCaskill | Van Hollen |
| Duckworth | McConnell | Warner |
| Enzi | Moran | Wicker |
| Ernst | Murkowski | Wyden |
| Fischer | Murphy | Young |
| Flake | Murray | |
| Gardner | Nelson | |

NAYS—14

| | | |
|------------|------------|------------|
| Baldwin | Gillibrand | Sanders |
| Blumenthal | Harris | Schumer |
| Booker | Markey | Warren |
| Durbin | Menendez | Whitehouse |
| Feinstein | Merkley | |

The nomination was confirmed.

The VICE PRESIDENT. The majority leader.

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

The VICE PRESIDENT. Is there objection?

Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the passing of John S. McCain III, of Arizona. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

STATE OF ARIZONA

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Arizona, I, Douglas A. Ducey, the governor of said State, do hereby appoint Jon Llewellyn Kyl a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of John Sidney McCain III, is filled by election as provided by law.

Witness: His excellency our governor Douglas A. Ducey, and our seal hereto affixed at Phoenix, Arizona this 4th day of September in the year of our Lord 2018.

By the Governor:

DOUGLAS A. DUCEY,
Governor.
MICHELE REAGAN,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designate, JON LLEWELLYN KYL, escorted by Mr. FLAKE, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause. Senators rising.)

The ACTING PRESIDENT pro tempore. The majority leader.

REQUEST FOR AUTHORITY FOR COMMITTEE TO MEET

Mr. MCCONNELL. Madam President, I have a request for the Judiciary Committee to meet during today's session of the Senate. I ask unanimous consent that it be agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

The Democratic leader.

Mr. SCHUMER. Madam President, reserving the right to object, the Republican majority on the Judiciary Committee is pressing forward with a confirmation hearing on a Supreme Court nominee whose record has been largely shielded from the Senate and the American public. Over 90 percent of Judge Kavanaugh's record has not been received by the Senate and may never be. What has been delivered to the committee was prescreened by a Republican lawyer, with no guidelines as to what we were receiving and what we were not. It is just whatever entered his whim. Of that small subset of prescreened documents—less than 10 percent of Judge Kavanaugh's full record—Chairman GRASSLEY is prohibiting large segments from being shared with the public, without explanation.

Republicans are trying to jam through, with as little scrutiny as possible, a lifetime appointment to the Nation's highest Court, with the power to affect the lives of Americans for a generation. That is why it is so important for the Senate and the public to review the nominee's record—because healthcare, a woman's freedom to make medical decisions, civil rights, voting rights, and marriage equality all hang in the balance. The Republican majority is deliberately obstructing the Senate's constitutional duty to fairly and thoroughly conduct our advice and consent powers.

As a result, we will not consent to business as usual on the Senate floor today. This means the Senate will adjourn for the day after my two colleagues finish speaking.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

BICENTENNIAL OF THE CITY OF EDMONTON

Mr. McCONNELL. Madam President, I would like to take a moment today to congratulate the city of Edmonton, KY, for reaching an historic milestone: its bicentennial anniversary. Throughout its 200 years, this southcentral Kentucky community has developed a rich heritage, and its weekend of celebrations this September is well deserved.

Edmonton was founded in 1818 and named after Edmund Rogers, who

owned the land and laid out the town. The community became the seat of Metcalfe County at its formation in 1860. Today it is home to more than 1,500 Kentuckians, and Edmonton displays many of the best rural values and traditions of our Commonwealth.

Following the opening ceremonies of the bicentennial celebrations at city hall, there will be a parade throughout Edmonton, featuring floats carrying schoolchildren. There will be a wide range of events, celebrating the city's history and its promise for the future. From beard contests to antique car shows and from bicentennial skits to historical tours, there is something for everyone to enjoy.

The celebration will also feature a local talent showcase and a performance by a hometown band, "The Kentucky Headhunters." After the show, attendees can watch a fireworks show to provide a fitting end of the bicentennial celebration.

I would like to join Mayor Howard Garrett and everyone in Edmonton in celebrating this occasion, and I would like to ask my Senate colleagues to help me commemorate this bicentennial anniversary.

MESSAGE FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5869. An act to require the Secretary of Homeland Security to conduct a maritime border threat analysis, and for other purposes.

H.R. 6265. An act to ensure that only travelers who are members of a trusted traveler program use Transportation Security Administration security screening lanes designated for trusted travelers, and for other purposes.

H.R. 6374. An act to require the Department of Homeland Security to streamline Federal contractor fitness determinations, and for other purposes.

H.R. 6400. An act to require the Secretary of Homeland Security to conduct a threat and operational analysis of ports of entry, and for other purposes.

H.R. 6430. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to implement certain requirements for information relating to supply chain risk, and for other purposes.

H.R. 6438. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security an Unmanned Aircraft Systems Coordinator, and for other purposes.

H.R. 6439. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Biometric Identification Transnational Migration Alert Program, and for other purposes.

H.R. 6443. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish a continuous diagnostics and mitigation program at the Department of Homeland Security, and for other purposes.

H.R. 6447. An act to amend the Homeland Security Act of 2002 to establish the position

of Chief Data Officer of the Department of Homeland Security, and for other purposes.

H.R. 6459. An act to amend the Homeland Security Act of 2002 to require a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the Transportation Security Administration of security screening technologies, and for other purposes.

H.R. 6461. An act to amend title 49, United States Code, to establish in the Transportation Security Administration a National Deployment Office, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 4318) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and that the following Members be the managers of the conference on the part of the House: Mr. FRELINGHUYSEN, Ms. GRANGER, Messrs. COLE, CALVERT, WOMACK, ADERHOLT, ROGERS of Kentucky, Mrs. ROBY, Mrs. LOWEY, Mr. VISCLOSKEY, Mses. DELAURO, ROYBALLARD, and MCCOLLUM.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5869. An act to require the Secretary of Homeland Security to conduct a maritime border threat analysis, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6265. An act to ensure that only travelers who are members of a trusted traveler program use Transportation Security Administration security screening lanes designated for trusted travelers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6374. An act to require the Department of Homeland Security to streamline Federal contractor fitness determinations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6400. An act to require the Secretary of Homeland Security to conduct a threat and operational analysis of ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6430. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to implement certain requirements for information relating to supply chain risk, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6438. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security an Unmanned Aircraft Systems Coordinator, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6439. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Biometric Identification Transnational Migration

Alert Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6443. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish a continuous diagnostics and mitigation program at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6447. An act to amend the Homeland Security Act of 2002 to establish the position of Chief Data Officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6459. An act to amend the Homeland Security Act of 2002 to require a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the Transportation Security Administration of security screening technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6461. An act to amend title 49, United States Code, to establish in the Transportation Security Administration a National Deployment Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 2515. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian Tribes, and for other purposes (Rept. No. 115-335).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CORTEZ MASTO (for herself, Mrs. GILLIBRAND, Mr. BENNET, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Ms. HARRIS, Mrs. FEINSTEIN, and Ms. HIRONO):

S. 3408. A bill to amend the Higher Education Act of 1965 to direct the Secretary of Education to award grants for teaching English learners to institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON (for himself and Mr. SCHATZ):

S. 3409. A bill to allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by State law, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

S. 3410. A bill to amend the Internal Revenue Code of 1986 to impose a tax on employers whose employees receive certain Federal benefits, and for other purposes; to the Committee on Finance.

By Ms. SMITH (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HASSAN, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. REED, Mr. SANDERS, Mr. UDALL, Ms. WARREN, and Mr. WHITEHOUSE):

S. 3411. A bill to ensure medications are affordable; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 479

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 510

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 510, a bill to protect a woman's right and ability to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 1121

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 1121, a bill to establish a postsecondary student data system.

S. 1364

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Maryland (Mr. CARDIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1364, a bill to establish within the Smithsonian Institution the National Museum of the American Latino, and for other purposes.

S. 2144

At the request of Mr. VAN HOLLEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2144, a bill to provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements.

S. 2958

At the request of Mr. UDALL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2958, a bill to require the Federal Communications Commission to make the provision of Wi-Fi access on school buses eligible for E-rate support.

S. 3030

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3030, a bill to allow tribal grant schools to participate in the Federal Employee Health Benefits program.

S. 3063

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3063, a bill to delay the reimposition of the annual fee on health insurance providers until after 2020.

S. 3196

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 3196, a bill to defend economic livelihoods and threatened animals in the greater Okavango River Basin, and for other purposes.

S. 3231

At the request of Mr. YOUNG, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3231, a bill to establish the Task Force on the Impact of the Affordable Housing Crisis, and for other purposes.

S. 3257

At the request of Mr. CRUZ, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3257, a bill to impose sanctions on foreign persons responsible for serious violations of international law regarding the protection of civilians during armed conflict, and for other purposes.

S. 3381

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3381, a bill to encourage Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata, and for other purposes.

S. 3382

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3382, a bill to require the Director of the United States Geological Survey to perform a nationwide survey of perfluorinated compounds, and for other purposes.

ORDERS FOR THURSDAY, SEPTEMBER 6, 2018

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Thursday, September 6; further, that following the prayer and pledge, morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that following leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order, following the remarks of Senators MANCHIN and INHOFE.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia.

UNANIMOUS CONSENT REQUEST—
S. RES. 581

Mr. MANCHIN. Madam President, today I call for a live unanimous consent request on my resolution to protect nearly 800,000 West Virginians and millions of Americans from losing their health insurance because of their preexisting conditions. This is an immediate danger. It is life and death for over 800,000 West Virginians and millions of Americans.

Today oral arguments began in the Texas v. United States lawsuit being waged by 20 U.S. attorneys general, including West Virginia's attorney general, that will, once again, allow insurance companies to have total control to be able to deny health insurance to people with preexisting conditions. Now that the Department of Justice has recklessly refused to defend the existing law, people with cancer, heart disease, asthma, diabetes, or pregnant women are at risk of financial and physical duress. Today, we have a chance to help right this wrong.

My resolution, S. Res. 581, will allow the Senate legal counsel to intervene and defend West Virginians and Americans with preexisting conditions from this inhumane lawsuit. Even my Republican colleagues have admitted that millions of Americans will lose their health insurance if Republican attorneys general succeed.

Now, that is something when my own colleagues, over nine of my Republican friends in the Senate, have introduced a piece of legislation that also acknowledges how destructive this will be.

In a press release, my good friend from North Carolina, Senator TILLIS, and nine other Republicans who introduced the bill wrote that oral arguments in Texas v. United States will begin today, on September 5, and if the judge rules in favor of the plaintiffs, protections for patients with preexisting conditions could be eliminated. What it basically says is, insurance companies will be allowed to determine if you are too sick and too costly for them and they can't make enough profit or see that there is no end in sight, they will just deny you.

Four hundred thousand West Virginians will be denied. They couldn't even buy insurance if they could afford it. The other 400,000 in West Virginia are going to basically have their rates raised or capped. That means they are one illness away—one illness away—from financial disaster.

Senator TILLIS said this legislation is a commonsense solution. This is a commonsense solution. We want to fix it together. We are just asking people, who basically believe the same as we all have agreed on both sides of the aisle, to ask our attorneys general to stop this senseless lawsuit and withdraw it. That would cure the problem overnight, but without it, we need to intervene, and we are asking for this to happen.

Madam President, I ask unanimous consent that the Committee on Rules

and Administration be discharged from further consideration of S. Res. 581; that the Senate proceed to its immediate consideration; and that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Madam President, reserving the right to object.

Right now, there is a court case being heard in Texas on the constitutionality of ObamaCare. We are all aware of that.

In their decision upholding the constitutionality of ObamaCare, the Supreme Court said that under the commerce clause alone, ObamaCare would be unconstitutional. It was only because of the individual mandate, which they saw as a tax, that ObamaCare was upheld.

Last year, we eliminated the individual mandate in our tax cut, so the constitutionality needs to be revisited, which is what these States are doing. It would be inappropriate for the Senate to intervene in this case.

Further, this resolution instructs all provisions of ObamaCare to be defended, including the medical device tax, the Cadillac tax, the health insurance tax, and other provisions that have proven extremely unpopular on both sides of the aisle. For that reason, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MANCHIN. Madam President, if I could please respond?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. INHOFE. I have already objected.

The PRESIDING OFFICER. The objection is heard.

The Senator from West Virginia has the floor.

Mr. MANCHIN. Madam President, let me just say that I hear my good friend from Oklahoma. I understand where he is coming from. I would only say that if that were the intent—and they keep saying Affordable Care Act, ObamaCare, TrumpCare, no matter what you want to call it, politicizing it—we can fix it. We have a fix. We have had a bipartisan fix lying on the majority leader's desk for over a year now—12 Democrats and 12 Republicans, working together to fix the things we talked about.

One thing we all agreed on is people with preexisting conditions should not be left in an inhumane situation where they have nothing to count on—no insurance whatsoever. We have been down that road before. This is a correction. We have had this.

Basically, it is against the law for an insurance company to say: Listen, you are too sick. You have had high blood pressure. You were born with a heart defect. You had cancer when you were 40 years of age, and now you are 70; it

might return. We don't want to go down that road again. That is all we have asked for, and even our Republican colleagues agreed with us too.

If that were the intent, to rule this unconstitutional, then that would have been in the tax cut bill. The tax cut bill was the mandate. It had nothing to do with the preexisting condition. That is still the law. That is still the law of the land. All we are asking is for them to withdraw their lawsuit. They withdraw the lawsuit, and it is still against the law for any insurance company—if they pass this lawsuit, then they are going to be at the hands and the mercy of the insurance companies to pick and choose life and death for so many thousands of people—millions of people, 800,000 West Virginians. That is all.

I understand this is a hot topic, but I can tell you one thing, healthcare in West Virginia is something that is needed. It is something we now have a chance to fix that we haven't. We have opioid addiction, and we are able to treat that. Mental illness, we are able to treat that. Senior citizens, we are able to help them close the doughnut hole. These are a lot of good things we have all agreed on.

The things we want to fix is what they are harping on, and, basically, that can be taken care of and keep the Affordable Care Act where it should be, in the hands of the people who need it.

Right now, we are in jeopardy so I am asking for the consideration. I understand the objection, and I understand the process here, but basically what we are asking for is for human decency, and it is basically the concern of millions of people in America.

Thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, while I have the floor, I want to make one comment about the statement that was made by my good friend from West Virginia. The States are looking at it now. In some of these areas, preexisting conditions, the Senator is correct; there is a broad support for this. For that reason, various States are now looking at it.

I want to share something, since I have the floor. We have had an exciting day with the addition of a new Member, JON KYL. I want to mention one thing about Senator KYL. Many years ago, Senator KYL and I were actually elected to the House of Representatives on the same day, and we were elected to the Senate on the same day.

I remember so well, many years ago, when I was first elected to the House, it happened that my father—I lived in Iowa at that time, and JON's father was a Member of Congress. So the first thing he said to me was, when you get elected, go over and meet a guy named JON KYL. Never did I dream we would go through all of this, and we would be meeting again for the third time in another election.

He will be a great addition. Everyone knows that no one can fill the shoes of

our good Senator, John McCain, but certainly there is no one who comes closer than JON KYL, having served with Senator McCain for 20 years.

I had an experience that I want to share this afternoon, something that happened in church on Sunday. On Sunday, I was at a church. It is a little rural church in Oklahoma called Church On The Lake. A guy named Mark Deckard is the pastor there. This is not my church. In fact, my wife and I, our church is the First Presbyterian Church in Tulsa. That is the church she and I were married in a number of years ago, where all of our kids were married, and where all of our kids were baptized. My wife was baptized there over 80 years ago. So no one is closer to that church than we are, but occasionally I will go to another church.

Nobody actually knew I was going to be at this church last Sunday. I want to share an experience I had. A lady whom I didn't know came up to me. Her name is Lois Keene. She asked: Would you give this letter to President Trump? I don't think there is a Member of the Senate or the House who doesn't get this request quite often. It sounds quite easy to do, but it is not easy to do. After I read the letter, I decided this is something I really want to do.

She asked: Would you give this letter to President Trump?

I said: Is it OK if I read it?

And I read it. It was a letter supporting him, recognizing—and this is someone from Afton, OK. It is so obvious to her what the press has done unmercifully to this President. I have never seen anything like it. She has never seen anything like it, and so she had something she wanted to give to me defending the President.

I read it, and I said: You know, I have to say that these are not the words I would use. If I were defending the President, I would say—because to get people's attention, when you have an unfriendly media, you have to simplify it so everyone understands it. So I said I would normally just talk about three issues.

No. 1, the economy. Our economy right now at this time, we have not seen anything like it in 40 years. There are two indicators that you look at, one is economic growth. The economic growth during the last quarter actually exceeded 4 percent. It has been averaging over 3 percent. During the Obama years, for 8 years, it averaged 1.5 percent—1.5 percent growth—as opposed to at least doubling that or maybe three times that.

Now, why is this important? It is important because for every 1 percent increase in economic activity, what that does is bring in new revenue equaling

about \$2.9 trillion over 10 years. What does that tell you? It tells you that when we are now going through and rebuilding the military and all of these things, the infrastructure, these are things we need to do, and they are going to cost money. That indicator is there. Then, also, there is the indicator in terms of employment. Our unemployment right now has actually dipped below 4 percent. Economists always say 4 percent is full of employment, and so we have that.

The economy just couldn't be better than it is. It is undeniable, and yet nobody talks about it. The media doesn't talk about it.

The second thing I would say is that everyone knows now what happened during the 8 years. I don't criticize former President Obama. He is what I call a real honest liberal. He is not a closet liberal. He comes out and says it. He believes we need to have more of a socialist society. We have lived through that. Someone with that belief is not going to be real strong in terms of building the military. We have gone through this military thing for about 8 years, and now we are defending—we passed the Defense bill, which we named after John McCain. That Defense bill is putting us back on the road for a strong national defense.

People think erroneously that America has the best of everything, and they don't. Right now, we have gotten to the point where our—a lot of our systems—our triad system, for example, which is the modernization system, both China and Russia have one now that is better than ours.

Our artillery systems—you measure our artillery by the range and by rapid fire, and we are outgunned by both Russia and China in those areas. We know what has happened.

Right now, we are at the point where we have actually confirmed 26 appellate judges just in the short term that this President has been in. So I would be talking about that, but that is not what she said.

It is true, and her observation is true, that it doesn't go unnoticed by people when you have the media that is really not treating the President right.

By the way, I was a victim of this too. In fact, during the McCain discussion, after McCain's life was lost, several times on the floor I talked about the fact that way back in 1994, when I ran for U.S. Senate, there were only three Senators who came out to Oklahoma to help, and one of them was John McCain. He came out twice. We flew all over in my little airplane in about 100 degrees, and he campaigned for me. So he has been a good friend. Yet, by responding to one of the major medias in a way that I made some com-

ment about the fact that we have two individuals, Senator McCain and President Trump, who just don't have a good relationship—everybody knows that—they tried to turn that into something that was negative that they wanted people to believe that I said. In fact, I was in St. Louis between flights, at about 10 o'clock at night, and shortly after that, someone jumped all over me and was convinced that I had said something negative, and it just flat was not true.

So, anyway, I would like to read the letter before I tell you that I am going to try to pass this on to the President.

So I read it. As I read the letter, there was a group, as can happen after a sermon takes place and people are all sitting around talking, and every head nodded with approval of this letter that this lady gave me. Here it is right here. That is her handwriting there. The letter says:

Dear President Trump,

I am writing this letter to encourage you. All across America God's people are praying for you. With all my heart I know God put you in office for such a time as this. He has given America a window of time. At this time there is a spiritual war going on for the soul of America. Good versus evil. That is why there is so much opposition against you and the Christian people.

You have so many, many people praying for you. Stand strong. I know you are a warrior or God would not have placed you in office. You will continue to come against opposition because the enemy (Satan) will continue to fight you as he will God's people. The stakes are high!

As God's warrior, continue to fight. We are fighting the battle with you on our knees. Many battles are won on our knees. Thank you for being our leader and our President! Our love is with you.

Yours in Christ,
Lois Keene
Afton, OK

So I would just say to the President: You are being butchered by the media. Everybody knows that. But keep in mind that America is full of Lois Keenes and they love you.

With that, I yield the floor.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 12 noon tomorrow.

Thereupon, the Senate, at 1:18 p.m., adjourned until Thursday, September 6, 2018, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate September 5, 2018:

SECURITIES AND EXCHANGE COMMISSION

ELAD L. ROISMAN, OF MAINE, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2023.