



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, WEDNESDAY, SEPTEMBER 26, 2018

No. 159

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky.

### PRAYER

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

Let us pray.

Eternal God, in these challenging and unpredictable times, we look to You for guidance. You are the source of our strength and the center of our joy.

Remind our lawmakers that You are prepared to shower them with wisdom if they would only request it. Thank You for inviting our Senators to ask and receive, to seek and find, and to knock and open closed doors. Bless our legislators with productivity and progress for the glory of Your Name.

Today and always, let Your will be done on Earth as it is done in Heaven.

We pray in Your strong 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 26, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,  
*President pro tempore.*

Mr. PAUL thereupon assumed the Chair as Acting President pro tempore.

### 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. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019. (Reappointment)

#### RECOGNITION OF THE MAJORITY LEADER

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Mr. President, tomorrow morning, the Senate and the American people will hear from Judge Brett Kavanaugh and Dr. Christine Blasey Ford under oath. We will hear sworn testimony from both of them regarding the allegation of 30-plus-year-old misconduct that Dr. Ford has raised.

It goes without saying, but it bears repeating: Sexual assault is completely abhorrent. Everyone deserves to be

safe. So I am glad Dr. Ford will be heard.

I would like to particularly thank Chairman GRASSLEY, who worked tirelessly to establish a fair process and a secure, comfortable setting for this to take place. He gave Dr. Ford the opportunity to testify in public or in private or to speak with investigators who would meet her anywhere she wished or to conduct the entire interview by phone. He has brought a patient professionalism to this process—one that stands in stark contrast to those on the other side of the aisle who self-describe as “Spartacus” and play to the television cameras. Dr. Ford will be heard, thanks to Chairman GRASSLEY and despite the irresponsibility of Senate Democrats, who ignored her allegation for weeks and then discarded her request for confidentiality and leaked it to the press.

Let me walk you through this again. The ranking Democrat on the Judiciary Committee received a letter from Dr. Ford all the way back in July in which she stated her allegation and asked for confidentiality. That was in July. The committee’s thorough review of Judge Kavanaugh was just getting started. There was ample time to vet this allegation in a serious and bipartisan manner that would have maintained confidentiality and honored Dr. Ford’s request for privacy.

All the Democrats needed to do was go through proper channels and share the information with their Republican colleagues so the committee could tackle it together, but that is not what Senate Democrats did. This is the Democratic caucus whose leader, my friend the senior Senator from New York, said just hours after Judge Kavanaugh was nominated that he would “oppose him with everything I’ve got.” This was just hours after the nomination. This is the Democratic caucus of which several Members preemptively announced fill-in-the-blank opposition to any nominee before

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



Printed on recycled paper.

S6313

Judge Kavanaugh had even been named. This is the Democratic caucus that spent all summer searching for reasons to delay, delay, delay this nomination. This was because there were not enough documents, because there were too many documents, because of unrelated headlines—you name it.

No, these Democratic colleagues did not treat Dr. Ford or her allegation with the seriousness and discretion she deserved. Apparently, they took no meaningful action for weeks with respect to her claim. Then, finally, at the eleventh hour, when its introduction was virtually certain to introduce further delay, they got it to the press. So much for Dr. Ford's request for confidentiality, I guess.

What lessons can we draw from all of this? If you write to the Senate Democrats in complete confidence about an extremely sensitive matter, you will soon wind up a household name. If you are a public servant whose confirmation those on the far left happen to oppose because they dislike the fact that you will interpret the law and the Constitution according to what they mean rather than what those on the far left wish they would mean, they will not hesitate to weaponize uncorroborated allegations and drag your name and your family right through the mud. That is what these guys will do to you—uncorroborated allegations, which Judge Kavanaugh has denied repeatedly in the strongest terms in public and to the Senate investigators, all under penalty of felony.

Let's not forget that Dr. Ford's account identifies three other supposed witnesses, and each of these individuals has denied participation in or recollection of any such event—also under penalty of felony in all cases. One of the alleged witnesses is a longtime friend of Dr. Ford's. She has stated not only that she does not recall any such party but that she doesn't even know Judge Kavanaugh. No corroboration. No supporting evidence before us. Just Dr. Ford's allegation.

By any normal standard of American justice, this is nowhere near enough to destroy someone's reputation or nullify one's career, but some of our colleagues are trying to move the goalposts.

The junior Senator from Delaware asserted recently on television that it is Judge Kavanaugh who bears the burden of disproving these allegations. Let me say that again. The junior Senator from Delaware said Judge Kavanaugh bears the burden of disproving these allegations. Guilty until proven innocent—in our country?

Similarly, the junior Senator from Hawaii has implied that Judge Kavanaugh does not deserve a presumption of innocence. The junior Senator from Hawaii has said that Judge Kavanaugh does not deserve a presumption of innocence because she does not agree with his judicial philosophy.

Just yesterday, the Democratic leader said that because we aren't in a

criminal courtroom, "there's no presumption of innocence or guilt here when you have a nominee before you." In America, somebody is saying that? Well, it will not surprise you to know the Democrats haven't always taken that position.

Back in 1991, when our friend Senator Joe Biden was chairman of the Judiciary Committee, he had this to say to Judge Clarence Thomas when the committee was evaluating an allegation against him.

Joe Biden said:

The presumption is with you. With me, the presumption is with you, and in my opinion it should be with you until all the evidence is in and people make a judgment.

That was the chairman of the Judiciary Committee, Joe Biden, during the Clarence Thomas proceeding.

My colleagues would do well to remember this commonsense principle. After all, this is America. Every American understands the presumption of innocence.

I am glad that Chairman GRASSLEY, his staff, and committee investigators have worked so hard to clean up this mess and put together a fair process. I am encouraged by the committee's choice of Rachel Mitchell, a career prosecutor with decades of experience in sensitive investigations, who was recognized with an award by Arizona's then-Democratic Governor, Janet Napolitano, to lend expertise to this important process.

It is time for Senators to hear from both Dr. Ford and Judge Kavanaugh under oath. Tomorrow, we will do just that. Then it will be time to vote.

#### TRIBUTE TO TOM HAWKINS

Now, Mr. President, on an entirely different matter, it is with great reluctance that I close by marking the recent departure of a trusted adviser, a loyal friend, and a true patriot from my leadership staff.

Tom Hawkins served as my national security advisor for over a decade. Over that time, he became a familiar face to so many around the Senate. In fact, while I told my staff I was waiting for a quiet day to offer a fulsome tribute to Tom's service here on the floor, I have to admit I was really just hoping one of my colleagues would convince him to stick around so I wouldn't have to.

Of course, for Tom, with his incredibly important portfolio and his diligence and dedication, there was really no such thing as a quiet day. Long after the lights went off here on the Senate floor, Tom was reviewing intelligence, conducting classified meetings, and making sure my colleagues and I were equipped to make serious decisions about our Nation's security and footing in the international system. It was impossible to walk away from a meeting with Tom and not grasp the serious, real-world consequences of our work. After all, he had lived them.

During his own decorated military career, Tom led marines in combat. He

understood firsthand the price of freedom. This was clear from his very first days on my staff. From those early months, in the heat of negotiations over a new strategy for our involvement in Iraq, I never doubted that Tom was tirelessly committed to the brave men and women in uniform who continue to serve our Nation—so tirelessly, in fact, that traveling with Tom and our military personnel abroad was a lot like traveling with our dear, late friend, Chairman John McCain—cover a lot of ground, meet a lot of people, and sleep when you get back home. As Tom moves on from the Senate, I sincerely hope that he will take a break from his grueling pace.

In fact, Tom, that is an order.

I know Tom's wife, Jennifer, and his daughters, Emily and Abigail, will back me up on that one. Very few people will ever know the full extent of Tom's service and his sacrifice, but believe me—America is safer and more secure for his efforts, and in the Halls of this institution, which he served so faithfully for so long, he will be sorely missed. Never once—not one time—did Tom put his personal views ahead of my own or his personal interests ahead of the best interests of our country. He was always faithful to me, to this body, and to our Nation. That was Tom—always faithful. To put it another way, *semper fidelis*.

On behalf of the Senate and the Commonwealth of Kentucky, our men and women in uniform around the globe, and the entire Nation, I thank Tom Hawkins again for his many years of patriotic service, and I extend our very best wishes for all that the future holds.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, I come to the floor to join my colleagues in lifting up the voices of women across the country who, right now, are being ignored, swept aside, and attacked, and in calling on our Republican colleagues to join us and do everything we can to make sure women are heard, listened to, and respected as we debate and deliberate over Judge Kavanaugh's nomination to the Supreme Court.

Recently, I was back home in Washington State to talk to my constituents about the Supreme Court nomination, and I met a woman named Caitlin, who bravely told me and others about her experience of being sexually assaulted.

She shared her story. It was July 2016. She had gone to a concert that evening, and she was sexually assaulted that night, but it was how she explained what happened after that I want to share today.

She said:

As a sexual assault survivor, I know firsthand that these experiences have a lasting impact and the pain can't be overstated. In the aftermath of sexual violence, it's common to feel humiliated and to blame ourselves; to just want to forget it ever happened. I didn't want to admit that I'd "allowed" this to happen to me, so I tried to convince myself that the attack had never occurred. For these reasons and so many others, it's common to wait months or . . . years before confiding in anyone, even those closest to us.

Those were Caitlin's words to me. She went on, and she said:

Going public with our stories, opens us up to criticism ranging from victim blaming to accusations that we're liars and attention-seekers, in addition to far uglier insults that I won't repeat right now. I know that coming forward and forever tying our names to one of the most terrifying, degrading experiences of our lives isn't a decision to be taken lightly.

Sadly, Caitlin is not alone—far from it. She shared her story with me so her story can help others and so I can lift it up, make sure it is being heard, and help her make a difference.

So this brings me to the question I want to ask today: What is this really about, right now, in this moment, in the U.S. Senate? There is a whole lot of confusion, a whole lot of mud being kicked up, and a whole lot of distractions, but what is this moment, right now, really about?

It is not the question of this confirmation, although that is clearly important. It is not whether we think Judge Kavanaugh would make a good Supreme Court Justice or whether we can trust him, despite the lies we have already heard on issue after issue. Those are, of course, critical questions too. It is not even whether my colleagues will believe the allegations brought against him are true once all the evidence is weighed and all investigations are complete—although, of course, for many of us, that question must be dug into—but to me and millions of people across the country, this moment right now is about the answer to a few simple questions.

Is the Senate a place where women are listened to, heard, and respected or is it still just one more place where women's voices are swept under the rug, where our voices are ignored, attacked, and undermined, right now, in this moment, in the U.S. Senate, while the President of the United States is saying a woman can't be trusted because "she was drunk"; while he was tweeting that Dr. Ford can't be trusted because if it were really as bad as she said, she would have reported it back when she was 15 when it happened; while Republican leaders are saying they will "plow right through" this; while they are desperately trying to distract people by pointing to the proc-

ess and the timing—anything but the substance; while they hire a woman they are calling their "female assistant"—the lawyer they found to ask Dr. Ford the questions they can't trust the Republican men on the Judiciary Committee to ask; while they are already sweeping past this hearing and scrambling to line up a committee vote right away; while they are planning to stay through the weekend to rush to a vote on the Senate floor that their leader says is "confident" they "will win"—before Dr. Ford has even had a chance to be heard and a vote that doesn't need to be rushed for any good reason?

Right now, in this moment, in the U.S. Senate, these are the questions: Will women be heard or will women be ignored? Will women who are bravely coming forward to share the most horrific experience of their lives be trusted or will they be treated like liars? Will women, such as Caitlin, Dr. Ford, and Ms. Ramirez be respected, listened to, and heard or will they be pushed aside, put in their places, and told to remain quiet?

Right now, in this moment, in the U.S. Senate, what kind of message will we send to women and girls across the country who are watching, who are looking to see how Dr. Ford is being treated; whether Ms. Ramirez, who is reportedly willing to testify to the committee under oath—whether her story will be taken seriously or even be investigated. They are grappling with what may be one of the toughest decisions of their lives: Should they report a sexual assault? Should they try to bring a perpetrator to justice and make sure he faces the consequences he deserves or should they keep it to themselves, worried about the ways they may be attacked or ignored or disbelieved, interrogated about what they drank or wore, whom they told and when?

Right now, in this moment, in the U.S. Senate, what kind of message will we send to men and boys across the country who are watching right now, who will see whether women are empowered to share their experience, men facing the consequences of their actions, and a message sent that this is not acceptable behavior in high school, in college, or anywhere else, or who will, once again, hear that women can be attacked and abused and disrespected and used and then ignored and attacked all over again when they share their stories?

I decided to run for the U.S. Senate after I saw Senators get those questions wrong in the Anita Hill hearings in 1991. I ran to be a voice for the women and men across the country who thought it was absolutely wrong for her to be ignored, attacked, swept aside, and disbelieved. I ran for, right here, in this moment, in the U.S. Senate, to make sure we never allow that to happen again. I ran for my daughter who sat by my side as we watched that all-male Judiciary Committee grill Anita Hill, for her daughters—my

granddaughters—who are not quite old enough to understand what will happen on Thursday but who will grow up in a world that will treat them better or worse depending on how women are treated this week, for Caitlin and the women like her who shared their stories with me—some out loud in front of crowds, some in whispered voices after everyone else has left—and for the women we don't know who have buried their experiences deep down inside, who have kept their secret for decades because they have been too scared or intimidated to come forward and who are watching right now to see what happens here, right now, in this moment, in the U.S. Senate.

I am proud to bring their voices to the floor today, and I am truly hopeful enough Republicans stand with them and that we can do the right thing.

Republican leaders need to listen—truly listen—to the women coming forward to share their experiences. Republican leaders need to investigate—truly investigate—the allegations they are making and the inconsistencies in Judge Kavanaugh's statements on so many issues. Republican leaders need to end this scramble and rush. They need to slow it down and do this right.

Women and men are watching. They are paying attention, and they are not going to forget.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, as we approach tomorrow's hearing with Dr. Ford and Judge Kavanaugh, I want to be very clear about how the Republican leadership has handled these incredibly serious and credible allegations of sexual assault. The Republican leadership has handled them poorly, unfairly, and disrespectfully.

Leader MCCONNELL has called this entire issue a "smear campaign" cooked up by Democrats. That is a blatant falsehood that demeans the women who have courageously come forward. They came forward, not Democrats. They did it on their own, not Democrats. And when Leader MCCONNELL says that it is a smear campaign, he is demeaning these women. As I have said before—but we have yet to hear—Leader MCCONNELL owes Dr. Ford an apology for what he has said.

After Republicans on the Judiciary Committee learned of a second potential allegation against Judge

Kavanaugh, they renewed their request, of course, to accelerate—to speed up—the confirmation process.

Chairman GRASSLEY has prohibited witnesses in tomorrow's hearing, other than Dr. Ford and Judge Kavanaugh, including the one and only alleged eyewitness to the events in question. Chairman GRASSLEY and several of his colleagues on the other side have already proposed a final committee vote on Friday. They proposed the vote before the hearing occurs. Isn't that pre-judgment? And they are acting, when they propose the vote before the hearing, as if the conclusion was fore-ordained and the hearing is just a nuisance to "plow through."

Most galling of all: Republican leadership and the White House have blocked the FBI from reopening an independent background check investigation into Judge Kavanaugh, a standard procedure for Federal nominees when new allegations arise. This isn't a new thing that Democrats are pulling out of a hat. This is something we do all the time—except in this case, no.

So this isn't a Democratic smear job, as the Leader so callously and disrespectfully suggested; this is a Republican rush job and, I might add, a rush job to avoid getting to the truth.

Here is the contradiction in Leader MCCONNELL's logic: Leader MCCONNELL keeps saying that the allegations by Dr. Ford and other women are "uncorroborated"—his word—while, at the same time, he is blockading the obvious avenues to corroborate them, and that would be an impartial FBI investigation calling on witnesses to testify. Senator MCCONNELL's assertion is wrong on its face because sworn statements corroborating Dr. Ford's account were submitted to the Judiciary Committee yesterday. If he doesn't believe those statements, it is simple: Have the FBI go interview those who submitted the statements, and then they would have to tell the truth under the penalty of perjury.

So right here and now, I challenge any Member of the Republican Senate to come to the floor and give one good reason why we shouldn't allow the FBI to follow up on its background investigation—one good reason. I haven't heard one. With all the rhetoric, all the screaming, all the name-calling, all the disrespecting of women who have come forward—something this Nation knows all too well these days—we haven't heard one actual reason why there shouldn't be an FBI investigation.

Will it slow it down? It will take only a few days.

I would remind Leader MCCONNELL that he slowed down a nomination to the Supreme Court for a year, and now a few days is too much? Give me a break.

Dr. Ford has asked for an FBI investigation. That shows the faith she has in her account. Editorial boards across the country have echoed her call for an FBI investigation. Anita Hill, treated

so unfairly in her day, said that an FBI investigation is essential. And I have to give some credit: A handful of fair-minded Republican Senators have said that an FBI investigation is warranted because they know it would get to the facts. They know it would keep politics out of it. They know it wouldn't cause much of a delay.

During Justice Thomas's confirmation process, an update to the FBI background check took 3 days—3 days. Leader MCCONNELL held a Supreme Court seat open for over 400 days. So why was that OK, and this is not OK?

Again, I say to my dear friend, Leader MCCONNELL: Give me one good reason—give the American people one good reason—why we shouldn't ask the FBI to investigate. If it is a smear job, as he claims, the FBI will find that out. But they also might find out that it is no smear job; it is the God's honest truth.

Now, another tactic: The Republican leader has just trotted out old quotes by Senator Biden pointing out that FBI investigations don't provide conclusions.

I would say to the leader: That is just the point. The purpose of the FBI investigation would not be to prove definitively who is right one way or the other. That is a judgment Senators are to make. The purpose of the FBI investigation is to provide the Senate with just the facts—that is what we want, just the facts—to make a more informed decision and one the American people could have some confidence in. Their confidence in Judge Kavanaugh and in the process is slipping daily, and with good reason. Isn't an impartial, fair, timely, and nondilatory FBI background check investigation fair to both Dr. Ford and Judge Kavanaugh, taking this out of the arena of politics and making it just about the facts? You bet it is.

Of course it is the right thing to do. But the Republican leaders and the White House have blocked it and scheduled a hearing for tomorrow anyway because, as Leader MCCONNELL promised last week, he is going to "plow right through" these allegations. And the motivation is clear: They want to put Judge Kavanaugh on the bench as quickly as possible because they know their nominee has a gigantic credibility problem, and every day that goes by, more and more Americans realize it.

Judge Kavanaugh has misled the Judiciary Committee on numerous occasions about his involvement in the ugliest Bush-era controversies, including on torture, on the confirmation of controversial judges William Pryor and Charles Pickering, on the sordid affair when Manny Miranda, a Republican operative, stole Democratic emails. Just today, Ranking Member FEINSTEIN said that Judge Kavanaugh misled the Judiciary Committee about an incident with a grand jury during his time working for Ken Starr.

Telling the truth, the whole truth, and nothing but the truth does not

seem to be Judge Kavanaugh's way, but that is what we need on the Supreme Court.

Earlier this week, the Nation watched Judge Kavanaugh swear on national television that he never had so much to drink that he forgot events. That characterization doesn't track with several descriptions given by many of his high school and college classmates and when he says "I can't recall this, that, and the other thing" about his youth.

So the question of credibility looms. Is Judge Kavanaugh willing to say anything to get confirmed? And are Republican leaders willing to do anything to get him confirmed? Unfortunately, signs are pointing to yes.

Most importantly, when the credibility of the nominee is so questionable, is that the kind of person we want on the Supreme Court? I don't care if it is a liberal, a conservative, or a moderate. When the question of credibility is so much in doubt, as it is now with Judge Kavanaugh, that person should not be sitting on the highest Court in the land, the arbiter of our laws and often the determiner of right and wrong. It would be a new lower standard for the Court and for America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### URGING THE RELEASE OF INFORMATION REGARDING THE SEPTEMBER 11, 2001, TERRORIST ATTACKS UPON THE UNITED STATES

Mr. BLUMENTHAL. Mr. President, shortly, I will move for unanimous consent to pass S. Res. 610, urging the release of information regarding the September 11 terrorist attacks upon the United States. It is a bipartisan resolution, and I thank the cosponsors who joined me in this historic effort: Senators CORNYN, SCHUMER, GILLIBRAND, MURPHY, MENENDEZ, GRASSLEY, MARKEY, BOOKER, RUBIO, and SANDERS. At a time of very deep division in our country and in this body, all of us are still able to come together to help the survivors and families of the horrific September 11 terrorist attack as they seek justice and fairness to deter additional and ongoing state sponsorship of terror.

Following our successful efforts in 2016 to enact the Justice Against Sponsors of Terrorism Act, also known as JASTA, the families of 9/11 victims who perished earned the right to have their day in court. We thought that day would come quickly and they would receive justice. We believe they also earned a right to the necessary

Federal Government archive investigative files on the al-Qaida terrorists and foreign nationals who may have assisted. As much as we expected justice, the Federal Government denied them those records and documents that are vital to their cause.

So 17 years after this national tragedy, the appropriate declassification releasing these documents poses no threat to our national security, and there is no reason for the Federal Government to resist their requests. These files have been kept secret for too long. That secrecy contradicts the national interest. Their cause serves our national security, not only because it gives them justice individually, but it also deters terrorists in the future. Denying them access to this important evidence is unjust, unfair, and unwise.

The U.S. Government should make public any evidence of links between the Saudi Arabian Government officials and the support network inside the United States used to aid and abet the 9/11 hijackers. The legal and moral responsibility of our government is to provide its citizens with all available information regarding this horrific tragedy on September 11, 2001, particularly where there may be evidence that foreign nationals conspired within our borders to support terror with the assistance of foreign governments.

This resolution would never have been possible without the efforts of my constituent Brett Eagleson, of Middletown, CT. He was 15 years old when his father Bruce was lost to him in that massive, unspeakable destruction. He was on the 17th floor of Tower 2 of the World Trade Center. Brett was joined in his advocacy and efforts by members across the country of the 9/11 Families and Survivors United for Justice Against Terrorism. That group is a profile in courage, reliving the pain and anguish of those days in their efforts to seek justice for all Americans. They include a number of individuals whose names I wish to place in the RECORD: Mary Fetchet of New Cannan, who lost her son; Gordon Haberman of Wisconsin, who lost his daughter; Carol Ashley of Long Island, who lost her daughter; Tim Frolich, a survivor from New York City; Sharon Premoli, a survivor from Vermont; Loreen Sellitto from Florida, who lost her son; and Charles Wolf of New York City, who lost his wife. I thank each of them and the many others who supported this effort for their courage and strength.

There are so many we honor today by our passage of this sense-of-the-Senate resolution. This Senate resolution is itself succinct but significant. It resolves that it is the sense of the Senate that documents related to the events of September 11, 2001, should be declassified to the greatest extent possible; and, two, that the survivors, the families of the victims, and the people of the United States deserve answers about the events and circumstances surrounding the September 11 terrorist attack upon the United States.

Many years later, the pain and grief they endure on that horrific day is still with them. Each year in Connecticut we commemorate this day, and we will never forget. That is our resolve—never to forget, never to yield to hopelessness, never to allow our support for these families to diminish.

This sense-of-the-Senate resolution makes real the promise the Nation made to these 9/11 families. They deserve this evidence. Even if it is embarrassing to foreign governments or foreign nationals, they deserve justice.

Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. Res. 610 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 610) urging the release of information regarding the September 11, 2001, terrorist attacks upon the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent 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. Without objection, it is so ordered.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of August 21, 2018, under "Submitted Resolutions.")

Mr. BLUMENTHAL. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

#### EXECUTIVE CALENDAR—Continued

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

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

#### NOMINATION OF BRETT KAVANAUGH

Mrs. GILLIBRAND. Mr. President, I rise to speak about Judge Kavanaugh's nomination to the Supreme Court.

I urge my colleagues to actually listen to Dr. Blasey Ford and treat her with the respect that she deserves. She deserves better than the setup she is walking into tomorrow.

I want to take a step back for a second and look at the big picture of what is actually going on with this nomination. We have a nominee for a lifetime appointment to the highest Court in the land who has been accused,

credibly, of sexual assault. Dr. Blasey Ford reluctantly came forward out of civic duty and said that Brett Kavanaugh tried to rape her in high school. She is now facing death threats for her courage, and her worst fears of how she would be treated by this body have come to fruition.

Another woman, Deborah Ramirez, agreed to tell her story after being contacted by a reporter—again, risking her career and her safety—and said that Brett Kavanaugh exposed himself to her face in college while laughing, as part of a game.

These accusations are disturbing enough by themselves, but the response to these allegations by our colleagues are so disappointing. Take a look at how Dr. Blasey Ford is being bullied because she told her story. Listen to how she is being patronized and dismissed by some Members of the Judiciary Committee. Look at how our President belittled and demeaned Dr. Blasey Ford and Ms. Ramirez, reminding us once again that he has been credibly accused of committing sexual assault himself and denigrates not just women who accuse him but survivors everywhere.

That is not all. The chief counsel of the Senate Judiciary Committee tweeted after Dr. Blasey Ford's sexual assault allegation: "Unfazed and determined. We will confirm Judge Kavanaugh."

According to Ms. Ramirez's lawyer, the Judiciary Committee isn't even interested in taking her claims seriously or getting information from her about her claims. Instead of getting the facts—instead of even wanting the facts—they try to dismiss this as a smear campaign and plow right ahead.

For anyone who has ever wondered why so many survivors of sexual assault don't come forward—obviously, there is trauma, but there is also the fear of this very kind of retaliation and scorn. The question I have, that I know you have: Do we value women in this country? Do we listen to women when they tell us about sexual trauma? Do we listen to their stories about how their lives have been forever scarred? Do we take their claims seriously or do we just disbelieve them as a matter of course?

I want to echo the words of my colleague from Alaska: "It is about whether or not a woman who has been a victim at some point of her life is to be believed."

I believe Dr. Blasey Ford. Here is why I believe her. She has risked everything—her own safety—to come out on the record to say Brett Kavanaugh sexually assaulted her. She told her therapist and her husband about it 5 years ago. She told a friend about it a year ago. She told a reporter about it before Kavanaugh was ever named. She has even taken a lie detector test.

Why are my colleagues moving so fast, as fast as they possibly can, to confirm this judge?

This process is sending the worst possible message to girls and boys everywhere. It is telling American women that your voices don't matter. It is telling survivors everywhere that your experiences don't count, that they are not important, and that they are not to be believed. We are saying that women are worth less than a man's promotion. That is not how the world is in 2018, and we cannot allow this Senate, this body, to take us back to before 1991.

To those whom I hear say over and over that this isn't fair to Judge Kavanaugh, that he is entitled to due process and to the presumption of innocence until proven guilty and that Dr. Blasey Ford has to prove her case beyond a reasonable doubt, those are the standards for a trial. Those are the standards in criminal justice. We are not having a trial. This is not a court. He is not entitled to those because we are not actually seeking to convict him or to put him in jail. We are seeking the truth. We are seeking facts. We are seeking just what happened.

We, Senators—not staff members, not female lawyers—are being asked to assess his honesty. Is he an honest person? Is he trustworthy? Can we trust him to do the right thing for decades? To rule on women's lives for decades to come? Can we trust him to do that right?

This is not about whether he should be convicted. This is about whether he has the privilege to serve on the highest Court of the land for a lifetime. This is not a court of law. This is a job interview, and it is our job as Senators to assess if he is honest. Has he lied about his past? Has he misled members of the Judiciary Committee? Is he trustworthy?

One point, I think, that our colleagues are somewhat blind to, which I know the Presiding Officer is not, is that the last 2 weeks have been so painful for women who have experienced sexual trauma. Women have lived through this. So, when they are watching some of the most powerful people in this country disregard, distrust, disbelieve, minimize, devalue, unfortunately, it is painful for all of them. It is painful because you are tired of seeing the same old outcome every single time. You are tired of the scenarios in which the men are believed and the women are not. They can't believe their eyes when they see two women being treated with less respect and having less of a process than even Anita Hill received.

I quote a friend of mine, Amina Sow, who just disclosed today that she is a survivor. Her words are powerful and truthful and describe exactly the way many people feel:

The truth is our strength. We are each other's strengths. To the women who are struggling: I see you. I am sorry we have to go through this. Thank you for trusting us with your stories. I am heartened by them and honored to know about you.

I believe Dr. Blasey Ford because she is risking everything—her safety, her

security, her reputation, her career—to tell this story at this moment for all the right reasons. If we allow women's experiences of sexual trauma to be second to a man's promotion, it will not only diminish this watershed moment of the societal change we are in, but it will bring shame on this body and on the Court.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, as a member of the Senate Judiciary Committee, I am looking forward to a hearing that we will have tomorrow at 10 o'clock in the morning, at the request of Dr. Ford, that will give all of us an opportunity to provide a fair chance to her and for her to have her say. It is important that we do this because, during the last 10 days, it has felt like a series of small earthquakes. Actions taken and blunders committed by our Democratic colleagues have destabilized the normal confirmation process and timeline.

All of this stems from the fact that the allegations made by Dr. Ford were made to the ranking member and kept by her from other members of the committee as well as from the background investigators, who, normally, when allegations come up like this, protect the confidentiality and anonymity of both the accuser and the accused until they can be properly vetted. Yet that all went by the wayside when our friend from California, Senator FEINSTEIN, sat on this letter, this accusation. So we are where we are.

As a result of the unfairness to both the accuser and the accused because of the secrets the Democrats kept, because of the way these were leaked to the press and the pledges of confidentiality were violated, we know the nominee, Judge Kavanaugh, who has had six FBI background checks in the course of his professional career, has been subjected to multiple accusations that could and should have been brought up much earlier.

As I say, if it had been handled during the normal, conventional process, it would have protected Dr. Ford, and it would have protected the nominee from this circuslike atmosphere, and we could have gotten to the bottom of the allegation. We could have, hopefully, ascertained where the truth lies. Yet, under this approach, under this current situation—again, created by this failure to release the information so it could not be investigated until after the hearing—everybody loses. I think we all recognize the basic unfairness of this process both to Dr. Ford and to Judge Kavanaugh and that it did not have to be this way.

The process, as I say, has been patently unfair. That is why my colleagues and I have been insisting on a better way forward by returning to the process that is fair to all concerned. In the dictionary definition, "fairness" is defined as the "quality of treating people equally or in a way that is right or

reasonable." Another definition is "impartial and just treatment of behavior without favoritism or discrimination."

How are we to handle this accusation and this challenging difference of position on Dr. Ford's part, who said this attempted sexual assault occurred 36 years ago, and Judge Kavanaugh, who has stated under oath that no such thing happened? How do we get to the bottom of this?

The biggest challenge we have is time because I defy any one of us to try to reconstruct what we were doing on a given day at a given time 35 or 36 years ago. It is just impossible to reconstruct with complete fidelity and accuracy.

What we really need to be thinking about, I believe, is a fair process. We have tried to provide a fair process for Dr. Ford, under these unfortunate circumstances, to tell her story, but we also need to provide a fair process for the nominee. This should not be a precedent for how future nominations will be handled. We should learn from this terrible experience and commit to doing better. One way to do better would be to return to our basic values and principles in our government and in our country, under our Constitution, which guarantee the rights of a person who is accused of a crime.

I know the minority leader—my friend from New York, Senator SCHUMER—has said to Judge Kavanaugh that this is not a court, that this is a nomination, which, I presume from that, means, well, anything goes and that there are no rules. He has been accused of a crime—attempted sexual assault—and has testified under oath, under penalty of perjury, that no such thing happened. This is a very serious matter, and we need to take it seriously and not create a new framework out of thin air, which says, somehow, if somebody makes an accusation that cannot be corroborated by anybody else 36 years later, that that somehow satisfies our notions of due process and of protecting the rights of people who are accused of crimes.

Fundamentally, this is about fairness. People who have been accused of grave misconduct have a right to due process under our Constitution. They have a right to know who their accusers are as well as the nature of the charges being brought against them and the evidence that will be presented against them. Those are basic, constitutional, American rights that are consistent with our idea of what the government's burden should be when the government is trying to deny us our right to liberty or property or even to our lives.

We also know these rights include a right to speedy proceedings without unnecessary delays. Unfortunately, there have been plenty of delays for Judge Kavanaugh. Last week, we saw Chairman GRASSLEY patiently wait and wait and wait some more while the legal team and political operatives who represent Dr. Ford strung the committee along. I am sure Judge

Kavanaugh was wondering: What in the heck is going on here?

As we all heard during a televised interview on Monday night, he, unequivocally, denies the claims that have been made against him. Again, that is a serious statement because he does so under penalty of perjury. He said: "I know what is the truth, and the truth is I have never sexually assaulted anyone in high school or otherwise." Those are strong words and direct words, and they remind us of something important. It is the truth that the Judiciary Committee and the entire country should be after—the truth. But for the truth to be our goal this week, some of my colleagues need to dial down the rhetoric and quit presuming guilt based on an accusation and nothing else.

At a minimum, a fair process requires a partial and open mind on the part of those charged with determining a person's professional fate. My fellow Senators need to remain open to receiving and evaluating credible evidence presented at the hearing. Unfortunately for our Democratic colleagues, that ship has sailed.

Long before Dr. Ford's allegations were leaked to the press and made public, contrary to her wishes, all of our colleagues on the other side of the aisle on the Senate Judiciary Committee had said that they would vote against this nomination, so Judge Kavanaugh hardly has an open and impartial tribunal deciding his professional fate and deciding whether this accusation will remain a stain on his professional career and reputation for the rest of his life.

Then, as I said, there is also the presumption of innocence. The Supreme Court has said: "The law presumes that persons . . . are innocent until they are proven, by competent evidence, to be guilty." This is a fundamental bedrock of our constitutional system. It is non-negotiable. It cannot be conveniently brushed away by our colleagues across the aisle. It is not one of several options; rather, it is guaranteed under our Constitution. The burden of proof is always on the party alleging wrongdoing, not the other way around.

We have the logical conundrum, as well, beyond the constitutional one, where Dr. Ford has testified—at least in the letter—to an event occurring. Judge Kavanaugh said it didn't happen. He said: I didn't do that; I wasn't there. So unless the burden is on the person making the accusation, how in the world could the person defending possibly prove a negative when he says that it didn't happen and he wasn't there? It is impossible. That would be a presumption of guilt, not a presumption of innocence. That would turn our Constitution on its head.

That is why it is so important for us to hear from Dr. Ford, to evaluate the strength of not just the allegations but what corroboration, what other evidence, there is in order to find the truth.

We have learned from media reports that attorneys for Dr. Ford have affidavits of additional people who know the accuser personally, but according to USA Today, these simply indicate that these are things that Dr. Ford told her friends 20 or 30 years later, not witnesses of the event that she claims occurred 35 or 36 years ago.

Let's also remember that three other eyewitnesses Ms. Ford identified have said that they have absolutely no recollection of the events that she says took place—none whatsoever. These are people Dr. Ford identified as witnesses to the assault that she claims Judge Kavanaugh perpetrated. Yet the witnesses she identified said that they have no knowledge of such an event.

We also need to remember the context in which all of this is occurring. Sixty-five women who went to high school with Judge Kavanaugh have written a letter saying that he has always behaved honorably toward them and treated them with respect. That doesn't mean Dr. Ford is not entitled to be heard—quite the contrary.

She has a story to tell. As the father of two daughters, I want to hear that story. I want to compare it to Judge Kavanaugh's unequivocal denial and judge for myself the reliability of each. As a former judge for 13 years and an attorney general for 4, I feel that doing anything less would be shirking my duty.

We owe Dr. Ford our time, our attention, and our best efforts at discerning the truth. That means her claims will be tested, examined, and new information, perhaps, will be brought to light. At least that is my hope. That is the way it should be.

We are trying to clean up the mess created by an unconventional process of leaking allegations to members of the press after the background test was completed and after the hearing occurred rather than handling it the way that, as I said, it should be. We should have started with that process, not end it here.

What the majority leader described yesterday as a disturbing pattern should never have taken place over the last few weeks. Our colleagues across the aisle, catching wind of an allegation, refused to share it with the majority and, instead, waited and then made sure that it was leaked to the press at the most politically opportune time, when it was likely to cause the maximum disruption and embarrassment to both Dr. Ford and Judge Kavanaugh. That is no way for the U.S. Senate to do its business.

A search for the truth—if that, in fact, is what we are involved with, and I hope it is—should not involve delays and the withholding of documents. It should not involve orchestrated personal attacks on Members either. It should not involve a mob rule like what we saw at the first Kavanaugh hearing. It should not involve people sending coat hangers to offices or forcing committee members to leave res-

taurants, harassing them when they are trying to have dinner with their family.

People who hold a genuine concern for Dr. Ford would have honored requests for anonymity and privacy. That is what Dr. Ford specifically requested. They would have passed those allegations to the Judiciary Committee so that an investigation could have been conducted in a more timely and confidential fashion, and then they could be addressed during the hearing, if necessary, that we had earlier this month. That standard procedure would have treated Ms. Ford as a real person, not as a political pawn, and it would have left the Democratic operatives who have now been hired to dig up dirt out of the mix.

I want to say that throughout all of this, Chairman GRASSLEY has been exceedingly generous toward Dr. Ford, as we would all want him to be, even when his patience has been tested. I want to commend him, once again, because he has had a very difficult job of trying to run the Judiciary Committee, trying to be fair to the nominee and the accuser alike when this wrench, thrown into the spokes of the committee operation, has created more of a circuslike atmosphere than a deliberative process and search for the truth, testing the background of a nominee, which is something all nominees deserve. No nominee deserves to be dragged through the mud like this.

Chairman GRASSLEY has been patient because he knows how important this is and how much is on the line, not only for the Supreme Court but also for women across this country who see a little bit of themselves in Dr. Ford and want to make sure that their voices, like hers, are always heard.

Over the last year, we have been in the middle of an important national conversation on the topic of sexual assault and the way men have treated women. As I said, I have two daughters. As I mentioned earlier, every American has a mother. Some are lucky and have a sister or a spouse or a daughter, and I think all of us would want to make sure that all of those women in our lives would be treated with dignity and respect, were they in the same position that Dr. Ford now finds herself in.

Yet it is also important to remember that every person has a father. Many are fortunate to have brothers or sons or husbands, and we would want to make sure that all of those men are also treated fairly and with respect. We would no more rather have a woman's truthful claim be ignored than an uncorroborated accusation against a man be honored. That is fairness.

As we know, Dr. Ford is a real person, and so is Judge Kavanaugh—flesh and blood. Each of them should be treated with fairness, with dignity, and with respect. It is not just one or the other, which is the false choice that many of our colleagues have suggested. We can't pick one and dismiss the other outright and claim any fairness



or allegiance to our constitutional system and due process of law if we do otherwise.

As Michael Gerson, the columnist for the Washington Post, reminded us earlier this week, somewhere along the way this process devolved into one that is no longer about just winning arguments but about demonizing and destroying other people. It is not about winning arguments. It is not about winning elections. It is not about winning votes here in the Senate. This process has devolved into character assassination and destroying the reputation and lives of real people. It is not too late to change that.

This all calls to mind that famous line by Joseph Welch, a lawyer during the McCarthy hearings. He said: "Have [we] no sense of decency . . . at long last?"

Well, I think we still do, and I hope Republicans and Democrats will prove we have a sense of decency and fairness as we approach Thursday's hearing.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

#### RUSSIA INVESTIGATION

Mr. CASEY. Madam President, I rise today to urge the Senate to pass the Special Counsel Independence and Integrity Act. This is a bill that not many Americans have heard about yet, but it is a critically important bill for the Senate to pass and very important for the country. This bill will preserve the Justice Department's independent investigation into Russia's interference in the 2016 Presidential election.

Since this weekend, there have been reports that the President may fire Deputy Attorney General Rod Rosenstein from his position at the Department of Justice. This would be a gross abuse of power—a line that we cannot allow to be crossed without consequence. Mr. Rosenstein has a long career in public service and law enforcement. He initially joined the Department of Justice nearly 30 years ago through the Attorney General's Honors Program and rose through the ranks, serving as a Trial Attorney, as a Principal Deputy Assistant Attorney General for the Tax Division, and as a U.S. Attorney in Maryland for over a decade—a critically important job in our justice system.

As Deputy Attorney General, Mr. Rosenstein has overseen the Russia investigation led by Special Counsel Robert Mueller, which has secured indictments or guilty pleas from 32 people

and 3 companies, including Russian individuals and companies, as well as former Trump campaign manager Paul Manafort, deputy campaign manager Rick Gates, and other campaign advisers, including George Papadopoulos and Michael Flynn. Earlier this month, Mr. Manafort pleaded guilty to "conspiracy against the United States."

Mr. Rosenstein has played an integral role in ensuring that the Mueller investigation can continue without interference. Unfortunately, this work and Mr. Rosenstein's long and distinguished service at the Department of Justice could come to an end if he is fired by the President.

From day one, President Trump has systematically worked to obstruct Special Counsel Mueller's investigation into Russia's attack on our Nation. He has attempted to fire, to demand loyalty of, and to interfere with any official with oversight of this matter. By way of example, this is a President who fired the Director of the FBI and later admitted in a television interview that he had done so with the Russia investigation in mind. This is a President who has repeatedly attacked the very Attorney General he nominated, suggesting that the Department of Justice should do his political bidding. This is a President who has impugned the impartiality and the motives of judges who have ruled against his policies. This is a President who has continued to call the Mueller investigation a "witch-hunt" despite the fact that it has already produced dozens of indictments and guilty pleas.

In short, this is a President who believes the Department of Justice owes a duty of loyalty to him and him alone. Our Justice Department officials have a duty to serve the American people and only the American people. They swear to uphold the Constitution, not to genuflect to this President or any President.

Deputy Attorney General Rosenstein has upheld his duty to the country and our Constitution. If the President fires him, it will be yet another blatant attempt to derail the Mueller investigation, and it could very well be successful.

Rod Rosenstein supervises the Russia investigation, overseeing the work of Special Counsel Mueller and his team. He receives status reports, establishes the investigation's budget, and, according to special counsel regulations, has the power to "determine whether the investigation should continue." He therefore plays an integral role in ensuring that the independent investigation can continue to seek answers on Russia's interference in the 2016 election.

If Mr. Rosenstein were fired, it could compromise the Mueller investigation in ways the public can see and in ways we may never know through warrants that are never approved or resources that are diverted to other projects. This would be a decision by the President that would put us into uncharted

waters. It is therefore more important than ever that Congress step up and exercise the oversight that the American people expect from us and I would say especially here in the Senate.

Since President Trump entered office, the Republican majority has not discharged its duty to act as an independent check on the executive branch and on the President himself. The majority would not be able to abdicate its responsibility any longer if Rosenstein were to be fired.

Congress has a solemn obligation to act immediately—immediately—to protect Special Counsel Mueller's investigation and prevent any more interference from this administration. Senators in both parties have a duty to the American people to step up as a co-equal branch of government and ensure that the special counsel's independent investigation remains just that—*independent*.

For public officials and institutions with nothing to hide, an investigation which is independent is not a "witch-hunt"; it is an opportunity for vindication, a chance to prove that our institutions and the individuals who serve them are truly worthy of the public's trust.

At a time when the American people's confidence in our institution is low—very low—and when suspicion of wrongdoing is high, it is all the more important that the 2016 election activities of Russia, as well as the Trump campaign, be open for review. As the voice of the American people, we in the Senate must ensure that the investigation both continues and remains, in fact, *independent*.

The legislation to protect the Mueller investigation, the Special Counsel Independence and Integrity Act, is ready for a vote by the full Senate at any time if the majority leader would permit us to do that. It is a bipartisan bill that has been approved by a bipartisan majority of the Judiciary Committee. There is no excuse not to pass this legislation immediately. Day by day, each time the President attacks Robert Mueller or Rod Rosenstein or the rule of law, we are presented with more evidence of why this legislation is needed. That is why I have again come to the floor to urge Leader MCCONNELL to bring up this bill for a vote. It is far past time to put country over party.

We must not forget that the special counsel is investigating an attack on our democracy by a foreign adversary. As a matter of national security, the American people deserve answers about what happened during the 2016 election. We cannot allow anyone, including the President, to interfere with the investigation and prevent the American people from getting those answers to very important questions.

#### NOMINATION OF BRETT KAVANAUGH

Madam President, very briefly, I wanted to add a few comments with regard to the vote on Judge Kavanaugh



that is now before the Judiciary Committee. We are told that tomorrow there will be testimony from both the judge and Dr. Ford, but I think the evidence that is on the record so far and the new allegations that are just breaking news at this hour continue to reinforce my belief—and this was my belief a week ago, it was my belief a number of days ago, and it is still my belief today—that these allegations warrant an FBI investigation.

This would not be a new endeavor for the FBI. They do this routinely for nominees from the Supreme Court all the way down. They, of course, did an investigation into the judge's background for the purposes of this confirmation. An investigation of these new allegations would simply be an update to the background check. It would be the completion of the background check. That is why this is not a month-long or even weeks-long investigation that could transpire. I would hope—and there is still time to do this either today or even while the Judiciary Committee is hearing testimony tomorrow—that there would, in fact, be an investigation that might last a few days. We can certainly take the time to do that. When you are talking about the confirmation of a Justice on the most important Court in the country and probably the most powerful Court in the world, I am sure we could take a few more days to complete a background check investigation.

There are inscriptions on the Finance Building in Harrisburg—a building I worked in for a decade—that talk about issues like public service and what our government should be about. I think one of them applies to this circumstance, about whether there should be an investigation that would simply complete the background check on Judge Kavanaugh, which I think is necessary and reasonable and appropriate. Here is what was inscribed in the 1930s on this government building in our State capital: "Open to every inspection; secure from every suspicion." I think those few words encapsulate what we are talking about here.

I would hope that anyone—including Judge Kavanaugh but anyone who supports his nomination and confirmation to the Supreme Court—would want to have these allegations fully reviewed. I know the Senate Judiciary Committee has staff on both sides who do investigations. That is appropriate as well, but I think we have reached a point where there is such a divide here that it is hard to be confident about the fact that staffs on both sides could do a thorough investigation and cooperate to such a degree that it would be the equivalent of an FBI background check.

I think it is important that there be an independent investigation or, as I said before, and I will say it again, the completion of a background check—not a new investigation but really an update of the existing background check. I would think that anyone would want

that to be completed either prior to or even during the testimony tomorrow—it may provide a foundation for additional testimony by additional witnesses—to make sure we have reviewed every part of these allegations. I think that is fair to the judge. It is also fair to the confirmation process and, of course, fair to those who are making very troubling allegations.

If the Senate Judiciary Committee, in its review of his nomination, would be open to an investigation, I think that would reduce the likelihood, as the saying goes, that there would be suspicion. If that happened, I think the Senate Judiciary Committee and the Senate itself would be secure from every suspicion because there was a background check completed and a full investigation.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Madam President, moments ago, another serious allegation of sexual misconduct against Judge Kavanaugh was made public in a sworn affidavit. There are now multiple, credible, serious, and corroborated allegations against Judge Kavanaugh made under the penalty of perjury.

The new affidavit by Mrs. Swetnick calls out for a thorough, impartial, detailed investigation done by our FBI professionals, as do the allegations made by other women. Yet, currently, there is only a single hearing—tomorrow, with no witnesses other than Dr. Ford and Judge Kavanaugh—before a scheduled committee vote and a potential final Senate floor vote soon thereafter. That is not right. There is no need for such a rush. These women deserve to be heard in a fair way, and their claims must be properly investigated. Republicans need to immediately suspend the proceedings related to Judge Kavanaugh's nomination, and the President must order the FBI to reopen the background check investigation.

I strongly believe Judge Kavanaugh should withdraw from consideration, and the President should withdraw his nomination if Kavanaugh will not do it voluntarily. If he will not, at the very least, the hearing and vote should be postponed while the FBI investigates all of these serious and very troubling allegations.

If our Republican colleagues rush to proceed without an investigation, it would be a travesty for the honor of the Supreme Court and the honor of our country.

I yield the floor.

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

#### LAS VEGAS MASS SHOOTING

Mr. HELLER. Madam President, while it has been nearly a year since a madman's actions devastated Las Vegas, the shock and pain related to October 1 still remains today.

Fifty-eight innocent people lost their lives. Over 800 people were injured, and many of them continue to face a long road to physical and emotional recovery. Know that you are not alone on that road—we support you and we are praying for you.

Our community is still grieving, and it will never be the same, but hatred and fear will not win that night. That is because even though one man's horrific actions exposed humanity at its worst, what followed were countless stories of true heroism and humanity at its very best.

Las Vegas showed the world what it meant to be Vegas Strong, and I had the honor of experiencing it firsthand in the eyes and voices of those who survived and those who were eager to help others. On that tragic night, so many ordinary Nevadans made the choice to be extraordinary. Let me give you a couple examples.

They stayed on the field to help the wounded as shots continued to rain down. They took their shirts off their backs, used their belts as tourniquets, applied pressure to help stop a stranger from bleeding to death. Some made stretchers on the spot using the festival barriers. Some used their trucks and vehicles to transport the wounded to the hospital. For example, Taylor Winston, a marine and Iraq war veteran, managed to escape the gunfire. He helped several people over the fence when they took cover. Then he found an abandoned vehicle, turned it into a makeshift ambulance. After rushing multiple people to the hospital, he turned around and went back. He ultimately drove around 30 injured people to the hospital.

That night, police officers also covered concertgoers, shielded them from gunfire, and directed them to safety. Firefighters, paramedics, ambulance drivers, who had never encountered anything as horrific as that carnage of October 1, plunged into danger to save lives without hesitation, even though they were defenseless, because that is what they do.

That week I had the privilege of meeting a Las Vegas police officer, Sergeant Jonathan Riddle. He was stationed a block from the shooting scene doing traffic control. After shots were fired from Mandalay Bay, he took off sprinting toward the hotel, even though everyone else was running away from it.

Dozens of Metro police officers, including Officer Tyler Peterson, who was on his second day of the job, did the exact same thing. They rushed toward the firestorm to help in any way they could and of course to save lives.

When I visited the local hospitals, I was struck by the stories doctors and nurses shared about concertgoers who

responded bravely and admirably; stories about people who reacted to cowardly violence, stood in the face of danger to protect a neighbor, a friend, a family member, or someone they had never met.

A doctor at UMC put it best when he said, the patients showed exemplary courage. He told me he spoke to all the patients in the trauma room. Some of them were strangers who accompanied the person who sustained injuries while shielding them from bullets. He told me many of the patients in the emergency room that night said to the doctors: That person is more seriously injured than I am. Take care of them first. Come back to me later.

When I visited UMC, I had the opportunity to meet with one of the respiratory therapists who attended the concert. She showed me her phone, which had been shattered by a bullet that night. Plastic had torn through her hand, and it was embedded in her skin. What did she do? She pulled the shards out of her hand, bandaged it herself, rushed to the hospital to try to help people who she said needed more help than she did.

I am so grateful for the staff at our hospitals whose skill, whose composure and dedication saved one life after another. I am also grateful for the work of our law enforcement and our first responders on the scene. Each unit took an all-hands-on-deck approach, and everyone functioned as one team.

Instead of being frozen by the aftershock of crippling grief, Nevada mobilized and true leaders emerged. My friend Sheriff Joe Lombardo, who heads the Las Vegas Metropolitan Police Department, is one of them, but many of the heroes who emerged in the wake of this tragedy didn't have a badge. Instead, they were teachers, waiters, security guards, and construction workers who assumed the responsibility to protect others.

Take the story of Jack Beaton, a man whose final act on Earth was draping himself over his wife to protect her from deadly bullets or John, a cab driver, who accelerated toward the screams and chaos and drove nearly a dozen people to safety.

Everyone banded together. Local organizations and businesses throughout the State and country stepped up to help. Las Vegas Convention Center's South Hall was dedicated to family reunification and support services. Airlines answered the call to provide free flights to families of victims. Hotels and casinos across Las Vegas offered free rooms. Lines of people eager to give blood twisted around Las Vegas. Some even waited in line more than 7 hours just because they wanted to help in any way they could. Just a few hours after the injured concertgoers flooded the hospitals in Las Vegas, the Red Cross encouraged volunteer blood donations. In a statement, the Red Cross said, "Last night, tragedy illustrates that it's the blood already on the shelves that helps during an emergency."

My wife Lynne and I joined the masses of Nevadans who donated blood in Las Vegas last October, and on Monday, this October 1, on this day each year going forward, we will donate blood in recognition of this anniversary. Members of my staff who want to give blood have committed to doing the same.

While it may be just a small gesture, it is an important one because when the city of Las Vegas needed help, patients needed blood, the Red Cross was able to step in because the inventory was there.

When I returned to Washington, DC, from Las Vegas last October, I immediately began pursuing every available option to provide relief for victims and their families, as well as assistance for local law enforcement and emergency responders. From pressing the Attorney General to make funding available for victims and their families and securing funding to cover Nevada's law enforcement overtime costs relating to the response to the shooting, to leading a bipartisan resolution recognizing the innocent lives which were lost, working with Senator CORTEZ MASTO to ask health insurers and our airlines to do whatever they could to help victims, I worked with this Congress and this White House to deliver resources to Nevada to try to help in any way we could.

To help Las Vegas prevent future attacks, I also spoke with the President on Air Force One on our way out of Nevada last October about the critical role of Federal funding to protect a city that welcomes over 40 million people annually.

As a direct result, the criteria used to determine funding that is allocated to high-threat urban areas for terrorism was updated, and this year Las Vegas received nearly double the amount of Federal funding compared to last year. I will never stop working to see that Nevada has the resources it needs to keep our communities safe.

As President Donald Trump said, this attack was an act of pure evil, and unity cannot be shattered by evil. He also said the bonds between the people of the United States cannot be broken by violence, and I agree with him. We are all still in this together, and together we will continue moving down the long road of recovery by honoring the memory of those lost and by holding on to the sense of compassion and community that emerged.

I, like many others, could not only feel the strong sense of family, faith, and strength in the wake of October 1, I saw it firsthand. The immeasurable pain, the suffering and devastation inflicted by one man elicited a profound, innate, and immediate human response from a city of people who stood side by side during its darkest hour to protect a friend or a stranger they had never met.

Ronald Reagan once said: "Those who say that we are in a time when there are no heroes, they just don't know where to look."

On October 1 and in the days that followed, the world witnessed a Las Vegas that they may have not known—a place that has been further defined by the heroes among us, the ones who sprang into action that night. That was truly the identity of Las Vegas. Las Vegas is resilient, and together we will continue to be Vegas Strong.

Thank you.

The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF BRETT KAVANAUGH

Mr. FLAKE. Madam President, I rise today to say a few words about the two human beings who will be providing extraordinarily important testimony before the Senate Judiciary Committee tomorrow, Dr. Christine Blasey Ford and Judge Brett Kavanaugh, who will testify in that order.

Two human beings—it feels a bit odd in this political setting to specify their humanity, but we need to. I admit it feels strange to have to do that, but we in this political culture, in this city, and in this building, even in this Chamber, seem to sometimes forget that before this woman and this man are anything else, they are human beings.

We sometimes seem intent on stripping people of their humanity so that we might more easily denigrate or defame them or put them through the grinder that our politics requires. We seem sometimes even to enjoy it.

For the past 2 weeks we certainly have seen that happen to both of these human beings, for whatever reason—because we think that we are right and they are wrong, because we think our ideological struggle is more important than their humanity, because we are so practiced in dehumanizing people that we have also dehumanized ourselves.

Whatever else they are or have become to us, whatever grotesque caricature we have made of them or ourselves, before we are Democrats or Republicans and before we are even Americans, we are human beings. As President Kennedy said:

We all breathe the same air. We all cherish our children's future. And we are all mortal.

These witnesses who will testify in a very important hearing tomorrow, these unwitting combatants in an undeclared war—these people are not props for us to make our political points, nor are they to be "demolished like Anita Hill" as was said on conservative media the other night, nor is one of them a "proven sex criminal" as has been circulating on the left side of the internet. These are human beings with families and children—people who love them and people whom they love and live for—and each is suffering through a very ugly process that we have created.

I will not review the unseemly process that brought us to this point because that is for another time, and, in any case, it didn't start with this particular nomination. But here we are.

There was an earlier case, 27 years ago, from which you might have thought we would have learned something, but the past couple of weeks

makes it clear that we haven't learned much at all.

Consequently, there have been cries from both sides of these proceedings that each of the witnesses has fallen victim to character assassination. Both of these claims are absolutely correct, so I will say to these witnesses, these human beings, we owe you both a sincere apology. An apology is inadequate, of course, but it is a start. We can't very well undo the damage that has been done. But we can govern our own behavior as we go through this painful hearing tomorrow and in the days afterward. We must do that, lest we do any even more damage.

Some of the public comments about these witnesses have been vile. Not unrelated to those comments, each of these witnesses has reportedly been subject to death threats, and for that we should be ashamed. The toxic political culture that we have created has infected everything, and we have done little to stop it. In fact, we have only indulged it and fanned the flames, taken partisan advantage at every turn, and deepened the ugly divisions that exist in our country. These past 2 years, we have tested the limits of how low we can go, and, my colleagues, I say that winning at all costs is too high a cost. If we cannot have a human rather than a political response to these witnesses, if we are heedless to the capacity that we have to do real and lasting damage, then we shouldn't be here.

When Dr. Ford came forward, I felt strongly that her voice needed to be heard. That is why I informed Chairman GRASSLEY that the Judiciary Committee could not and should not proceed to a vote until she had an opportunity to make her voice heard, until such time that her claims were fully aired and carefully considered and her credibility gauged. This is a lifetime appointment. This is said to be a deliberative body. In the interest of due diligence and fairness, it seemed to me to be the only thing to do.

Not everybody felt this way. One man, somewhere in the country, called my office in Arizona and left a message saying that he was tired of my "interrupting our President," and for the offense of allowing Dr. Ford to be heard—for this offense, my family and I would be "taken out." I mention this with reluctance, but only to say that we have lit a match, my colleagues. The question is, Do we appreciate how close the powder keg is?

Tomorrow, we will have a hearing. Many Members of this body from both parties have already made up their minds on the record, in advance of this hearing. They will presumably hear what they want to hear and disregard the rest. One is tempted to ask: Why even bother having a hearing?

I do not know how I will assess the credibility of these witnesses—these human beings—on the grave matters that will be testified to because I have not yet heard a word of their testi-

mony and because I am not psychic. I am not gifted with clairvoyance. Given these limitations, I will have to listen to the testimony before I make up my mind about the testimony. What I do know is that I don't believe that Dr. Ford is part of some vast conspiracy from start to finish to smear Judge Kavanaugh, as has been alleged by some on the right. I also do not believe that Judge Kavanaugh is some serial sexual predator, as some have alleged on the left. I must also say that separate and apart from this nomination and the facts that pertain to it, I do not believe that the claim of sexual assault is invalid because a 15-year-old girl didn't promptly report the assault to authorities, as the President of the United States said just 2 days ago. How uninformed and uncaring do we have to be to say things like that, much less believe them? Do we have any idea what kind of message that sends, especially to young women? How many times do we have to marginalize and ignore women before we learn that important lesson?

Now I wish to say a word or two about the human beings, first on the Judiciary Committee and then in the full Senate, who will have to weigh the testimony that we will hear tomorrow and then come to some kind of decision on this nomination. The Judiciary Committee is scheduled to vote on Judge Kavanaugh's nomination on Friday. I hope that tomorrow's hearing gives us some guidance on how we are to vote. But those of us on the Committee have to be prepared for the possibility—indeed, the likelihood—that there will be no definitive answers to the large questions before us. In legal terms, the outcome might not be dispositive.

While we can only vote yes or no, I hope that we in this body will acknowledge that we don't have all the answers. We are imperfect humans. We will make imperfect decisions. This monumental decision will no doubt fit that description. Up or down, yes or no, however this vote goes, I am confident in saying that it will forever be steeped in doubt. This doubt is the only thing of which I am confident in this process.

I say to all of my colleagues, for this process to be a process, we have to have open minds. We must listen. We must do our best, seek the truth, in good faith. That is our only duty.

Thank you.

I yield the floor.

Mrs. FEINSTEIN. Madam President, I rise today to object to the partisan effort to improperly "stack" two consecutive nominations for the Consumer Product Safety Commission, CPSC.

Peter Feldman has been nominated not only to fill the remainder of a term that would expire in October 2019, but also for an additional 7-year term on top of that.

Stacking these nominations contradicts the aim of the Consumer Product Safety Act, which established the CPSC as an independent agency with

commissioners serving staggered terms to prevent any one Congress from having an outsized influence on the agency.

It also violates Senate practice of considering one nomination at a time, particularly when the first term would not expire for over a year.

Both Senate Commerce Committee minority staff and the Congressional Research Service were unable to identify an analogous nomination where the beginning of a term started this far into a new Congress.

To be clear, I do not object to Mr. Feldman's nomination to the Commission. In fact, I voted to confirm him to fill the unexpired term.

However, confirming Mr. Feldman to a second, 7-year term today would undermine the CPSC's independence and set a dangerous precedent for future nominations.

The CPSC plays a critical role in protecting the public from consumer product-related injuries, and we must do all we can to defend the agency from partisanship.

For this reason, I must regretfully vote no on Mr. Feldman's nomination to serve an additional 7-year term on the Commission.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Under the previous order, all time has expired.

The question is, Will the Senate advise and consent to the Feldman nomination?

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 217 Ex.]

YEAS—51

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

NAYS—49

Baldwin	Cortez Masto	Hirono
Bennet	Donnelly	Jones
Blumenthal	Duckworth	Kaine
Booker	Durbin	King
Brown	Feinstein	Klobuchar
Cantwell	Gillibrand	Leahy
Cardin	Harris	Manchin
Carper	Hassan	Markey
Casey	Heinrich	McCaskill
Coons	Heitkamp	Menendez

Merkley	Schatz	Van Hollen
Murphy	Schumer	Warner
Murray	Shaheen	Warren
Nelson	Smith	Whitehouse
Peters	Stabenow	Wyden
Reed	Tester	
Sanders	Udall	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from North Carolina.

#### EXECUTIVE CALENDAR—MOTION TO PROCEED

Mr. BURR. Mr. President, I move to proceed to Executive Calendar No. 1111, Robert H. McMahon.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 1111, the nomination of Robert H. McMahon, of Georgia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. The Senator from Mississippi.

#### NOMINATION OF BRETT KAVANAUGH

Mrs. HYDE-SMITH. Mr. President, this is my first time to address this body. Senate tradition is for new Senators to observe, listen, and learn before delivering a maiden speech, but there is precedent, during matters of great importance and critical times for the future of our country, to make remarks prior to a maiden speech. I will reserve my maiden speech for a future date, but today I am compelled by duty to our country and the people of Mississippi to speak in strong and unyielding support for Judge Brett Kavanaugh.

The Constitution entrusts the Senate with the duty to provide the President the advice and consent for a lifetime appointment on the U.S. Supreme Court. It is a serious responsibility, but the process has devolved into a purely political effort by those who want to keep Judge Kavanaugh off the Court by destroying his reputation and his character.

I have had conversations with several colleagues who tell me they have never seen such chaos and hatred as we are witnessing in this confirmation process. The fact that accusations against Brett Kavanaugh were suspiciously withheld until the eleventh hour really is not surprising. We expected something, but we didn't know what it would be, and we never expected the opposition to stoop to this level.

Let me articulate what is going on here.

Judge Kavanaugh, who has gone through multiple background checks over the years, was unscathed by additional vetting, 31 hours of questioning under oath, and more than 1,200 written questions—all exceeding anything ever experienced by any Supreme Court nominee. When it became clear that Judge Kavanaugh had a clear path to

confirmation, the opposition chose to introduce accusations of alleged misconduct that have yet to be backed by verified facts or any evidence. It seems that in their desperation, knowing he was about to be confirmed with no obstacle stopping him, they panicked. In the past 2 weeks, when was the last time you heard talk of federalism or philosophy of jurisprudence? They lost the fight on the issues. They had to try something else—thus, these eleventh-hour accusations.

Now, I want to be clear. My heart breaks for victims of assault and abuse. It is an issue that must never be taken lightly. That is why unproven accusations are so very unjust.

Faced with these disturbing accusations, Judge Kavanaugh quickly and convincingly refuted them without mincing any words. Throughout this exhaustive process, he has been very straightforward in shooting down these allegations—all under the penalty of law. I believe Judge Kavanaugh when he says these humiliating events never happened—not three decades ago, not ever.

It seems that opponents of Judge Kavanaugh are engaged in character assassination to destroy the reputation of a devoted public servant and a loving husband and father. I for one will not stand by and just watch this happen. It is an honor to serve in this body, and our debates should strengthen the integrity of this institution, which the American people have a right to expect.

The confirmation process is not easy. It should be comprehensive, detailed, and allow nominees to prove their worthiness. It should not be malicious. It should not be intentionally destructive. It should not be a weapon to use against a qualified nominee whose life has been given in service to our country's laws, the judiciary, and the American people.

Judge Kavanaugh is such a nominee. I have met him and reviewed his impeccable record of service and integrity. He is a disciple of the rule of law and judicial restraint. He is a champion of the Constitution. He believes, as I do, that all Americans are equal before the law and the courts.

On behalf of all future nominees, I want to applaud Judge Kavanaugh for standing firm and not allowing these tactics to derail his process. It is time to bring Judge Kavanaugh's confirmation to a vote on the floor of the Senate. He has earned my support. I encourage my colleagues to support him as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I ask unanimous consent to engage in a colloquy with colleagues.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LAND AND WATER CONSERVATION FUND

Mr. DAINES. Mr. President, I have come down to the floor today to dis-

cuss a very important issue to Montanans and to many of my colleagues in the Senate, and that is the Land and Water Conservation Fund, also known as LWCF. I am joined by friends and colleagues—in fact, by the Senator from North Carolina, Mr. BURR, and the Senator from Colorado, Mr. GARDNER—who know like me, firsthand, the importance of LWCF. Why we are here today is because in just a few short days—in fact, on September 30—this program is going to expire. Without any action from Congress, a program that is widely supported, provides more access to public lands, conserves our public landscapes, and—I think this is probably Senator BURR's favorite comment about LWCF—costs the taxpayers nothing—I bet you will hear that from him in a moment—is going to expire.

Of the many benefits provided by LCWF, the most important one to Montanans is making public lands accessible. In fact, I brought a few maps of Montana to show some of the challenges we have.

This map shows all the public lands in our State. Anything that is colored is a public land. That is Forest Service, BLM, national parks, wildlife refuges, and State trust land. As you can see, there is a lot of public land in Montana.

Our public lands help to drive a \$7 billion outdoor economy, create tens of thousands of jobs, and supply about \$300 million in State and local tax revenues. As an avid outdoorsman, myself, I know firsthand the importance of our public lands. In fact, in August, back home in Montana, my wife and I did a 25-mile backpack in the Beartooth Wilderness, fly fishing at lakes above 10,000 feet. That is my idea of a great weekend in Montana. But public lands out of public reach benefit no one.

This next map shows a portion of the eastern side of our State. In Montana, much of our public land is checkerboarded. You can see it a little better here because these checkerboards are sectioned. There are 640 acres in square miles. This means that each one of those yellow squares are inaccessible in many cases to Montanans.

This is BLM-owned public land, but despite being owned by the Federal Government, it cannot be accessed by the public. In fact, a recent study by the Teddy Roosevelt Conservation Partnership and onXmaps, a great Montana tech company, found that there are 1.52 million acres in Federal land in Montana alone that are inaccessible. I have the onXmaps app on my phone. If you are a hunter, fisherman, or outdoorsman in Montana, you oftentimes will have that app because it tells exactly where you are and where the lands are public and where the lands are private.

Let me put this in context about the inaccessibility of our lands. In Montana, we have more inaccessible public lands to the people than the entire State of Rhode Island—about the size of Delaware—all of which Montanans

are locked out of, and public land that is only open to a select few or to none at all is really not public at all.

The next map shows the western side of Montana, where we see the same problem on Forest Service land. If you look here, you can see a piece of checkerboarded land. We are using LWCF dollars to expand public access.

In fact, the Beavertail to Bearmouth corridor is currently the highest ranking Forest Service LWCF project. This project unlocks approximately 1,900 acres of currently inaccessible public land.

As you can see on this map, there are whole sections that Montanans are locked out of. This project—like many LWCF projects—ensures that our booming outdoor economy can continue to grow. It allows hunters, anglers, and other sportsmen to have access to their public land. However, projects like this are in danger if we don't reauthorize LWCF. Luckily, very fortunately, there has been some good work done. Recently, the House Committee on Natural Resources passed a bill to permanently reauthorize LWCF.

I thank Congressman GIANFORTE from Montana, on the House side, and Chairman BISHOP of Utah for getting that pushed through. The House has done their job. The Senate Committee on Energy and Natural Resources has also passed legislation to reauthorize LWCF. We now need to get this through the full House and the Senate, and we need to do that now.

LWCF is a program that maximizes the value of public lands to taxpayers, it boosts our economy, and it has strong bipartisan support. Lord help us, we know we need some bipartisan bills right now in this city. That is why I stand here today to urge my colleagues to act and reauthorize this critical program.

Montana is not the only State that has greatly benefited from LWCF. I want to turn it over to my colleague—truly one of the warriors in LWCF—the Senator from North Carolina, Mr. BURR.

Mr. BURR. Mr. President, I wish to thank Senators DAINES and GARDNER for their critical support for backing this program. If there is only one takeaway anybody has from anything I say today, let it be this: This costs zero in taxpayer money, zero. For those who are budget hawks, it is a great bill.

In June, the three of us, along with some of our colleagues, convened in front of the Capitol to commemorate the 100th day until LWCF expires. It is unfortunate we are here today, less than a week away from its expiration, with no extension of this program.

I believe we ultimately will win this fight because our colleagues know it is the right thing to do. As Senator DAINES pointed out, the majority of the House of Representatives and the majority of the U.S. Senate is supportive of this. It costs zero in taxpayer money, and it provides so much at the State and Federal level.

I appreciate my colleague's comments on public access. That is usually the focus of my LWCF monologues. Not a lot of my constituents are thinking about outdoor recreation right now; they are dealing with Hurricane Florence and her aftermath. As you all know, North Carolina recently experienced a hurricane of epic proportion. Flooding has reached record levels. People's homes and businesses are in disrepair, and flood levels continue today at dangerously high levels in some areas.

Obviously, much of this is unavoidable. If we ensure our infrastructure is well positioned to deal with major influxes of water, we can minimize the devastating impact we saw from Florence. I am not referring necessarily just to bridges, dams, and roads; I am talking about our natural infrastructure.

If we strategically create green spaces in our cities and in our river basins, we can mitigate some of the flooding. Guess what. LWCF dollars help us do that. A great example is the South Cape May Meadows Preserve and the surrounding Cape May National Wildlife Refuge which LWCF helped create in New Jersey.

The State of New Jersey, the Army Corps of Engineers, and the Nature Conservancy have worked together to restore wetlands, which now include engineered structures, as well as natural features like marshes, dunes, and wetlands.

This wetland area has since withstood several major storms, including Hurricanes Sandy and Irene. The wetland was positioned in such a way that it was able to absorb enough of the impact and water in order to protect many of the surrounding communities.

In 2016, a study by the Nature Conservancy, in partnership with a risk modeler for the insurance industry, showed that the marsh wetlands saved over \$650 million in property damages during Hurricane Sandy alone and reduced annual property losses by nearly 20 percent in Ocean County, NJ.

This isn't just about protecting lands and public access; it is about those things we can do that provide a better community—a lower cost of insurance, a better way to mitigate some of nature's challenges.

Did I mention it is also a bird sanctuary? Did I mention it is a recreational destination? It also serves as critical infrastructure in times of disaster, like the one my State is dealing with today.

More and more, our civil engineers are incorporating these pieces of green infrastructure. At first glance, one would naturally think they are for aesthetic reasons.

In Charlotte, a series of greenways wind through the city. One of the greenways, Four Mile Creek Greenway, used an LWCF grant to develop the land into a multipurpose area, rather than actual acquisition of the land. It has trails winding through it. It is

home to hundreds of different animal species. Yet it is also used for natural drainage. It absorbs water. It slows down the water with the vegetation and the winding creekbeds.

Our cunning civil engineers have us thinking they are building a park, but what they are really building is a flood mitigation program. As you can see, LWCF is used for projects in our cities and our rural areas—big and small projects. Ultimately, the biggest filters of water in North Carolina are our own natural forest and the Great Smoky Mountains National Park.

Healthy forests in these public lands help us to slow the flow of water, and we need those units to have the integrity so they can do their job of feeding healthy river systems that are much less prone to that flooding.

In conjunction with traditionally engineered structures, preserving strategic pieces of land in their natural state or restoring others to better take in water saves us money in the long run. Ocean County, NJ, proved that.

I can go on for hours. I can go on with hundreds of examples. There aren't a lot of facts I can give you about the program that I haven't already laid out in the past opportunities to be on the floor, but I think it is useful to end my speech by restating the original mission laid out 54 years ago when LWCF was created—authorized for 25 years, reauthorized for 25 years, and then only reauthorized for 5.

What do we want? We want permanent reauthorization. It is a program that has proven to be successful, regardless of your political views, a program that uses zero in taxpayer money, a program that produces benefits to every State in America that started with this mission statement:

To assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations . . . such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable . . . to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

I am not sure you can sum up any differently what the definition of a good program is, a successful program. It is not just in the mission statement; it is in the examples of what over those 54 years we have accomplished. There are not many things I can walk away from and believe that my grandchildren and my great grandchildren will be positively impacted by, but I can assure my colleagues of this: Permanent reauthorization of LWCF is one of those things. I am committed, along with my colleagues, to make sure there is no temporary reauthorization; there is a permanent reauthorization. We have met the burden of proof as to why this should never go away and why the American people support it in overwhelming numbers.

I am grateful to my colleagues for their support and their time to be on the floor today.

I yield back to Senator DAINES.

Mr. DAINES. I thank Senator BURR.

I think it also demonstrates the diversity, geographically, that we have a Senator from North Carolina, a Senator from Montana, and a Senator from Colorado. It doesn't matter if you are a Western State or a State on the East side of our Nation. I knew Senator BURR would talk about the fact that it costs the taxpayer nothing. I hear that all the time. Members care deeply about responsible stewardship of taxpayer dollars. It doesn't cost the taxpayer anything.

There is another word I always hear from Senator BURR; that is, it is "permanent" reauthorization. This is no longer an experiment. This is proven. This is why we need to move away from this temporary reauthorization and make it permanent.

I am pleased to have another colleague of mine from Colorado, Senator GARDNER, join me now. We would be border States if it weren't for the State of Wyoming. Senator GARDNER is in the southern part of the Rockies, a beautiful State. I am grateful to have the Senator as one of the key champions in the U.S. Senate of LWCF, Mr. GARDNER.

Mr. GARDNER. Mr. President, thank you for the opportunity to be here to talk with my colleagues about the importance of the Land and Water Conservation Fund. I am pleased to be here.

Over the past several months, the press conference Senator BURR referred to marking 100 days until the expiration of Land and Water Conservation Fund—we have since come to the floor offering unanimous consent agreements. We have introduced legislation. We fought for amendments to make sure we extend not just temporarily, not just for a year or two but to make sure we fight for the permanent reauthorization of the Land and Water Conservation Fund.

I was struck by the words Senator BURR said, in particular, about the suffering in his home State of North Carolina and the aftermath of Hurricane Florence. I was reminded of a quote that Enos Mills, one of the Founding Fathers of Rocky Mountain National Park, said about our national places and spaces. I think you can apply this to public lands everywhere, the public parks, national parks, forests, you name it. He said: "Within national parks is room—glorious room—room in which to find ourselves, in which to think and hope, to dream and plan, to rest and resolve."

That is the importance of our public lands across the West, across the East, and everywhere in this country—from corner to corner—as we fight to preserve our most sacred places.

Senator DAINES, there have been valiant efforts in Montana to preserve our public lands in both of our States—pub-

lic land States. In Colorado, if you add in the State and Federal public lands, you are looking at nearly half the State of Colorado and of course the numbers you laid out earlier. These are important management issues, important issues to resolve. Then, once in a while, there is an opportunity ahead of us to preserve a parcel of land, a portion of forests for a recreational opportunity for future generations. We use the Land and Water Conservation Fund to do just that.

Teddy Roosevelt said: "There is a delight in the hardy life of the open." He went on to say: "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased; and not impaired in value."

That is what the Land and Water Conservation Fund allowed us to do. I want to show you a picture of an incredible, glorious space in Colorado I visited a few weeks back. This is the Black Canyon of the Gunnison National Park. It is pretty impressive. I can tell you, if you are able to go down next to the Gunnison River and enjoy that opportunity to be alone, to be in that space, you indeed will live up to Enos Mills' quote, where you will be able to find that time to think and hope, to dream and plan, to rest, and to resolve.

If you look at this canyon, you will notice some of the uplands, the flats, the rim of the canyon. You would assume that would have been a part of the national park. When they created the Black Canyon of the Gunnison National Park, there was a private holding, and you can see part of it right here.

Imagine the risk to this great national park, this great public place that could be posed by somebody who decided they wanted to develop that space, and all of a sudden that great natural wonder, the great open space this presents to not just the people of Colorado but truly people around the world would be gone, would be blemished, would be impaired.

We worked with the Land and Water Conservation Fund. In bipartisan fashion, Senator BENNET, myself, and Congressman TIPTON have had great bipartisan support from within the Colorado congressional delegation—Congressman LAMBORN, Congressman TIPTON, Congressman COFFMAN. They all strongly support the Land and Water Conservation Fund. In this case—the Western Slope of Colorado—Congressman TIPTON, Senator BENNET, and I worked with the agencies in Colorado, which do so much great work, to make a purchase of this private land using Land and Water Conservation Fund dollars. In this case, it was the conservation fund out of Boulder, CO.

If we go to the next chart, you can see where that land was. This is Bruce Noble, the superintendent of the Black Canyon of the Gunnison National Park, and he is pointing—that river is just right down here, and this is the land

the Land and Water Conservation Fund helped to purchase so that this asset will be preserved for future generations. Not just for 5 years or 10 years, but for as long as this great and halloved Nation exists, you will be able to come to the Black Canyon of the Gunnison National Park and be at one with your thoughts, your self, and you will have the opportunity to think, to resolve, to plan, to hope. That is the respite that this brings to all of us, because we are better people knowing that some of our most wild and natural places exist in truly wild and natural spaces.

To the leadership of the Conservation Fund, Christine Quinlan, and the other folks who have worked with the Land and Water Conservation Fund, thank you for making this possible. This is just one of many examples in Colorado. In fact, over \$268 million has been appropriated to Colorado through the Land and Water Conservation Fund to make purchases such as this in a recreation economy in Colorado that is responsible for over 230,000 jobs in the State of Colorado alone and an outdoor economy that is nearly \$10 billion in wages and salaries and \$2 billion in State and local tax revenues—a nearly \$30 billion outdoor economy overall in Colorado. That is what the Land and Water Conservation Fund is able to be a part of.

So this isn't just about protecting our open spaces. It is not just about protecting these great, sacred lands that we have. It is also about a thriving economy in Colorado, in Montana, and in North Carolina, and the opportunities we have to drive those outdoor economies with hundreds of thousands of jobs and billions of dollars in revenue. This Congress, in a bipartisan fashion, passed legislation to promote that outdoor economy, but it is all related back to this crown jewel of our conservation programs, the Land and Water Conservation Fund.

We are just days away from seeing the clock tick 1 day beyond what it should and what we should allow. And I think one of the reasons we are here is that we have heard the frustration of our voters back in Colorado, North Carolina, and Montana who get frustrated with Washington and are probably wondering why something that everybody agrees with can take so long to get done. Washington seems to be the only place where the more people agree with it, the longer it takes to happen. So let's fix that.

I truly am grateful to Senator BURR for the times he has come to the floor with Democrats and Republicans alike to champion this. I thank Senator DAINES for his leadership. We have days left. We have hours remaining. We should work with every moment to make sure we get this reauthorization—permanent reauthorization, full funding—across the finish line. It is an honor to be with my colleagues to fight for this great program.

Mr. DAINES. Senator GARDNER, thank you. I thank Senator BURR as



well. I think this is something that, for us, is more than a policy discussion. You can see the passion from each Member here. It is a way of life.

I come from a State—Montana—where a mom or a dad or a grandpa or grandma can still load up a son or daughter or granddaughter or grandson in the pickup and go down to Walmart and buy an elk tag or a deer tag over the counter and then head out and have access to public lands to hunt and to fish. That makes America unique. You don't see that in most places around the world, and that sets us apart as a unique people.

Mr. BURR. Will the Senator from Montana yield?

Mr. DAINES. Yes.

Mr. BURR. I want to drive home what Senator GARDNER said. This is not the first time we have been here. Almost 100 days ago, after that event we had outside, we came inside and moved to reauthorize the Land and Water Conservation Fund.

I just pulled out my drawer and found three instances. All of those speeches start like this:

"At this time, we are only 66 days until September 30."

"At this time today, we are only 45 days."

"Today, we are only 38 days until expiration."

We continue to drive this with our colleagues. Why? Because the American public supports this program so much and because this is effective and impactful in every community of every State in the country. I know my colleagues agree with me. We are going to be relentless in how many times we come to the floor.

Sometimes, Senator GARDNER, when you have been here as long as I have, you learn that sometimes you have to wear down the people who might find a reason to disagree with you. But, you know, nobody has disagreed with us because it costs money. Nobody has disagreed with us because it wasn't effective. Maybe they disagree with us because they haven't utilized it the way so many other Americans have. I can't think of a better legacy we can leave for generations to come than to permanently reauthorize that, and I believe it will happen this calendar year.

I thank the gentleman for yielding.

Mr. DAINES. Thank you, Senator BURR.

I will tell you why that permanent reauthorization is important in places like Montana, Colorado, and North Carolina. It is because it takes time to put together some of these consolidations of checkerboard lands to make this all work.

Here is an example of that right here. This is a project that was executed. And you see we are not playing checkers here; this is the way the land management works oftentimes out West. So to make all that happen, to get the parties—the State, the Federal Government, and a private landowner—together here, sometimes takes years.

What we don't need to have is the Federal Government back here—Congress—providing uncertainty about whether we are going to fund a process that oftentimes takes years, getting the landowners, the State, and the Feds together to execute a consolidation that gives the public access to those public lands. That is why permanent reauthorization is so important, to take that off the table. There are enough challenges already with the LWCF and with trying to make these transactions work without having Congress get in the way.

I thank you, Senator BURR, for your passion, for your steadfast commitment to the permanent reauthorization. And keep reminding us that it costs the taxpayers nothing. I think it is a pretty good value.

So, again, I want to thank both my colleagues here. They have been strong leaders on this issue. We are going to keep fighting. As Senator BURR just ticked down from 100 days, now we are down to 4 days. We are going to fight for this every opportunity we have. We all urge our colleagues to listen to the stories you heard today, listen to your constituents, and join us and finally reauthorize to save LWCF.

Thank you.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Oregon.

#### TRIBUTE TO JODI NIEHOFF

Mr. MERKLEY. Mr. President, I want to take a moment to recognize a wonderful member of my team who, after 9 years, will be leaving us at the end of this week.

For more than 9 years, Jodi Niehoff has been the heart and soul of our operation. She has been our administration and correspondence manager. She has been our intern coordinator and our unofficial planner for party events celebrating legislative victories or comings and goings of staff or birthdays. She has been the hostess and MC of our annual holiday gift swap and so many other things, adding to the esprit de corps of our team.

My team has pulled together a few stats, and these statistics indicate just some of the work she has done over these years during which I have had the privilege to work with her.

She has been a staunch believer not just in communicating with constituents but doing so quickly and in a meaningful and heartfelt way. Under her leadership, we have worked to have a substantive response to every single letter that comes into our office and try to get out that response, whenever possible, on the same day or the next day and when more research is needed, to do so within a few days. It is a huge challenge because so many people now are communicating via email, and we have weeks in which we can receive 10,000 or 12,000 or 14,000 letters. So in the course of responding to all those diverse issues that constituents have raised, Jodi has guided our team in producing 5,774 unique letters that are now in our constituent correspondence

library. That averages out to nearly two letters a day 365 days a year for more than 9 years.

During her time on our team, she has mentored 227 interns, and 14 of those interns have gone on to join our team as staff members. So helping to enable them to have a significant experience here on Capitol Hill is a real contribution to the public.

I first came here as an intern—a summer intern for Senator Mark Hatfield from Oregon—and at that time, you only had a few interns. You didn't have that much mail. There were three of us over the course of the summer. I was the last to arrive, so it was my job to come in early, run all the letters—of course they were all paper letters—run the envelopes through the cutter, take out the sheets of information, the letters, and stack them into one of four stacks for the different correspondence.

Well, that now sounds like such a simple task compared to that which Jodi has guided with more than 200 interns and more than 5,000—almost 6,000—unique letters being drafted to respond.

Thank you so much. Jodi, you will be dearly missed by everybody here in Washington, DC, who has had the pleasure to know you, to work alongside with you, to partner with you over nearly a decade. I wish you all the best as you head back home to Minnesota to begin the next chapter of your life and the next chapter of your family's life. I know that the next chapter will be one in which a new set of individuals will have the pleasure, the delight, to be able to work with you.

We invite you back here anytime. We wish you and your family all the best. Thank you, Jodi, for your service to our team and your service to our Nation.

#### NOMINATION OF BRETT KAVANAUGH

Mr. President, today I filed a lawsuit related to a violation of the separation of powers.

Our Constitution lays out a very clear framework in which the President of the United States nominates and the Senate proceeds to review the record of an individual in order to determine if that individual is of fit character to serve. This strategy came as our Founders struggled with how to enable staff to fill key positions in the executive branch and key positions in the judiciary, and it is something that Hamilton wrote about extensively in his Federalist Papers.

No. 76 was written in 1788 as a letter to the people of the State of New York. In it, he addressed this separation of powers at length. He said that the Founders had considered giving the assembly—that is a large group—the ability to choose those who would fill posts in the executive branch as a check and balance to the President but that they had considered the fact that Senators would probably horse trade, that one Senator from one State would want their friend in one position and another Senator from another State

would want a different person, and that that horse trading would not produce the best set of individuals to populate the executive branch or to serve as judges. So they came to rest on the idea of having one individual—the President—nominate individuals to serve.

Here is a short piece of his longer discussion. He said: “The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them.”

He goes on to applaud the many merits of having one individual bear the burden of making these nominations.

But then, of course, it is a nomination; it is not an appointment. And to be appointed, the Senate must confirm.

He addresses this question of the role of the Senate. Alexander Hamilton, writing to explain the action and the design of the Constitution in his letter to the people of New York in 1788, says:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters. . . .

He goes on to say that a President might be influenced by favoritism to people in his own State or favoritism to people in his family or family connections or favoritism because he had a friendship or a pursuit of popularity triumphing over professional skills. So for all of these reasons, the Senate process exists to review the record of the individual and to determine, as Hamilton put it: Is that individual a fit character or an unfit character?

Now, we all in the Senate took an oath of office to uphold the Constitution, and, certainly, that means defending and exercising our responsibility under the advice and consent clause of the Constitution. We cannot interfere in the ability of the President to nominate. That is the President's responsibility. We can give our suggestions, but in the end, whatever the President says in regard to an office, whatever person the President identifies, that is the nominee, and we cannot interfere with that. But so, too, then, the President cannot interfere in the exercise of the Senate in reviewing the record of the individual. Certainly, the President can share his or her insights on the individual and his or her encouragement to speed up the process but cannot interfere in the underlying exercise of reviewing the record.

But here we are in this extraordinary moment where the President of the United States has crossed the boundary between the separation of powers and has proceeded to interfere with the de-

liberations of the Senate, and he has done so not once and not twice but at least on three significant occasions. I will proceed to share those occasions.

The first was the President's team intervening to stop the Senate from accessing Nominee Kavanaugh's records when he served as Staff Secretary to President George W. Bush.

Senator LEAHY, the longest serving Member of the Senate and a longtime member of the Judiciary Committee notes in a letter that the committee has a “longstanding, bipartisan expectation . . . that any materials produced while a nominee was a public servant that could shed light on his or her views, thinking, or temperament, that are not privileged, should be subject to public scrutiny and carefully considered by the Senate prior to confirmation.”

Now, this was a view that was a bipartisan view. It is a view that was expressed by a senior member of the Judiciary Committee—a Republican Member. That individual, Senator CORNYN, proceeded to note that the documents that Judge Kavanaugh had “generated . . . authored . . . or contributed to” during his tenure as White House Staff Secretary should be conveyed to the Committee. This “just seems like common sense,” he added.

In other words, it just seems fundamental to our responsibility here in the Senate to review the record of Judge Kavanaugh, but just days after the senior Republican member of the Judiciary Committee expressed those sentiments, Republican Senators were summoned to the White House by the White House Counsel, Donald McGahn, and immediately following that summoning and those instructions—those directions from the White House—suddenly, Senators were being denied the opportunity to see those documents. In fact, it went so far as the chair of the Committee proceeding not to ask for the documents after this direction from the White House. So, certainly, that intervention did directly compromise our ability as Senators to review the record of the nominee and, therefore, violated the separation of powers and violated each of our abilities to fulfill our constitutional responsibilities.

The second occasion is that Defendant William Burck, who has a series of close connections to the White House, proceeded to exercise the power of executive privilege on behalf of the President to deny the Senate access to 100,000 pages of White House Counsel documents. What did this individual say when he was exercising this power of censoring the documents that would be obtained by the Senate? He said: “The White House . . . has directed that we not provide these documents. . . .”

That is a direct interference in the advice and consent deliberations of the Senate, and all of us together—Democrats and Republicans, northern Senators and southern Senators, eastern

coast, western coast, heartland—should defend our responsibility under the Constitution to provide advice and consent, which means the ability to review the record of the nominee.

Then there is a third occasion where Defendant Burck proceeded to label documents being presented to the Senate as “committee confidential.” In fact, the Committee consulted with him during the process to see what the extent of this was and why they were done.

There is no index that provides information to the Senate on why so many documents were blocked by Burck from ever getting to us. That log or that index doesn't exist saying: Yes, we looked at this, document and here is why executive power prevails. There is no record or log for why more than 141,000 pages of documents were labeled “committee confidential,” preventing Senators from proceeding to talk about the contents, to have the contents examined by experts, to have the contents examined by the public, to take feedback from the citizens of the United States, to have staff be able to look at these documents and to be able to review them, and to be able to get feedback on them to fulfill our responsibility as Senators to examine the record of the nominee.

Thus we are in uncharted territory. Never before have we seen this direct, substantial, and extensive intervention by the President in violation of the separation of powers under the advice and consent clause of the Constitution. Thus, it is important that we ask for judicial intervention.

There is no more important document to us than the Constitution—our “we the people” Constitution—of the United States of America. We will be failing if we do not aggressively pursue our responsibility to review the record of a nominee. So let us do that. Let us ask the courts for intervention to ensure that we have access to this record.

We have had over the past few days new information regarding the nominee—new information from women who have shared their difficult, difficult experiences. What would be the appropriate conduct here in the Senate? It would be for the FBI to investigate—not a criminal investigation but a background investigation. That was accorded to Anita Hill in 1991, a reopening of the background investigation to get the facts.

How is it that a Senate and a President that could support the proper role of the FBI in 1991 will not stand up today for fairness for women who are coming forward?

Why is it that the nominee, steeped in the law, who has said he wants a fair hearing—he wants a fair hearing—does not demand an FBI investigation so it is fair to him and fair to these three women—Dr. Ford, Deborah Ramirez, and Ms. Swetnick—who are coming forward? They are being treated very poorly by this institution. They are being treated as if they are a problem,

when they are, in fact, courageous Americans helping us to do our advice and consent responsibility to understand the record of the individual and whether the individual is fit or unfit.

To those who say that, well, these might not be true, wouldn't you be the first, then, to stand up and say that the FBI should reopen the FBI investigation and that nothing should go forward until the President authorizes that? If you want fairness, you want facts.

Here we are. Not only are we failing the test of 1991 in terms of the FBI investigation, but we are failing the test in terms of the witnesses. In 1991, numerous corroborating witnesses came forward to share and expand the dimensions of the events under consideration with Anita Hill. Now the Judiciary Committee is saying that we are only going to allow a "he says, she says" dynamic. This is absolutely unfair to the women who have come forward.

Now the Judiciary Committee is saying they are going to bring an individual to prosecute, as if this is a trial of the woman that is coming forward. How wrong is that to try to turn this into a trial? If you want a trial, well, then, shouldn't you have the FBI investigate and get the facts? It shouldn't be a trial. We should be listening carefully, and we should be allowing fairness to both, those with corroborating information and, certainly, for the nominee, as well as those who are sharing their experiences from the past about the nominee. Give transparency and opportunity to both but not this farce of a hearing planned by the Republicans on the Judiciary Committee.

We should be able to do so much better. We have had decades of experience since 1991, since we went through a parallel situation of allegations regarding personal conduct. How is it that now, 27 years later, we are doing so much worse in respecting women coming forward to share their stories. Why are we doing a worse job of respecting dignity, a worse process in terms of listening to facts, a worse process in terms of trying to turn it into a trial of a courageous woman who came forward to share her experiences?

Well, I have never felt so burdened by the misconduct of this Chamber as I feel right now. Let's stand up for decency and dignity and honor those who have come forward, respect them, listen to them, and explore the stories and the experiences they share so that their voices can be fairly heard before this body.

Let us not let the President of the United States trample all over the Constitution by violating the separation of powers and blocking our Chamber from receiving the documents necessary to review the record of the nominee.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Wash-

NOMINATION OF BRETT KAVANAUGH

Ms. CANTWELL. Mr. President, I am here this afternoon to join the voices of

my colleagues—Democrats and Republicans—in making sure this process that is going to continue to play out over the next several days is a fair one.

I will say to people right now that I am not for Judge Kavanaugh. I don't believe that his decisions and his views are in the mainstream of judicial opinion in the United States of America. I believe that not just about a woman's right to choose. I believe that not just about his decision on net neutrality. I definitely believe that about his decision on executive branch power.

My views are known. I would expound on them if I thought that is what we are here to debate today, and maybe that will happen in the future. But I am here this afternoon to ask my colleagues to think about this issue of sexual assault in a new way. It is not a new way that you have never thought of before, but a way that says it is time for us to slow down and have a nonpartisan investigation into the accusations that have been made by three women.

The reason that is so important is that in the last several days there have been comments that she is mixed up or confused or can't remember. I will tell you this: I guarantee you that any woman in the United States of America who has been assaulted remembers that she was assaulted. She may not remember exactly what the person was wearing, and she may not remember every person who was there, but I guarantee you it is seared into her mind, into her heart, and into her soul that she has been assaulted.

The question before us in the U.S. Senate is, Are we going to take seriously the process and not rush it to a conclusion and not join the ranks of other institutions that have swept allegations under the rug?

We all know where the Catholic Church is today, with information and documentation of accusations where people decided that, no, those couldn't be true; no, we don't have to listen; no, we can do something about it.

When I think about the fact that at least 332 victims were abused by one person in the gymnastics program at Michigan State and people said "We don't have to pay attention to that," when I think about what happened at Penn State to young boys that people deny, that this couldn't be what is happening with Jerry Sandusky—it couldn't possibly be happening—I know that this is a cultural problem.

I have heard statistics that cite that anywhere from 20 percent of women in the United States of America have faced sexual abuse to a website by the Centers for Disease Control that says it is one in three women. One in three women in the United States of America has faced sexual assault or abuse, and we don't think it is a crisis? I am pretty sure there are more women in the United States of America who have been the victims of sexual assault than of the opioid crisis, yet we call that a crisis. What are we doing to make sure

we are not like other institutions that have not fully addressed this issue?

We do not want to be the ones who rush through a process that demonstrates that the vote on the Supreme Court is more important than getting the truth. We need a nonpartisan investigation into the facts of these allegations against this Supreme Court nominee.

When I think of the tragedy that faces Native American women, it breaks my heart. Over 50 percent of Native American women have faced sexual assault and abuse—50 percent. How is that not a crisis?

So my colleagues, I know, do not think they are doing damage. They think they are sticking up for a nominee. They think they are sticking up for somebody that their team—their bench—pulled out of the ranks of their party or their backgrounds suggest that he should be the nominee. I understand their desire. But the desire today has to be that we do not make the same mistakes as other institutions, that we pay attention to these things and we take them seriously.

I implore my colleagues to do so. Why? It is because every victim in the United States of America who thinks that you are not giving these accusations their due is reoffended in the belief that society does not take this crisis seriously.

So I implore my colleagues: I know you think you are playing on a political scorecard to get something done for your party, but please make sure we have a thorough, nonpartisan investigation into these accusations so that we can tell victims of sexual assault in the United States of America that we treat these accusations seriously. We did our job. There is no rush, but for the actual facts that we can move forward on.

I know we can have more conversations about this. I know we can, and we should. We should. We had these conversations during the debate on the Violence Against Women Act, and we made sure that Native American women are covered under that law—a tricky problem in the Federal law that made a gap even worse by not having the aid and support—and now, with Federal help and support with Indian trial courts, we have created a better system to bring those perpetrators of those crimes to justice.

But we can, as an institution, also come to terms that this is a cultural problem in the United States of America, and we too must do our part. We must help. We must not keep re-injuring people by saying that we are not going to take the time to find the truth.

So I implore my colleagues, please—and for those of you who have spoken out, like my colleague from Arizona: Thank you. Thank you for helping us get to the truth in this matter. Thank you for standing up for women, for men, for Indian Country, and those who have faced this abuse. Let's make

sure that this institution moves in a serious but deliberate and cautious path and does not spend its time tomorrow prosecuting a woman but listening to the facts and information that she gives.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Hampshire.

Ms. HASSAN. Mr. President, over the past weeks, we have been reminded yet again why it is so hard for survivors of sexual assault to come forward. For far too long, women who bravely share their stories of sexual assault have been attacked, diminished, and marginalized, and I am sad to say that includes by some of my fellow Senators.

In some respects, we have seen remarkable progress since the “me too.” movement began roughly 1 year ago. More women have felt empowered and supported to speak out, and our society has begun to grapple with the horrific and widespread prevalence of sexual harassment and assault, especially in the workplace.

But, sadly, these past weeks have been a reminder that in many ways we are still stuck in 1991; 1991, of course, was when Anita Hill courageously testified before the Senate, sharing allegations of sexual harassment by then-nominee to the Supreme Court Clarence Thomas. Women and men across the country watched in horror as Dr. Hill was attacked and disrespected by the men of the Senate Judiciary Committee.

Yet, here we are, 27 years later, and Senate Republican leadership has made clear that they will do everything they can to ram Judge Kavanaugh’s nomination through. They have come up with a process that is even worse, even more disrespectful and disheartening to survivors than the one we saw in 1991.

In 1991, the FBI investigated allegations of sexual assault against Mr. Thomas. The hearings stretched on for multiple days, and some corroborating witnesses were allowed to testify.

In 2018, Republican leadership has indicated that none of those things will be allowed to happen—none of them. They have simply scheduled a check-the-box hearing, rejecting calls to ask the FBI to reopen its background investigation, refusing to allow other witnesses or evidence to be heard, and limiting the questioning from Senators.

Lawyers for Dr. Ford announced that they have submitted sworn affidavits to the Senate Judiciary Committee from four individuals whom she shared these allegations with well before President Trump nominated Judge Kavanaugh to the Supreme Court. Yet, incredibly, not a single one of these corroborating witnesses will be called to testify before the committee, nor will the witness that Dr. Ford alleges was in the room while she was assaulted, and the FBI will not be asked

to speak with these or any other witnesses either.

This process isn’t a serious attempt to get to the truth. It is a complete sham, and some of my colleagues are hardly even trying to hide the fact that this is not a serious investigation, as they pledge that these credible allegations will not stop Judge Kavanaugh’s nomination.

Some of my colleagues have complained about how unfair it is to Judge Kavanaugh that these women have dared to come forward, and they have shown little sympathy for the attacks these women are facing or interest in the corroboration they are willing to offer. They have ignored the real questions about Judge Kavanaugh’s credibility and truthfulness and his blatant disrespect for women.

Make no mistake. In 2018, survivors are still not being taken seriously, and that is despite the extraordinary prevalence of sexual assault, which is hard to even quantify, given that an estimated two out of three sexual assaults go unreported.

It is simply unacceptable that survivors are still not being listened to and taken seriously.

To President Trump and Republican leadership, I say: We will not stand for these attempts to silence women and shove them back into the dark. These allegations of sexual assault are extremely serious, and they are credible. The way that these survivors have been attacked is disgusting.

Yet even before we were aware of these allegations, it was clear that Judge Kavanaugh should not serve on the U.S. Supreme Court. I watched Judge Kavanaugh’s responses to my colleagues during his initial nomination hearings. I examined his judicial writings and past public statements. I reviewed the limited number of documents that Republicans shared about Judge Kavanaugh’s time working in the White House. What the totality of this record makes abundantly clear is that on issue after issue, Judge Kavanaugh has promoted a judicial philosophy that diminishes the rights of individuals, particularly women and people of color, puts corporations before people, and promotes a partisan rightwing ideology at odds with the will of the American people.

But in addition to a record and an outlook that is disqualifying, there is Judge Kavanaugh’s lack of credibility. Even in his initial hearings, Judge Kavanaugh raised serious questions about his credibility amid a lack of truthfulness on a range of issues stretching back to his time with the Starr investigation and his work in the Bush administration—questions about his credibility that have only been reinforced by his response to the multiple allegations of sexual assault he is now facing, as evidenced by those who knew him coming forward to dispute his statements.

The eyes of the country and the world are upon us, and I fear what they

will see in the coming days. It is not too late for the Senate to pause this sham process and make clear that this body listens to survivors and takes their experiences and their pain seriously. However, if the Senate continues on its present course, it will be an abject failure by this body that will not soon be forgotten.

I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Rhode Island.

#### SAVE OUR SEAS ACT OF 2018

Mr. WHITEHOUSE. Mr. President, I have the happy occasion to actually pass a law. It is one that I have been working on for some time. So I have taken the opportunity to come to the floor to actually move it through myself. Yet, before I do that, there are a considerable number of thank yous that are in order.

The first and foremost thank you is to Senator DAN SULLIVAN of Alaska, who chaired the subcommittee hearing that first moved this issue before the Senate in a bipartisan fashion within the Environment and Public Works Committee. It was a really important thing for Senator SULLIVAN to have done. In part, it solved the problem between the Environment and Public Works Committee and the Commerce, Science, and Transportation Committee over jurisdiction in this area. We are very fortunate that Senator SULLIVAN served both as the chairman of the relevant Environment and Public Works Committee and also of the Fisheries Subcommittee of the Commerce Committee so that he was in a position to negotiate with himself over jurisdiction and, obviously, come to a happy conclusion.

I thank Senator INHOFE, who was an early sponsor of this legislation. He attended the hearing. I will confess that when Senator INHOFE came to our hearing on the Environment and Public Works Committee on an environmental matter, I was not convinced that it was a positive turn of events for the bill, but Senator INHOFE could not have been more gracious and took a very strong interest in this piece of legislation. He was an original cosponsor, so I thank him as well.

I thank Senator MURKOWSKI. In her being from Alaska, she joined Senator SULLIVAN. Alaska has a terrific problem with the issue that we are addressing. The issue at hand is marine plastic debris—the plastic waste with which we are filling the ocean. In Rhode Island, we do beach cleanups whereby people go up and down the beach and pick up the plastic trash that has washed ashore. We do those with trash bags. In Alaska, they do those with front-end loaders, dumpsters, and barges, because Alaska faces the Pacific, and there is far more plastic waste and trash in the Pacific. The worst sources for plastic waste and trash are Asian countries, which have

terrible upland waste disposal infrastructure. It ends up in the creek, and it ends up in the river, and it ends up in the sea. So Alaska has had a terrific role.

Senator MURKOWSKI's role was as my coordinate on the Oceans Caucus. She helped to make sure that the Oceans Caucus—a group of 38 Senators—supported this. It was a very bipartisan group, so that provided some added oomph to all of this, if that is not too informal a word to use on the Senate floor.

I also thank my original Democratic cosponsor, Senator BOOKER.

A lot of people have had a hand in this, and there were a great number of sponsors. I appreciate all of them for their support in all of this.

We have had an interesting time because the bill actually passed the Senate before, but when colleagues saw something moving, they wanted to put things on it. So a few pieces have been added from the House side that relate to maritime safety and a Coast Guard Center of Excellence, which we welcome onto the bill and appreciate now that we have the chance to finally pass it.

I also thank Adena Leibman, of my staff, who has just been very persistent and thorough about making this happen and has worked very well with staff members from the offices involved in having helped to coordinate all of my activities with the Oceans Caucus. She has done a really exemplary staff job. As the Presiding Officer knows, the common description of Senators around here is that we are walking constitutional impediments to the smooth and orderly operation of staff. While Senators may disagree with that from time to time, Adena Leibman certainly does a smooth and orderly operation of staff, and I appreciate her.

Senator SULLIVAN could not be here. We had hoped to be able to do this together, but I do express to him my very, very strong appreciation for what a really wonderful partner he has been in all of this. Not only are we excited to pass the Save Our Seas Act, but we are already working on SOS 2.0. Just today, in the Environment and Public Works Committee, we held another hearing on marine plastics—this one at the full committee level, led by Senator BARRASSO. So I owe Senator BARRASSO a thank you.

I find it interesting that at today's hearing, the two leading Republicans on the committee who were there, at the top—DAN and I are more junior—were Senator BARRASSO and Senator INHOFE, both of whom were present, both of whom were productive and helpful, and both who suffer this terrible disability of living in landlocked States. They don't actually have a coast. Yet they have been helpful in moving this forward. We also had a terrific coalition of business and other interests.

You have seen the reaction around the world to know how this problem

has suddenly emerged onto the national and international stages, and I think we are really in a terrific position, after we pass this bill, to move on, I hope, with equal bipartisanship and alacrity, and pass our Save Our Seas 2.0.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3508, introduced earlier today by Senator SULLIVAN and me.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3508) to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3508) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3508

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Save Our Seas Act of 2018".

#### TITLE I—MARINE DEBRIS

##### SEC. 101. NOAA MARINE DEBRIS PROGRAM.

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5)(C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(6) work to develop outreach and education strategies with other Federal agencies to address sources of marine debris;

“(7) except for discharges of marine debris from vessels, in consultation with the Department of State and other Federal agencies, promote international action, as appropriate, to reduce the incidence of marine debris, including providing technical assistance to expand waste management systems internationally; and

“(8) in the case of an event determined to be a severe marine debris event under subsection (c)—

“(A) assist in the cleanup and response required by the severe marine debris event; or

“(B) conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.”;

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following:

“(C) SEVERE MARINE DEBRIS EVENTS.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.”; and

(4) in subsection (d)(2), as redesignated—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”; and

(B) by adding at the end the following:

“(C) SEVERE MARINE DEBRIS EVENTS.—Notwithstanding subparagraph (A), the Federal share of the cost of an activity carried out under a determination made under subsection (c) shall be—

“(i) 100 percent of the cost of the activity, for an activity funded wholly by funds made available by a person, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event; or

“(ii) 75 percent of the cost of the activity, for any activity other than an activity funded as described in clause (i).”.

##### SEC. 102. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) support research and development on systems and materials that reduce—

(A) derelict fishing gear; and

(B) the amount of solid waste that is generated from land-based sources and the amount of such waste that enters the marine environment;

(2) work with representatives of foreign countries that discharge the largest amounts of solid waste from land-based sources into the marine environment, to develop mechanisms to reduce such discharges;

(3) carry out studies to determine—

(A) the primary means of discharges referred to in paragraph (2);

(B) the manner in which waste management infrastructure can be most effective in preventing such discharges; and

(C) the long-term impacts of marine debris on the national economies of the countries with which work is undertaken under paragraph (2) and on the global economy, including the impacts of reducing the discharge of such debris;

(4) work with representatives of the countries with which work is undertaken in paragraph (2) to conclude one or more new international agreements that include provisions—

(A) to mitigate the discharge of land-based solid waste into the marine environment; and

(B) to provide technical assistance and investment in waste management infrastructure to reduce such discharges, if the President determines such assistance or investment is appropriate; and

(5) encourage the United States Trade Representative to consider the impact of discharges of land-based solid waste from the countries with which work is conducted under paragraph (2) in relevant future trade agreements.

##### SEC. 103. SENSE OF CONGRESS SUPPORTING GREAT LAKES LAND-BASED MARINE DEBRIS ACTION PLAN.

It is the sense of Congress that the Great Lakes Land-Based Marine Debris Action Plan (NOAA Technical Memorandum NOS-OR&R-49) is vital to the ongoing efforts to clean up the Great Lakes Region and getting rid of harmful debris, such as microplastics, abandoned vessels, and other forms of pollution that are threatening the survival of native marine animals and damaging the Great Lakes' recreation and tourism economy.

##### SEC. 104. MEMBERSHIP OF THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.

Section 5(b) of the Marine Debris Act (33 U.S.C. 1954(b)) is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

“(5) the Department of State;

“(6) the Department of the Interior; and”.

**SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended to read as follows:

**“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There is authorized to be appropriated to the Administrator \$10,000,000 for each of fiscal years 2018 through 2022 for carrying out sections 3, 5, and 6, of which not more than 5 percent is authorized for each fiscal year for administrative costs.

“(b) AMOUNTS AUTHORIZED FOR COAST GUARD.—Of the amounts authorized for each fiscal year under section 2702(1) of title 14, United States Code, up to \$2,000,000 is authorized for the Secretary of the department in which the Coast Guard is operating for use by the Commandant of the Coast Guard to carry out section 4 of this Act, of which not more than 5 percent is authorized for each fiscal year for administrative costs.”.

**TITLE II—MARITIME SAFETY****SEC. 201. SHORT TITLE.**

This title may be cited as the “Hamm Alert Maritime Safety Act of 2018”.

**SEC. 202. FINDINGS.**

Congress finds the following:

(1) On September 29, 2015, the SS El Faro cargo vessel left Jacksonville, Florida bound for San Juan, Puerto Rico, carrying 391 shipping containers, 294 trailers and cars, and a crew of 33 people, including 28 Americans.

(2) On the morning of October 1, the El Faro sent its final communication reporting that the engines were disabled and the ship was listing, leaving the ship directly in the path of Hurricane Joaquin and resulting in the sinking of the vessel and the loss of all 33 lives.

(3) The National Transportation Safety Board and the Coast Guard made recommendations to address safety issues, such as improving weather information and training, improving planning and response to severe weather, reviewing the Coast Guard’s program delegating vessel inspections to third-party organizations to assess the effectiveness of the program, and improving alerts and equipment on the vessels, among other recommendations.

(4) Safety issues are not limited to the El Faro. For 2017, over 21,000 deficiencies were issued to United States commercial vessels and more than 2,500 U.S. vessels were issued “no-sail” requirements.

(5) The maritime industry, particularly the men and women of the United States merchant marine, play a vital and important role to the national security and economy of our country, and a strong safety regime is necessary to ensure the vitality of the industry and the protection of current and future mariners, and to honor lost mariners.

**SEC. 203. DEFINITIONS.**

In this title:

(1) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(2) **RECOGNIZED ORGANIZATION.**—The term “recognized organization” has the meaning given that term in section 2.45–1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

**SEC. 204. DOMESTIC VESSEL COMPLIANCE.**

(a) IN GENERAL.—Not later than 60 days after the date on which the President submits to the Congress a budget each year pursuant to section 1105 of title 31, United States Code, the Commandant shall publish on a publicly accessible Website information documenting domestic vessel compliance with the requirements of subtitle II of title 46, United States Code.

(b) **CONTENT.**—The information required under subsection (a) shall—

(1) include flag-State detention rates for each type of inspected vessel; and

(2) identify any recognized organization that inspected or surveyed a vessel that was later subject to a Coast Guard-issued control action attributable to a major nonconformity that the recognized organization failed to identify in such inspection or survey.

**SEC. 205. SAFETY MANAGEMENT SYSTEM.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the implementation and effectiveness of the Coast Guard’s oversight and enforcement of safety management plans required under chapter 32 of title 46, United States Code.

(b) **SCOPE.**—The audit conducted under subsection (a) shall include an evaluation of—

(1) the effectiveness and implementation of safety management plans, including such plans for—

(A) a range of vessel types and sizes; and

(B) vessels that operate in a cross-section of regional operating areas; and

(2) the effectiveness and implementation of safety management plans in addressing the impact of heavy weather.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the audit and providing recommendations related to such results, including ways to streamline and focus such plans on ship safety.

(d) **MARINE SAFETY ALERT.**—Not later than 60 days after the date the report is submitted under subsection (c), the Commandant shall publish a Marine Safety Alert providing notification of the completion of the report and including a link to the report on a publicly accessible website.

(e) **ADDITIONAL ACTIONS.**—

(1) IN GENERAL.—Upon completion of the report under subsection (c), the Commandant shall consider additional guidance or a rule-making to address any deficiencies identified, and any additional actions recommended, in the report.

(2) **REPORT.**—Not later than 1 year after the date the report is submitted under subsection (c), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken to address any deficiencies identified, and any additional actions recommended, in the report submitted under subsection (c).

**SEC. 206. EQUIPMENT REQUIREMENTS.**

(a) **REGULATIONS.**—

(1) IN GENERAL.—Section 3306 of title 46, United States Code, is amended by adding at the end the following:

“(1)(1) The Secretary shall require that a freight vessel inspected under this chapter be outfitted with distress signaling and location technology for the higher of—

“(A) the minimum complement of officers and crew specified on the certificate of inspection for such vessel; or

“(B) the number of persons onboard the vessel; and

“(2) the requirement described in paragraph (1) shall not apply to vessels operating within the baseline from which the territorial sea of the United States is measured.

“(m)(1) The Secretary shall promulgate regulations requiring companies to maintain records of all incremental weight changes

made to freight vessels inspected under this chapter, and to track weight changes over time to facilitate rapid determination of the aggregate total.

“(2) Records maintained under paragraph (1) shall be stored, in paper or electronic form, onboard such vessels for not less than 3 years and shoreside for the life of the vessel.”.

(2) **DEADLINES.**—The Secretary shall—

(A) begin implementing the requirement under section 3306(l) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act; and

(B) promulgate the regulations required under section 3306(m) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act.

(b) **ENGAGEMENT.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend regulation 25 of chapter II–1 of the International Convention for the Safety of Life at Sea to require a high-water alarm sensor in each cargo hold of a freight vessel (as that term is defined in section 2101 of title 46, United States Code), that connects with audible and visual alarms on the navigation bridge of the vessel.

**SEC. 207. VOYAGE DATA RECORDER; ACCESS.**

(a) IN GENERAL.—Chapter 63 of title 46, United States Code, is amended by adding at the end the following:

**“§ 6309. Voyage data recorder access**

“Notwithstanding any other provision of law, the Coast Guard shall have full, concurrent, and timely access to and ability to use voyage data recorder data and audio held by any Federal agency in all marine casualty investigations, regardless of which agency is the investigative lead.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“6309. Voyage data recorder access.”.

**SEC. 208. VOYAGE DATA RECORDER; REQUIREMENTS.**

(a) **FLOAT-FREE AND BEACON REQUIREMENTS.**—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend regulation 20 of chapter V of the International Convention for the Safety of Life at Sea to require that all voyage data recorders are installed in a float-free arrangement and contain an integrated emergency position indicating radio beacon.

(2) **PROGRESS UPDATE.**—Not later than 3 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update on the progress of the engagement required under paragraph (1).

(b) **COST-BENEFIT ANALYSIS.**—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a cost-benefit analysis of requiring that voyage data recorders installed on commercial vessels documented under chapter 121 of title 46, United States Code, capture communications on the internal telephone systems of such vessels, including requiring the capture of both sides of all communications with the bridge onboard such vessels.



**SEC. 209. SURVIVAL AND LOCATING EQUIPMENT.**

Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, identify and procure equipment that will provide search-and-rescue units the ability to attach a radio or Automated Identification System strobe or beacon to an object that is not immediately retrievable.

**SEC. 210. TRAINING OF COAST GUARD PERSONNEL.**

(a) **PROSPECTIVE SECTOR COMMANDER TRAINING.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall implement an Officer in Charge, Marine Inspections segment to the sector commander indoctrination course for prospective sector commanders without a Coast Guard prevention ashore officer specialty code.

(b) **STEAMSHIP INSPECTIONS.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall implement steam plant inspection training for Coast Guard marine inspectors and, subject to availability, recognized organizations to which authority is delegated under section 3316 of title 46, United States Code.

(c) **ADVANCED JOURNEYMAN INSPECTOR TRAINING.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Commandant shall establish advanced training to provide instruction on the oversight of recognized organizations to which authority is delegated under section 3316 of title 46, United States Code, auditing responsibilities, and the inspection of unique vessel types.

(2) **RECIPIENTS.**—The Commandant shall—

(A) require that such training be completed by senior Coast Guard marine inspectors; and

(B) subject to availability of training capacity, make such training available to recognized organization surveyors authorized by the Coast Guard to conduct inspections.

(d) **COAST GUARD INSPECTIONS STAFF; BRIEFING.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing detailing—

(1) the estimated time and funding necessary to triple the current size of the Coast Guard's traveling inspector staff; and

(2) other options available to the Coast Guard to enhance and maintain marine safety knowledge, including discussion of increased reliance on—

(A) civilian marine inspectors;

(B) experienced licensed mariners;

(C) retired members of the Coast Guard;

(D) arranging for Coast Guard inspectors to ride onboard commercial oceangoing vessels documented under chapter 121 of title 46, United States Code, to gain experience and insight; and

(E) extending tour-lengths for Coast Guard marine safety officers assigned to inspection billets.

(e) **AUDITS; COAST GUARD ATTENDANCE AND PERFORMANCE.**—Not later than 180 days after the date of the enactment of this Act, the Commandant shall—

(1) update Coast Guard policy to utilize risk analysis to target the attendance of Coast Guard personnel during external safety management certificate and document of compliance audits; and

(2) perform a quality assurance audit of recognized organization representation and performance regarding United States-flagged vessels.

**SEC. 211. MAJOR MARINE CASUALTY PROPERTY DAMAGE THRESHOLD.**

Section 6101(i)(3) of title 46, United States Code, is amended by striking “\$500,000” and inserting “\$2,000,000”.

**SEC. 212. REVIEWS, BRIEFINGS, REPORTS, AND TECHNICAL CORRECTIONS.**

(a) **MAJOR CONVERSION DETERMINATIONS.**—

(1) **REVIEW OF POLICIES AND PROCEDURES.**—The Commandant shall conduct a review of policies and procedures for making and documenting major conversion determinations, including an examination of the deference given to precedent.

(2) **BRIEFING.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the findings of the review required by paragraph (1).

(b) **VENTILATORS, OPENINGS AND STABILITY STANDARDS.**—

(1) **REVIEW.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall complete a review of the effectiveness of United States regulations, international conventions, recognized organizations' class rules, and Coast Guard technical policy regarding—

(A) ventilators and other hull openings;

(B) fire dampers and other closures protecting openings normally open during operations;

(C) intact and damage stability standards under subchapter S of chapter I of title 46, Code of Federal Regulations; and

(D) lifesaving equipment for mariners, including survival suits and life jackets.

(2) **BRIEFING.**—Not later than 18 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the effectiveness of the regulations, international conventions, recognized organizations' class rules, and Coast Guard technical policy reviewed under paragraph (1).

(c) **SELF-LOCATING DATUM MARKER BUOYS.**—Not later than 6 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the reliability of self-locating datum marker buoys and other similar technology used during Coast Guard search-and-rescue operations. The briefing shall include a description of reasonable steps the Commandant could take to increase the reliability of such buoys, including the potential to leverage technology used by the Navy, and how protocols could be developed to conduct testing of such buoys before using them for operations.

(d) **CORRECTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Transportation, for purposes of section 502(f)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(4)) (as in effect on the day before the amendments made by section 11607 of Public Law 114-94 (129 Stat. 1698) took effect)—

(A) not later than 30 days after the date of enactment of this Act, and in consultation with the Director of the Office of Management and Budget, shall define the term “cohorts of loans”; and

(B) before the deadline described in paragraph (2), shall return to the original source, on a pro rata basis, the credit risk premiums paid for the loans in the cohort of loans, with interest accrued thereon, that were not used to mitigate losses; and

(C) shall not treat the repayment of a loan after the date of enactment of Public Law 114-94 as precluding, limiting, or negatively affecting the satisfaction of the obligation of its cohort prior to the enactment of Public Law 114-94.

(2) **DEADLINE DESCRIBED.**—The deadline described in this paragraph is—

(A) if all obligations attached to a cohort of loans have been satisfied, not later than 60 days after the date of enactment of this Act; and

(B) if all obligations attached to a cohort of loans have not been satisfied, not later than 60 days after the date on which all obligations attached to the cohort of loans are satisfied.

(e) **OVERSIGHT PROGRAM; EFFECTIVENESS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Commandant shall commission an assessment of the effectiveness of the Coast Guard's oversight of recognized organizations and its impact on compliance by and safety of vessels inspected by such organizations.

(2) **EXPERIENCE.**—The assessment commissioned under paragraph (1) shall be conducted by a research organization with significant experience in maritime operations and marine safety.

(3) **SUBMISSION TO CONGRESS.**—Not later than 180 days after the date that the assessment required under paragraph (1) is completed, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of such assessment.

**SEC. 213. FLAG-STATE GUIDANCE AND SUPPLEMENTS.**

(a) **FREIGHT VESSELS; DAMAGE CONTROL INFORMATION.**—Within 1 year after the date of the enactment of this Act, the Secretary shall issue flag-State guidance for all freight vessels documented under chapter 121 of title 46, United States Code, built before January 1, 1992, regarding the inclusion of comprehensive damage control information in safety management plans required under chapter 32 of title 46, United States Code.

(b) **RECOGNIZED ORGANIZATIONS; UNITED STATES SUPPLEMENT.**—The Commandant shall—

(1) work with recognized organizations to create a single United States Supplement to rules of such organizations for classification of vessels; and

(2) by not later than 1 year after the date of the enactment of this Act, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on whether it is necessary to revise part 8 of title 46, Code of Federal Regulations, to authorize only one United States Supplement to such rules.

**SEC. 214. MARINE SAFETY STRATEGY.**

Section 2116 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “each year of an annual” and inserting “of a triennial”; and

(2) in subsection (b)—

(A) in the subsection heading, by striking “ANNUAL” and inserting “TRIENNIAL”; and

(B) by striking “annual” each place it appears and inserting “triennial”; and

(3) in subsection (c)—

(A) by striking “fiscal year 2011 and each fiscal year” and inserting “fiscal year 2020 and triennially”; and

(B) by striking “annual plan” and inserting “triennial plan”; and

(4) in subsection (d)(2), by striking “annually” and inserting “triennially”.

**SEC. 215. RECOGNIZED ORGANIZATIONS; OVERSIGHT.**

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following:

“(g)(1) There shall be within the Coast Guard an office that conducts comprehensive and targeted oversight of all recognized organizations that act on behalf of the Coast Guard.

“(2) The staff of the office shall include subject matter experts, including inspectors, investigators, and auditors, who possess the capability and authority to audit all aspects of such recognized organizations.

“(3) In this subsection the term ‘recognized organization’ has the meaning given that term in section 2.45-1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Hamm Alert Maritime Safety Act of 2018.”

(b) DEADLINE FOR ESTABLISHMENT.—The Commandant of the Coast Guard shall establish the office required by the amendment made by subsection (a) by not later than 2 years after the date of the enactment of this Act.

**SEC. 216. TIMELY WEATHER FORECASTS AND HAZARD ADVISORIES FOR MERCHANT MARINERS.**

Not later than 1 year after the date of enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend the International Convention for the Safety of Life at Sea to require that vessels subject to the requirements of such Convention receive—

(1) timely synoptic and graphical chart weather forecasts; and

(2) where available, timely hazard advisories for merchant mariners, including broadcasts of tropical cyclone forecasts and advisories, intermediate public advisories, and tropical cyclone updates to mariners via appropriate technologies.

**SEC. 217. ANONYMOUS SAFETY ALERT SYSTEM.**

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Commandant shall establish an anonymous safety alert pilot program.

(b) REQUIREMENTS.—The pilot program established under subsection (a) shall provide an anonymous reporting mechanism to allow crew members to communicate urgent and dire safety concerns directly and in a timely manner with the Coast Guard.

**SEC. 218. MARINE SAFETY IMPLEMENTATION STATUS.**

(a) IN GENERAL.—Not later than December 19 of 2018, and of each of the 2 subsequent years thereafter, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of implementation of each action outlined in the Commandant’s final action memo dated December 19, 2017, regarding the sinking and loss of the vessel *El Faro*.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Department of Homeland Security Inspector General shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Coast Guard’s implementation of each action outlined in the Commandant’s final action memo dated December 19, 2017, regarding the sinking and loss of the vessel *El Faro*.

**SEC. 219. DELEGATED AUTHORITIES.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act,

the Commandant shall review the authorities that have been delegated to recognized organizations for the alternative compliance program as described in subpart D of part 8 of title 46, Code of Federal Regulations, and, if necessary, revise or establish policies and procedures to ensure those delegated authorities are being conducted in a manner to ensure safe maritime transportation.

(b) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the implementation of subsection (a).

**TITLE III—CENTER OF EXPERTISE****SEC. 301. SHORT TITLE.**

This title may be cited as the “Coast Guard Blue Technology Center of Expertise Act”.

**SEC. 302. COAST GUARD BLUE TECHNOLOGY CENTER OF EXPERTISE.**

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act and subject to the availability of appropriations, the Commandant may establish under section 58 of title 14, United States Code, a Blue Technology center of expertise.

(b) MISSIONS.—In addition to the missions listed in section 58(b) of title 14, United States Code, the Center may—

(1) promote awareness within the Coast Guard of the range and diversity of Blue Technologies and their potential to enhance Coast Guard mission readiness, operational performance, and regulation of such technologies;

(2) function as an interactive conduit to enable the sharing and dissemination of Blue Technology information between the Coast Guard and representatives from the private sector, academia, nonprofit organizations, and other Federal agencies;

(3) increase awareness among Blue Technology manufacturers, entrepreneurs, and vendors of Coast Guard acquisition policies, procedures, and business practices;

(4) provide technical support, coordination, and assistance to Coast Guard districts and the Coast Guard Research and Development Center, as appropriate; and

(5) subject to the requirements of the Coast Guard Academy, coordinate with the Academy to develop appropriate curricula regarding Blue Technology to be offered in professional courses of study to give Coast Guard cadets and officer candidates a greater background and understanding of Blue Technologies.

(c) BLUE TECHNOLOGY EXPOSITION; BRIEFING.—Not later than 6 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the costs and benefits of hosting a biennial Coast Guard Blue Technology exposition to further interactions between representatives from the private sector, academia, and nonprofit organizations, and the Coast Guard and examine emerging technologies and Coast Guard mission demands.

(d) DEFINITIONS.—In this section:

(1) CENTER.—The term “Center” means the Blue Technology center of expertise established under this section.

(2) COMMANDANT.—The term “Commandant” means the Commandant of the Coast Guard.

(3) BLUE TECHNOLOGY.—The term “Blue Technology” means any technology, system, or platform that—

(A) is designed for use or application above, on, or below the sea surface or that is

otherwise applicable to Coast Guard operational needs, including such a technology, system, or platform that provides continuous or persistent coverage; and

(B) supports or facilitates—

(i) maritime domain awareness, including—

(I) surveillance and monitoring;

(II) observation, measurement, and modeling; or

(III) information technology and communications;

(ii) search and rescue;

(iii) emergency response;

(iv) maritime law enforcement;

(v) marine inspections and investigations;

or

(vi) protection and conservation of the marine environment.

Mr. WHITEHOUSE. I thank the Presiding Officer. Bravo to all who participated in making this possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WICKER). Without objection, it is so ordered.

**UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 867**

Mr. FLAKE. Mr. President, I ask unanimous consent that following leader remarks on Thursday, September 27, the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 867. I further ask that the time until 12:40 be equally divided in the usual form; that following the use or yielding back of time, the Senate vote on the nomination with no motions in order and without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements related to the nomination be printed in the RECORD.

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

**LEGISLATIVE SESSION****MORNING BUSINESS**

Mr. FLAKE. Mr. 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 PRESIDING OFFICER. Without objection, it is so ordered.

**MUSIC MODERNIZATION ACT**

Mr. HATCH. Mr. President, I wish to enter a few remarks into the RECORD

regarding section 103(a) of the Music Modernization Act, which the Senate recently passed.

By striking current sections 114(f)(1) and (2) of title 17 and substituting a new section 114(f)(1) based on current section 114(f)(2), section 103(a) of the bill creates a uniform “willing buyer/willing seller” rate standard in section 114. This fair standard requires that performing artists and copyright owners be appropriately compensated for the use of their works under the statutory license because rates under this standard are to be set at a level that best approximates the rates that artists and copyright owners would have been able to negotiate in a free market. It has long been a goal of Congress to move toward a free market standard for the statutory license and to move away from the 801(b) standard that permits the copyright royalty judges to set a nonmarket rate for satellite digital audio radio services, (SDARS), and preexisting subscription services, (PSS). Discounted nonmarket rates harm artists and copyright owners, as well as the competitors of SDARS and PSS. As a transitional matter, however, the bill amends section 804(b)(3)(B) of the Copyright Act to continue, through 2027, 2018-2022 statutory royalty rates for PSS that are finally determined in the rate proceeding currently pending before the copyright royalty judges.

The bill also continues through 2027 the statutory royalty rates for SDARS set forth by the copyright royalty judges on December 14, 2017, in their initial determination for the rate period ending on December 31, 2022. The remainder of my statement today will address the PSS category.

After 2027, the PSS will remain a distinct category of service under section 114. We have chosen to retain the PSS category as a distinct category because, over the last 20 years, the PSS have been treated distinctly from other types of services for purposes other than the rate standard, such as in the statutory license reporting regulations in 37 C.F.R. 370.3. We express no view as to the merits of those particular provisions or as to whether it makes sense to continue to treat the PSS differently from other types of services as to reporting requirements or any other matter besides the rate standard.

One consequence of retaining the PSS category after 2027 is that, so long as there continue to be PSS in operation, statutory royalty rates for PSS will continue to be set in proceedings separate from those in which rates are set for similar “new subscription services” that also provide music channels delivered over cable and satellite networks as part of cable and satellite subscription packages. Statutory royalty rates for such new subscription services have always been subject to the willing buyer/willing seller rate standard and are currently found at 37 C.F.R. part 383. The difference in the timing of rate proceedings for PSS and

similar new subscription services is simply the result of keeping each service on the same 5-year cycle of rate-setting proceedings that has applied to the service in the past and does not reflect a judgment that the royalty rates for PSS and similar new subscription services should be different. The intent of this legislation is to eliminate the rate-setting preference that the PSS and SDARS previously enjoyed under section 114(f)(1) and require all services to pay statutory royalties reflecting the fair market value of the recordings they use without regard to regulatory categories or the schedule of rate-setting proceedings. We expect that similar services will pay similar market rates.

During the period through 2027, when the PSS may continue to pay statutory royalty rates that have been set at below-market levels depending on the outcome of the pending rate proceeding—eligibility for the PSS rates will continue to be limited to the category of services eligible for grandfathering under the old rate standard when the PSS category was created, so as to protect pre-1998 investments in the particular service offerings at issue.

Mr. President, I now wish to enter into the RECORD a few remarks regarding section 105 of the Music Modernization Act, or MMA, which the Senate recently passed.

An important policy objective of the MMA is to bring legal certainty to areas of the music licensing marketplace where it is lacking today in order to benefit songwriters, recording artists, music users, and ultimately listeners. In the market for the public performance of musical works, where no governing statutory framework exists, that certainty has long been provided by the Department of Justice, DOJ, consent decrees with ASCAP and BMI.

To ensure that certainty remains in that market, section 105 of the MMA creates a process that will enable Congress to exercise an ongoing oversight role over decisions by DOJ to review, modify, or terminate the ASCAP or BMI consent decree. Terminating either of these decrees without a viable legislative alternative in place would create the very market uncertainty that the MMA seeks to remedy.

For that reason, in the event DOJ elects to undertake a review of the ASCAP or BMI consent decree, the MMA instructs DOJ to consult with and report to Congress throughout that review. Such a process will enable Congress to act on any needed legislative improvements or replacement of the consent decree framework as a precursor to DOJ action to terminate the decrees.

Importantly, in the event that DOJ decides to move to terminate either the ASCAP or BMI consent decree, including through a motion to sunset the decree after a specified period of time, the MMA requires DOJ to notify the

House and Senate Committees on the Judiciary of its intent to file such a motion “a reasonable time before” filing the motion. The purpose of this provision is to provide adequate time for congressional consultation and any legislative action that may be necessary as the result of a motion to terminate the decree. The bill’s sponsors believe that such notification is required under section 105 and that “a reasonable time” means at least 90 days before a motion to terminate is filed, in order to provide adequate notice to Congress.

#### ROHINGYA CRISIS

Mr. DURBIN. Mr. President, Saturday, August 25, 2018, marked 1 year since the brutal attacks in Burma that sent more than 700,000 Rohingya fleeing for their lives to Bangladesh.

Horror stories were reported, including mass murder, rape, babies being thrown into fires, and entire villages razed to the ground at the hands of Burmese military officials. In Bangladesh, these desperate refugees joined hundreds of thousands of others who fled in waves of previous violence.

The Rohingya sadly have a long history of being discriminated against and even violently attacked in Burma. In fact, UN Secretary General Antonio Guterres said recently of the Rohingya, “there is no population in the world that I have seen more discrimination against.” While we have seen changes in Burma recently, the horrible treatment of ethnic minorities such as the Rohingya has continued.

Saturday, August 25, 2018, is also the day we lost our Senate colleague, the great patriot, John McCain.

John McCain and I historically partnered with Senators FEINSTEIN and MCCONNELL to renew sanctions against Burma until it released Aung San Suu Kyi and moved toward democracy. More recently, John McCain was the sponsor of bipartisan Senate legislation that would narrowly sanction those Burmese military officials responsible for the violence against the Rohingya. I was proud to join him in that effort. The bill has nearly two dozen cosponsors, Members from across the country and the political spectrum. We all recognize as John McCain did that, despite the historic changes in Burma, we must not allow the Burmese military to continue to act with impunity.

We appreciate the efforts of our administration—humanitarian aid, sanctions on a few security officials and units, interviewing refugees and documenting crimes—but it is not enough, especially as Burmese officials continue to deny that any crimes took place and ignore calls of safe and voluntary repatriation and accountability. There are even reports that the Burmese military continues to bulldoze and overtake former Rohingya villages, as well as engage in attacks in Shan and Kachin State against other ethnic minorities.

It is no wonder that the UN's Independent International Fact-Finding Mission on Myanmar reported recently that the Burmese military acted with "genocidal intent"—genocide, not a term taken lightly and not a term applied often. This comes on the heels of reports by others, such as Fortify Rights, Amnesty International, and Human Rights Watch. Presented by the UN's Human Rights Council, the latest report is the result of interviews with nearly 900 witnesses, and it calls for the international community to act.

Our State Department has similarly reported that the Burmese military's operations against the Rohingya were "well-planned and coordinated," although I am disappointed that the Department stopped short of making a legal determination on the crimes.

Senator MCCONNELL continues to block any action on the late John McCain's bipartisan legislation.

A year after the latest wave of violence, report after damning report documents the Burmese military's scorched-earth tactics. The international community calls for immediate action: accountability, humanitarian relief, conducive conditions in Burma for safe and voluntary repatriation.

Congress has its hands tied by the majority leader.

Like Senator MCCONNELL, I have also been a big fan of Aung San Suu Kyi and had high hopes for her, and I recognize the near impossible position she is in with the Burmese military, but her blindness to the suffering of her own people, not to mention her defense of the absurd jailing of the two Reuters reporters, troubles me deeply. That is not the Aung San Suu Kyi that John McCain called his "personal hero."

John McCain's bill is about ensuring that we hold the Burmese military accountable for its operations. I hope the majority leader will finally recognize that and allow this bipartisan bill to move.

#### MALNUTRITION AWARENESS WEEK

Mr. CASEY. Mr. President, September 24 to 28, 2018, marks Malnutrition Awareness Week. Malnutrition Awareness Week is a multi-organizational, multipronged campaign created by the American Society for Parenteral and Enteral Nutrition to educate healthcare professionals to identify and treat for malnutrition earlier, educate consumers and patients to discuss their nutrition status with healthcare professionals, and increase awareness of nutrition's role in patient recovery.

Last summer, the U.S. Senate Special Committee on Aging held a hearing to discuss the importance of proper nutrition and the impact of malnutrition on America's seniors. We learned that, in 2014, more than 13 percent of seniors in Pennsylvania reported food insecurity. Experts shared that poverty, food insecurity, and changes with age significantly increase the risk of malnutrition.

Unfortunately, we do not know the full extent to which malnutrition plagues seniors across the country. It is for this reason that last fall I called on the U.S. Government Accountability Office to examine what is known about the caloric and nutrient needs of older adults as well as the extent to which federally funded nutrition programs that serve older adults are meeting their nutrition needs.

No seniors should have to choose between putting food on the table and taking their medications. That is why, as ranking member of the Aging Committee, I authored a bill, the Nourishing Our Golden Years Act, to improve seniors' access to the senior food box program, my bill assures that seniors are not kicked off the program simply because of red tape and difficult deadlines.

We cannot solve malnutrition without better understanding the issue. Older adults, caregivers and healthcare professionals require guidance on the identification of and interventions for seniors facing this crisis. I am pleased to raise awareness about malnutrition among seniors as part of Malnutrition Awareness Week.

#### TRIBUTE TO MATT MEAD

Mr. BARRASSO. Mr. President, today I wish to share my appreciation for Governor Matt Mead. He will complete his second term as Wyoming's commander in chief this year. It is an honor to recognize his devotion to our servicemen and women.

Here in Wyoming, we rely on the cowboy code. The Code of the West was adopted as the State's official code of ethics. It reminds us to "live each day with courage" and "be tough, but fair." It also reminds us to "take pride in our work."

Governor Mead can certainly take pride in his role as a champion and advocate for Wyoming's military members and their families. Since 2008, Matt attended 22 deployment ceremonies for members of the Wyoming Air and Army National Guards. In 8 years, exactly 2,235 airmen and soldiers have been deployed to fight the war on terror and protect our Nation.

Matt knows the importance of supporting our troops, both at home and overseas. He visited deployed troops on six separate occasions to bring words of support and encouragement from home. Similarly, he was on the ground with families and friends at 22 homecoming events, greeting returning men and women with a smile on his face.

Governor Mead is also dedicated to thanking those who have already served. During his tenure, he attended 53 Veterans Day and welcome home events. These welcome home ceremonies began as a way to honor veterans of the Korean conflict and the Vietnam war who returned home without receiving proper recognition of their service and sacrifice.

In addition, he signed legislation designating Interstate 25, which runs

north to south from Buffalo, Wyoming, to the Colorado border, as the Vietnam Veterans Welcome Home Highway.

Finally, under his direction, the Wyoming Veterans Commission assisted over 8,000 veterans and family members with problems or requests for information. Matt's determination to provide high-quality care and support to Wyoming's veterans is unparalleled.

Matt does not stop at honoring veterans and supporting Active-Duty servicemembers. In 2011, he saw a need to recognize those just beginning their service. Now, he regularly hosts enlistment ceremonies for young men and women who commit to joining the Armed Forces.

At these special events, Governor Mead takes time to share his appreciation for their bravery, patriotism, and desire to serve our Nation. His warm words of inspiration provide reassurance to these young people and their families as they embark on this momentous journey. Since the first ceremony, a total of 3,035 enlistees have been recognized for answering the call of duty.

Governor Mead is not alone in his efforts to celebrate their selfless sacrifice. He is aided by the Hon. Gary Hartman, who serves as Mead's military and veteran policy analyst. Judge Hartman is a U.S. Air Force veteran who served in Vietnam. Judge Hartman coordinates each ceremony and plays a vital role in ensuring each and every one of these talented individuals is celebrated.

In addition to his military service, Judge Hartman served for 25 years on the Fifth Judicial District Court. His extensive knowledge of the law, along with his passion for veterans' affairs, allowed him to help bring a veterans treatment court to Laramie County. The program's unique approach aims to add much-needed mental health and mentoring services to veterans facing criminal charges. His experiences, both in the Air Force and on the bench, make him a proud advocate who never hesitates to uphold, encourage, and defend veteran causes.

Wyoming holds two enlistment ceremonies each year. On November 12, Matt, with Judge Hartman's assistance, will host his final ceremony as Governor. Addressing a new group of enlistees, he will impart wisdom and speak about Wyoming's legacy of service. I have been honored to attend many of these ceremonies. It will again be my honor to stand beside my friend as we commend these fine young folks.

President Teddy Roosevelt famously said, "People don't care how much you know until they know how much you care." Time and time again, Governor Matt Mead demonstrates his respect and gratitude for our servicemembers. He leads with honor, integrity, and pride, and our State and Nation are better because of his dedication.

## ADDITIONAL STATEMENTS

## TRIBUTE TO AUDREY ROSENSTEIN

• Mr. HELLER. Mr. President, today I wish to recognize Audrey Rosenstein of Las Vegas, NV, for her tireless efforts on behalf of children in need of a family and her work that has distinguished her as a 2018 Angel in Adoption honoree. After learning of Audrey's story, I was proud to nominate her for this award, which is presented to individuals for outstanding contributions to adoption and child welfare through the Congressional Coalition on Adoption Institute.

Audrey and her husband, Craig, are parents to five biological children and 10 adopted children. Sixteen years ago, the Rosensteins decided to fill the empty bedrooms of their adult children with children in need of a safe and loving environment. Since then, their family has welcomed 25 foster children into their loving home. As a father of four, I have great admiration for the Rosensteins who have opened their heart and home to those who are in need of it most.

In addition to her parenting role, Audrey is committed to serving her community. Audrey is the president of Fostering Southern Nevada, an organization that is dedicated to improving foster parent recruitment and retention. She also works closely with the Clark County Department of Family Services on the Quality Parenting Initiative, as well as with Child Haven and Peggy's Closet to help ensure that foster families have access to the resources that they need.

Audrey was quoted in a Las Vegas Review Journal article saying, "I'm hoping we give children a feeling of being loved, important and being a part of a family. The idea that we've made an impact in someone's life makes it all worth it."

I certainly believe that Audrey has made a significant impact on many young lives, and I believe that Nevada is better off because of her unwavering commitment to providing young Nevadans with much-needed hope and love. I offer my deepest appreciation to both Audrey and her husband Craig for their efforts to care for Southern Nevada's children, and I ask that all of my colleagues join me in recognizing their service to our community. •

## 25TH ANNIVERSARY OF SUNRISE COUNTY ECONOMIC COUNCIL

• Mr. KING. Mr. President, today I wish to recognize the Sunrise County Economic Council of Washington County as they celebrate their 25th anniversary. Founded using funds left over from the Quoddy Job Opportunity Zone, an initiative from then-Governor John McKernan, SCEC has used a grassroots approach to economic development in Washington County. They have worked tirelessly across political, economic, and municipal boundaries to

promote development in one of the least populated counties in the State.

SCEC was founded in 1993 by a group of businesses and community leaders to promote economic and community development. SCEC brings together community-focused businesses, not-for-profit organizations, municipalities, and citizens to all work together to create jobs and promote prosperity in Washington County. During my time as Governor, we created the Investing in Washington County initiative, which was a partnership between SCEC and State agencies working through the cabinet subcommittee on economic development. Since then, SCEC has been dedicated to job creation and development and continues to play a vital role in Maine's economic prosperity.

Today SCEC has several programs and initiatives to achieve their goals to improve their community and promote development. One of these programs is Family Futures Downeast. This program aims to break the cycle of poverty by providing children with a safe, secure environment, high-quality education, and supporting parents through postsecondary education and career development. Parents enroll at the University of Maine Machias or Washington County Community College and their children are enrolled in early-education programs right on campus. Families receive support from a variety of partners, including college preparatory and tutoring services, workforce training, career counseling, and financial support. This program is life-changing for parents and children. Thanks to the program, children are thriving in high-quality childcare, parents can pursue opportunities without worrying about their children's care, and parents are on path to long-term, higher-paying jobs right in Washington County.

Another SCEC program is the Washington County Leadership Institute. Founded in 1997, the institute provides Washington County citizens with the skills, insight, and professional network to be more effective leaders in their communities. Participants come from all sectors, including small business, finance, education, tourism, healthcare, nonprofit, and municipal government. Institute graduates have gone on to serve on planning boards, school boards, filled a variety of volunteer positions, and served in the legislature.

I am honored to join all of the communities of Washington County and the entire State of Maine in congratulating Sunrise County Economic Council for 25 years of incredible work. I look forward to their continued growth and service to the State, and I thank them for their dedication to making Maine such a special place to call home. •

## RECOGNIZING BEAR KNUCKLES

• Mr. RISCH. Mr. President, Idaho's entrepreneurs are passionate individ-

uals who consistently innovate and create high-quality products. As chairman of the Senate Committee on Small Business and Entrepreneurship, it is my distinct privilege to recognize Bear Knuckles as the Small Business of the Month for September 2018. Located in Blackfoot, ID, Bear Knuckles manufactures gloves with a unique design that allow for a stronger grip while still protecting the wearer's hands.

Bear Knuckles' founder, Shawn Schild, is one of three brothers who own B Bar B in Blackfoot. B Bar B is a family-owned leather shop founded by Shawn's parents, Bob and Gay Schild. Bob Schild began his career as a professional rodeo rider in 1954. Throughout his rodeo career, Bob carried a sewing machine and other tailoring supplies in his camper to craft his own equipment. He often sold rodeo chaps and other items that he crafted to make extra income while on the road. Bob continued his rodeo career until he settled down in Blackfoot with his wife Gay and founded B Bar B Leather in 1961. He continued to compete in the rodeo part time to help support the business until 1969. Bob and Gay passed along this entrepreneurial spirit and the values of hard work and integrity to their three sons: Jeff, Shawn, and Kelly. After taking the reins of the business from their parents in 1994, the three brothers founded B Bar B Wholesale in 1996.

Shawn began designing his own line of gloves over 20 years ago, while competing in the rodeo like his father had done before him. He wanted to make a glove that could protect his hands, while providing a better grip on bucking bulls. After a great deal of experimentation, Shawn created gloves with curved fingers to better conform to the natural shape of the hand. This resulted in a glove that allows for a strong grip, while also reducing grip fatigue. Shawn's patented double wedge ergonomic design worked so well that it was adopted by several professional bullriders who still use it to this day.

Shawn saw the potential for this new glove to benefit working men and women. He began making different types of gloves and approached local stores and industrial businesses asking them to test his new products. Several employees at a local natural gas distributor, who tested the welding gloves, praised Shawn's design and claimed that they no longer wanted to use any other type of glove. After further tinkering and experimentation, he received a patent for the design in 2015. Following the patent, Shawn took the next step and decided to pursue a manufacturing and distribution agreement with a large glove manufacturing company. Shawn overcame multiple challenges in the manufacturing of his glove, which ultimately led him to start his own small business, Bear Knuckles. Today Shawn's gloves are sold in stores throughout the area.

The State of Idaho is proud to be home to innovative, hard-working entrepreneurs like Shawn. The entire B

Bar B and Bear Knuckles family shows how one innovative idea and a dedication to hard work can lead to small business success. They exemplify Idaho's unique entrepreneurial spirit, as well as the importance of always continuing to press on when difficulties arise. I would like to congratulate Shawn, the Schild family, and all of the employees at Bear Knuckles for being named the Small Business of the Month for September 2018. I look forward to watching your continued growth and success.●

#### REMEMBERING FRANK BRADLEY

● Mr. RUBIO. Mr. President, today I pay tribute to the memory of Frank Bradley, a lifelong Tallahassee, FL, resident who owned a famed local country store and was well regarded as a consummate southern gentleman.

Frank Bradley was born on July 11, 1925, in Tallahassee and served his country honorably in the U.S. Navy during World War II. When he came home from the war, he began working in his father's family store, Bradley's Country Store. In 1970, Frank added a packinghouse to the store, with products still made from his grandmother Mary's 1910 recipe.

He also began to host the store's annual Old Fashioned Fun Day, which brings in thousands of visitors each year. Frank retired from the store in 2008, leaving it in the hands of his daughter Janet. His lesson for her was to treat their customers with respect as if they are always right.

Frank was dedicated to improving his community and worked to address issues affecting residents, including leading the charge to pave a portion of Old Centerville Road. While he sought for the entire road to be paved to the Georgia line, he accepted a compromise of 2 miles.

I express my sincere condolences to his wife Lillian, two daughters Janet Bradley Parker and Julie Bradley Obrecht, six grandchildren, and one great-grandson. May God bless his family during this time of loss.●

#### RECOGNIZING SUNRISE STING 2000

● Mr. RUBIO. Mr. President, today I recognize the Sunrise Sting 2000 Girls Soccer Club, who won the 2018 United States Youth Soccer National Championship.

Sunrise Sting 2000 is comprised of talented young women from Sunrise, FL. Several of the players have been together since they were 8 years old, under the direction of coach Juan Laureano. Sunrise Sting has existed since 1975; yet this is their first time winning the Southern Regional and National Championship tournaments.

After winning the Southern Regional Championship 4-0 against Mandeville, LA, the team entered the final stage of the National Championship series. In group play, the Sunrise club defeated CDA Slammers FC from California 1-0

in their opening match. They rebounded from losing a close contest to Campton United of Illinois with a 3-1 victory over the Scottsdale Blackhawks of Arizona. In the semifinals, they won 3-0 over CDA Premier 00 of Ohio.

In the National Championship game, they avenged their previous loss to Campton United by defeating them with a 3-2 victory, despite trailing at halftime. The team considers itself a family and refused to quit in the face of adversity because of their strong teamwork.

I extend my best wishes to head coach Aguinaldo Ferreira, coach Juan Laureano, Victoria Burbrick, Stephanie Cuan, Taylor Dobles, Marlee Fray, Lilliana Fernandez, Kayla Fernandez, Madison Grushoff, Jordan Horacek, Cassandra Lawson, Chloe Laureano, Elizabeth Matei, Maiya Matos, Megan Morgan, Sylvie Prepetit, Evanthis Spyredes, Amber Tam, Samantha Wald, Sydney Waiters, and the entire Sunrise Sting organization on this impressive accomplishment.●

#### REMEMBERING ELIZABETH FULLON

● Mr. TESTER. Mr. President, today I wish to honor the memory of an outstanding Montanan and leader.

Elizabeth Fullon served as interim dean at Montana State University Billings City College, an Air Force Reservist, and an advocate for veterans and students in Montana.

Like many of us, Elizabeth was deeply affected by the September 11 attacks. A member of the Massachusetts Air National Guard at the time, she was on base when the planes hit and worked for months around the clock in the aftermath.

Her service eventually brought her to Billings, where she wanted to find a way to honor the first responders who gave so much that day. Anyone who has been to Montana's 9/11 Memorial at City College has seen the fruits of her labor. Elizabeth secured a grant to bring a 612-pound I-beam from one of the Twin Towers to Billings to serve as the centerpiece for the memorial.

The memorial serves as a reminder of the selflessness of the 9/11 first responders and as a reminder of those who lost their lives on that horrible day. Elizabeth's efforts in making the memorial possible ensure Montanans can pay tribute and respect the brave Americans who, then and now, rush into danger whenever it calls, to keep us safe.

Elizabeth's legacy was one of service, and I stand today to thank her and to ask that we remember her by taking a moment to honor the heroes in each of our lives.●

#### MESSAGES FROM THE HOUSE

At 4:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House has passed the following bills, without amendment:

S. 791. An act to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

S. 2553. An act to amend title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

S. 2554. An act to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

S. 2559. An act to amend title 17, United States Code, to implement the Marrakesh Treaty, and for other purposes.

S. 3479. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1320. An act to amend the Omnibus Budget Reconciliation Act of 1990 related to Nuclear Regulatory Commission user fees and annual charges, and for other purposes.

H.R. 1872. An act to promote access for United States diplomats and other officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes.

H.R. 2278. An act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978 relating to the disposal site in Mesa County, Colorado.

H.R. 2389. An act to reauthorize the West Valley demonstration project, and for other purposes.

H.R. 2634. An act to designate the Mental Health Residential Rehabilitation Treatment Facility Expansion of the Department of Veterans Affairs Alvin C. York Medical Center in Murfreesboro, Tennessee, as the "Sergeant John Toombs Residential Rehabilitation Treatment Facility".

H.R. 5075. An act to encourage, enhance, and integrate Ashanti Alert plans throughout the United States, and for other purposes.

H.R. 5433. An act to require the Secretary of State to design and establish a Vulnerability Disclosure Process (VDP) to improve Department of State cybersecurity and a bug bounty program to identify and report vulnerabilities of internet-facing information technology of the Department of State, and for other purposes.

H.R. 5509. An act to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes.

H.R. 5585. An act to extend the authorization for the Cape Code National Seashore Advisory Commission.

H.R. 6013. An act to amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal framework closing date for the duck hunting season and to establish special duck hunting days for youths, veterans, and active military personnel, and for other purposes.

H.R. 6229. An act to authorize the programs of the National Institute of Standards and Technology, and for other purposes.

H.R. 6299. An act to modify the process of the Secretary of the Interior for examining certain mining claims on Federal lands in Storey County, Nevada, to facilitate certain pinyon-juniper-related projects in Lincoln County, Nevada, to modify the boundaries of



certain wilderness areas in the State of Nevada, to fully implement the White Pine County Conservation, Recreation, and Development Act, and for other purposes.

H.R. 6316. An act to clarify the primary functions and duties of the Office of Advocacy of the Small Business Administration, and for other purposes.

H.R. 6330. An act to amend the Small Business Act to modify the method for prescribing size standards for business concerns.

H.R. 6347. An act to adjust the real estate appraisal thresholds under the 7(a) program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes.

H.R. 6348. An act to adjust the real estate appraisal thresholds under the section 504 program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes.

H.R. 6367. An act to amend the Small Business Act to specify what credit is given for certain subcontractors and to provide a dispute process for non-payment to subcontractors, and for other purposes.

H.R. 6368. An act to encourage R&D small business set-asides, to encourage SBIR and STTR participants to serve as mentors under the Small Business Administration's mentor-protégé program, to promote the use of interagency contracts, and for other purposes.

H.R. 6369. An act to amend the Small Business Act to eliminate the inclusion of option years in the award price for sole source contracts, and for other purposes.

H.R. 6378. An act to reauthorize certain programs under the Pandemic and All-Hazards Preparedness Reauthorization Act.

H.R. 6382. An act to amend the Small Business Act to require the Administrator of the Small Business Administration to report certain information to the Congress and to the President, and for other purposes.

H.R. 6398. An act to authorize the Department of Energy to conduct collaborative research with the Department of Veterans Affairs in order to improve healthcare services for veterans in the United States, and for other purposes.

H.R. 6511. An act to authorize the Secretary of Energy to carry out a program to lease underutilized Strategic Petroleum Reserve facilities, and for other purposes.

H.R. 6580. An act to amend the Immigration and Nationality Act to provide for naturalization processes for the immediate relatives of first responders who die as a result of their employment, and for other purposes.

H.R. 6599. An act to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes.

H.R. 6620. An act to require the Department of Homeland Security to prepare a threat assessment relating to unmanned aircraft systems, and for other purposes.

H.R. 6687. An act to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' longstanding intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes.

H.R. 6735. An act to direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes.

H.R. 6740. An act to amend the Homeland Security Act of 2002 to establish Border Tunnel Task Forces, and for other purposes.

H.R. 6742. An act to amend the Homeland Security Act of 2002 to ensure that appropriate officers and agents of U.S. Customs

and Border Protection are equipped with secure radios or other two-way communication devices, supported by system interoperability, and for other purposes.

H.R. 6758. An act to direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes.

H.R. 6847. An act to amend title 18, United States Code, to expand and strengthen Federal sex offenses, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 48. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1551.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 72. Concurrent resolution expressing the sense of Congress that child safety is the first priority of custody and visitation adjudications, and that State courts should improve adjudications of custody where family violence is alleged.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 46) to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1551) to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities.

The message also announced that pursuant to section 1652(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), the Minority Leader appoints the following Member on the part of the House of Representatives to the Cyberspace Solarium Commission: Mr. LANGEVIN of Rhode Island; And from private life: The Honorable Patrick Murphy of Bristol, Pennsylvania.

At 6:23 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6897. An act to extend the authorizations of Federal aviation programs, to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 47. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 6157.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on 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.

#### MEASURES REFERRED

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

H.R. 1320. An act to amend the Omnibus Budget Reconciliation Act of 1990 related to Nuclear Regulatory Commission user fees and annual charges, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1872. An act to promote access for United States diplomats and other officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

H.R. 2634. An act to designate the Mental Health Residential Rehabilitation Treatment Facility Expansion of the Department of Veterans Affairs Alvin C. York Medical Center in Murfreesboro, Tennessee, as the "Sergeant John Toombs Residential Rehabilitation Treatment Facility"; to the Committee on Veterans' Affairs.

H.R. 5075. An act to encourage, enhance, and integrate Ashanti Alert plans throughout the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 5433. An act to require the Secretary of State to design and establish a Vulnerability Disclosure Process (VDP) to improve Department of State cybersecurity and a bug bounty program to identify and report vulnerabilities of internet-facing information technology of the Department of State, and for other purposes; to the Committee on Foreign Relations.

H.R. 5509. An act to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5585. An act to extend the authorization for the Cape Cod National Seashore Advisory Commission; to the Committee on Energy and Natural Resources.

H.R. 6013. An act to amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal Framework closing date for the duck hunting season and to establish special duck hunting days for youths, veterans, and active military personnel, and for other purposes; to the Committee on Environment and Public Works.

H.R. 6229. An act to authorize the programs of the National Institute of Standards and Technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6299. An act to modify the process of the Secretary of the Interior for examining certain mining claims on Federal lands in Storey County, Nevada, to facilitate certain pinyon-juniper-related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, to fully implement the White Pine County Conservation, Recreation, and Development Act, and for other purposes; to the

Committee on Energy and Natural Resources.

H.R. 6316. An act to clarify the primary functions and duties of the Office of Advocacy of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 6330. An act to amend the Small Business Act to modify the method for prescribing size standards for business concerns; to the Committee on Small Business and Entrepreneurship.

H.R. 6347. An act to adjust the real estate appraisal thresholds under the 7(a) program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 6348. An act to adjust the real estate appraisal thresholds under the section 504 program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 6367. An act to amend the Small Business Act to specify what credit is given for certain subcontractors and to provide a dispute process for non-payment to subcontractors, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 6368. An act to encourage R&D small business set-asides, to encourage SBIR and STTR participants to serve as mentors under the Small Business Administration's mentor-protégé program, to promote the use of interagency contracts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 6369. An act to amend the Small Business Act to eliminate the inclusion of option years in the award price for sole source contracts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 6382. An act to amend the Small Business Act to require the Administrator of the Small Business Administration to report certain information to the Congress and to the President, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 6398. An act to authorize the Department of Energy to conduct collaborative research with the Department of Veterans Affairs in order to improve healthcare services for veterans in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6511. An act to authorize the Secretary of Energy to carry out a program to lease underutilized Strategic Petroleum Reserve facilities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6580. An act to amend the Immigration and Nationality Act to provide for naturalization processes for the immediate relatives of first responders who die as a result of their employment, and for other purposes; to the Committee on the Judiciary.

H.R. 6599. An act to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6620. An act to require the Department of Homeland Security to prepare a threat assessment relating to unmanned aircraft systems, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6687. An act to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' long-standing intent to continue to authorize working

dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6735. An act to direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6740. An act to amend the Homeland Security Act of 2002 to establish Border Tunnel Task Forces, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6742. An act to amend the Homeland Security Act of 2002 to ensure that appropriate officers and agents of U.S. Customs and Border Protection are equipped with secure radios or other two-way communication devices, supported by system interoperability, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6847. An act to amend title 18, United States Code, to expand and strengthen Federal sex offenses, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2278. An act to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978 relating to the disposal site in Mesa County, Colorado.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6287. An act to provide competitive grants for the operation, security, and maintenance of certain memorials to victims of the terrorist attacks of September 11, 2001.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6602. A communication from the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report on the mobilizations of selected reserve units, received during adjournment of the Senate in the Office of the President of the Senate on September 21, 2018; to the Committee on Armed Services.

EC-6603. A communication from the Director of Defense Pricing and Contracting, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Case 'Infinite Quantities-No Fixed Charges'" (RIN0750-AJ96) (DFARS Case 2018-D034) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Armed Services.

EC-6604. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order to take additional steps with respect to the national

emergencies declared in Executive Order 13660 of March 6, 2014 and authorizing the implementation of certain sanctions set forth in the Countering America's Adversaries through Sanctions Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-6605. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation Crowdfunding and Regulation A Relief and Assistance for Victims of Hurricane Florence" (Rel. No. 33-10556) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-6606. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation for Overseas Contingency Operations/Global War on Terrorism all funding so designated by the Congress in the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, pursuant to section 251 (b) (2) (A) of the Balanced Budget and Emergency Deficit Control Act of 1985, for the enclosed list of accounts; to the Committee on the Budget.

EC-6607. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Integrated Light-Emitting Diode Lamps" ((RIN1904-AD74) (Docket No. EERE-2016-BT-TP-0037)) received during adjournment of the Senate in the Office of the President of the Senate on September 21, 2018; to the Committee on Energy and Natural Resources.

EC-6608. A communication from the Director of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustments to the Price-Anderson Act Financial Protection Regulations" ((RIN3150-AK01) (NRC-2017-0030)) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Environment and Public Works.

EC-6609. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report entitled "Social Security Number Fraud Prevention Act of 2017 Initial Report to Congress-June 2018"; to the Committees on Finance; and Homeland Security and Governmental Affairs.

EC-6610. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "List of Goods Produced by Child Labor or Forced Labor"; to the Committees on Foreign Relations; and the Judiciary.

EC-6611. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of the danger pay allowance for Managua and Pyongyang; to the Committee on Foreign Relations.

EC-6612. A joint communication from the Secretary of Agriculture and the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents and Toxins for Calendar Year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-6613. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "The Department of Labor's 2017 Findings on the Worst Forms of Child Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-6614. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to

the Board's budget request for fiscal year 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-6615. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3" ((21 CFR Part 172) (Docket No. FDA-2017-F-3717)) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-6616. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Subject to Certification; D and C Black No. 4; Confirmation of Effective Date" ((21 CFR Part 74) (Docket No. FDA-2017-C-0935)) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-6617. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Net Worth, Asset Transfers, and Income Exclusions for Needs-Based Benefits" (RIN2900-AO73) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Veterans' Affairs.

EC-6618. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulation: Subcontracting Policies and Procedures; Government Property" (RIN2900-AQ05) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Veterans' Affairs.

EC-6619. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rural Call Completion" ((FCC 18-120) (WC Docket No. 13-29)) received during adjournment of the Senate in the Office of the President of the Senate on September 19, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6620. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Guides for the Jewelry, Precious Metals, and Pewter Industries" (16 CFR Part 23) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6621. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" ((RIN3084-AA98) (16 CFR Part 310)) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6622. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations under the Textile Fiber Products Identification Act" ((RIN3084-AB47) (16 CFR Part 303)) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6623. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of

a rule entitled "Energy Labeling Rule" ((RIN3084-AB15) (16 CFR Part 305)) received in the Office of the President of the Senate on September 24, 2018; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

Francisco Luis Palmieri, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Nominee: Francisco L. Palmieri.  
Post: Republic of Honduras.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$100.00, January, 2016, Glen Ivey for U.S. Congress.
2. Spouse: \$375.00, 10/29/16, Hillary Victory Fund; \$1,000.00, 8/4/16, Hillary Victory Fund; \$10.00, 6/3/15, Hillary Victory Fund; \$10.00, 5/3/15, Hillary Victory Fund; \$250.00, 4/12/15, Hillary Victory Fund.
3. Children and Spouses: None.
4. Parents: None.
5. Grandparents: N/A.
6. Brothers and Spouses: None.
7. Sisters and Spouses: N/A.

Ron Johnson, of Wisconsin, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.

Jeff Merkley, of Oregon, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

\*Peter Gaynor, of Rhode Island, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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 Mrs. ERNST (for herself, Mr. GRASSLEY, Mr. BOOZMAN, and Mr. HATCH):

S. 3501. A bill to require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health

Administration facility and providing individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHATZ (for himself, Mr. GARDNER, Mr. PORTMAN, and Ms. HARRIS):

S. 3502. A bill to authorize an emerging technology policy lab within the General Services Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. WARREN:

S. 3503. A bill to make housing more affordable, and for other purposes; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. WYDEN):

S. 3504. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from gross income for civil damages as recompense for trafficking in persons; to the Committee on Finance.

By Mr. ISAKSON (for himself, Mr. KAINE, Mr. WICKER, and Mr. BLUNT):

S. 3505. A bill to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRUZ (for himself and Mr. RUBIO):

S. 3506. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen school security; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself and Mr. HELLER):

S. 3507. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to prescribe regulations providing that a presumption of service connection is warranted for a disease with a positive association with exposure to a herbicide agent, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. INHOFE, and Mr. NELSON):

S. 3508. A bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; considered and passed.

By Mr. ENZI (for himself and Mr. BARASSO):

S. 3509. A bill to reauthorize the Congressional Award Act; considered and passed.

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

S. 3510. A bill to amend title VII of the Tariff Act of 1930 to provide for the treatment of core seasonal industries affected by antidumping or countervailing duty investigations, and for other purposes; to the Committee on Finance.

By Ms. CORTEZ MASTO:

S. 3511. A bill to broaden unmanned aircraft systems safety awareness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CORTEZ MASTO (for herself, Mrs. FISCHER, Ms. DUCKWORTH, Mr. WYDEN, Mr. CRAPO, Mr. MORAN, and Mr. RISCH):

S. 3512. A bill to amend title 49, United States Code, to authorize grants from the small airport fund for the construction or improvement of a nonapproach control tower; to the Committee on Commerce, Science, and Transportation.

By Ms. CORTEZ MASTO (for herself and Mrs. FISCHER):

S. 3514. A bill to establish a deadline for the establishment of a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility; to the Committee on Commerce, Science, and Transportation.

By Ms. CORTEZ MASTO:

S. 3515. A bill to amend title 49, United States Code, to encourage the use of zero-emission vehicles and technology at public-use airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MERKLEY:

S. 3515. A bill to provide mandatory funding to the Secretary of Agriculture to carry out hazardous fuels reduction projects on National Forest System land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. HEITKAMP, Mr. CORNYN, Mr. WICKER, Mr. TILLIS, Mr. ROUNDS, Ms. COLLINS, Mrs. FISCHER, and Mr. HELLER):

S. 3516. A bill to impose additional sanctions with respect to Iran's Revolutionary Guard Corps, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. SANDERS, Mr. MERKLEY, Mr. HEINRICH, and Mr. MURPHY):

S. 3517. A bill to limit the use of funds for kinetic military operations in or against Iran; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. ROBERTS):

S. Res. 653. A resolution expressing support for the designation of October 20, 2018, as the "National Day on Writing"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. CARDIN, Mr. WYDEN, Ms. COLLINS, Mr. ALEXANDER, Mr. JONES, Mr. YOUNG, and Ms. HASSAN):

S. Res. 654. A resolution supporting the goals and ideals of National Retirement Security Week, including raising public awareness of the various tax-preferred retirement vehicles, increasing personal financial literacy, and engaging the people of the United States on the keys to success in achieving and maintaining retirement security throughout their lifetimes; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Mr. HEINRICH, Mr. HELLER, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MURRAY, Mr. NELSON, Mr. REED, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. CARDIN, and Mr. DURBIN):

S. Res. 655. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 783

At the request of Ms. BALDWIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 783, a bill to amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.

S. 2208

At the request of Mr. MARKEY, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2208, a bill to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp.

S. 2317

At the request of Mr. MARKEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2317, a bill to amend the Controlled Substances Act to provide for additional flexibility with respect to medication-assisted treatment for opioid use disorders, and for other purposes.

S. 2572

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2572, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 2763

At the request of Mr. BROWN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 2763, a bill to provide grants to State, local, territorial, and tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to enhance law enforcement efficiency and protect law enforcement officers.

S. 2852

At the request of Mr. CASEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2852, a bill to reauthorize certain programs under the Pandemic and All-Hazards Preparedness Reauthorization Act.

S. 2971

At the request of Mr. BOOKER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2971, a bill to amend the Animal Welfare Act to prohibit animal fighting in the United States territories.

S. 3052

At the request of Mr. GARDNER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3052, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on heavy trucks and trailers, and for other purposes.

S. 3063

At the request of Mr. BARRASSO, the names of the Senator from North Da-

kota (Mr. HOEVEN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3063, a bill to delay the reimposition of the annual fee on health insurance providers until after 2020.

S. 3164

At the request of Mr. JONES, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3164, a bill to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions.

S. 3172

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 3172, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

At the request of Mr. PORTMAN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 3172, supra.

S. 3257

At the request of Mr. CRUZ, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors 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. 3321

At the request of Mr. COONS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3321, a bill to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden and to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson in recognition of their contributions to the success of the National Aeronautics and Space Administration during the Space Race.

S. 3459

At the request of Ms. DUCKWORTH, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3459, a bill to amend the Internal Revenue Code of 1986 to expand the credit for expenditures to provide access to disabled individuals, and for other purposes.

S.J. RES. 64

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S.J. Res. 64, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations".

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. WYDEN):

S. 3504. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from gross income for civil damages as recompense for trafficking in persons; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3504

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Human Trafficking Survivor Tax Relief Act”.

**SEC. 2. EXEMPTING FROM FEDERAL INCOME TAXATION CIVIL DAMAGES AWARDED UNDER SECTION 1595 OF TITLE 18, UNITED STATES CODE.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before section 140 the following new section:

**“SEC. 139H. CERTAIN AMOUNT RECEIVED AS CIVIL DAMAGES AS RECOMPENSE FOR TRAFFICKING IN PERSONS.**

“(a) EXCLUSION FROM GROSS INCOME.—Gross income shall not include any civil damages, restitution, or other monetary award (including compensatory or statutory damages and restitution imposed in a criminal matter) awarded in an action under section 1595 of title 18, United States Code.”.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139H. Certain amount received as civil damages as recompense for trafficking in persons.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. INHOFE, and Mr. NELSON):

S. 3508. A bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; considered and passed.

S. 3508

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Save Our Seas Act of 2018”.

**TITLE I—MARINE DEBRIS**

**SEC. 101. NOAA MARINE DEBRIS PROGRAM.**

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5)(C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(6) work to develop outreach and education strategies with other Federal agencies to address sources of marine debris;

“(7) except for discharges of marine debris from vessels, in consultation with the Department of State and other Federal agencies, promote international action, as appropriate, to reduce the incidence of marine debris, including providing technical assistance to expand waste management systems internationally; and

“(8) in the case of an event determined to be a severe marine debris event under subsection (c)—

“(A) assist in the cleanup and response required by the severe marine debris event; or

“(B) conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.”;

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following:

“(c) SEVERE MARINE DEBRIS EVENTS.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.”; and

(4) in subsection (d)(2), as redesignated—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

(B) by adding at the end the following:

“(C) SEVERE MARINE DEBRIS EVENTS.—Notwithstanding subparagraph (A), the Federal share of the cost of an activity carried out under a determination made under subsection (c) shall be—

“(i) 100 percent of the cost of the activity, for an activity funded wholly by funds made available by a person, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event; or

“(ii) 75 percent of the cost of the activity, for any activity other than an activity funded as described in clause (i).”.

**SEC. 102. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.**

It is the sense of Congress that the President should—

(1) support research and development on systems and materials that reduce—

(A) derelict fishing gear; and

(B) the amount of solid waste that is generated from land-based sources and the amount of such waste that enters the marine environment;

(2) work with representatives of foreign countries that discharge the largest amounts of solid waste from land-based sources into the marine environment, to develop mechanisms to reduce such discharges;

(3) carry out studies to determine—

(A) the primary means of discharges referred to in paragraph (2);

(B) the manner in which waste management infrastructure can be most effective in preventing such discharges; and

(C) the long-term impacts of marine debris on the national economies of the countries with which work is undertaken under paragraph (2) and on the global economy, including the impacts of reducing the discharge of such debris;

(4) work with representatives of the countries with which work is undertaken in paragraph (2) to conclude one or more new international agreements that include provisions—

(A) to mitigate the discharge of land-based solid waste into the marine environment; and

(B) to provide technical assistance and investment in waste management infrastructure to reduce such discharges, if the President determines such assistance or investment is appropriate; and

(5) encourage the United States Trade Representative to consider the impact of dis-

charges of land-based solid waste from the countries with which work is conducted under paragraph (2) in relevant future trade agreements.

**SEC. 103. SENSE OF CONGRESS SUPPORTING GREAT LAKES LAND-BASED MARINE DEBRIS ACTION PLAN.**

It is the sense of Congress that the Great Lakes Land-Based Marine Debris Action Plan (NOAA Technical Memorandum NOS-OR&R-49) is vital to the ongoing efforts to clean up the Great Lakes Region and getting rid of harmful debris, such as microplastics, abandoned vessels, and other forms of pollution that are threatening the survival of native marine animals and damaging the Great Lakes’ recreation and tourism economy.

**SEC. 104. MEMBERSHIP OF THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.**

Section 5(b) of the Marine Debris Act (33 U.S.C. 1954(b)) is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

“(5) the Department of State;

“(6) the Department of the Interior; and”.

**SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended to read as follows:

**“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There is authorized to be appropriated to the Administrator \$10,000,000 for each of fiscal years 2018 through 2022 for carrying out sections 3, 5, and 6, of which not more than 5 percent is authorized for each fiscal year for administrative costs.

“(b) AMOUNTS AUTHORIZED FOR COAST GUARD.—Of the amounts authorized for each fiscal year under section 2702(1) of title 14, United States Code, up to \$2,000,000 is authorized for the Secretary of the department in which the Coast Guard is operating for use by the Commandant of the Coast Guard to carry out section 4 of this Act, of which not more than 5 percent is authorized for each fiscal year for administrative costs.”.

**TITLE II—MARITIME SAFETY**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Hamm Alert Maritime Safety Act of 2018”.

**SEC. 202. FINDINGS.**

Congress finds the following:

(1) On September 29, 2015, the SS El Faro cargo vessel left Jacksonville, Florida bound for San Juan, Puerto Rico, carrying 391 shipping containers, 294 trailers and cars, and a crew of 33 people, including 28 Americans.

(2) On the morning of October 1, the El Faro sent its final communication reporting that the engines were disabled and the ship was listing, leaving the ship directly in the path of Hurricane Joaquin and resulting in the sinking of the vessel and the loss of all 33 lives.

(3) The National Transportation Safety Board and the Coast Guard made recommendations to address safety issues, such as improving weather information and training, improving planning and response to severe weather, reviewing the Coast Guard’s program delegating vessel inspections to third-party organizations to assess the effectiveness of the program, and improving alerts and equipment on the vessels, among other recommendations.

(4) Safety issues are not limited to the El Faro. For 2017, over 21,000 deficiencies were issued to United States commercial vessels and more than 2,500 U.S. vessels were issued “no-sail” requirements.

(5) The maritime industry, particularly the men and women of the United States merchant marine, play a vital and important

role to the national security and economy of our country, and a strong safety regime is necessary to ensure the vitality of the industry and the protection of current and future mariners, and to honor lost mariners.

#### SEC. 203. DEFINITIONS.

In this title:

(1) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(2) **RECOGNIZED ORGANIZATION.**—The term “recognized organization” has the meaning given that term in section 2.45-1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

#### SEC. 204. DOMESTIC VESSEL COMPLIANCE.

(a) **IN GENERAL.**—Not later than 60 days after the date on which the President submits to the Congress a budget each year pursuant to section 1105 of title 31, United States Code, the Commandant shall publish on a publicly accessible Website information documenting domestic vessel compliance with the requirements of subtitle II of title 46, United States Code.

(b) **CONTENT.**—The information required under subsection (a) shall—

(1) include flag-State detention rates for each type of inspected vessel; and

(2) identify any recognized organization that inspected or surveyed a vessel that was later subject to a Coast Guard-issued control action attributable to a major nonconformity that the recognized organization failed to identify in such inspection or survey.

#### SEC. 205. SAFETY MANAGEMENT SYSTEM.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit regarding the implementation and effectiveness of the Coast Guard’s oversight and enforcement of safety management plans required under chapter 32 of title 46, United States Code.

(b) **SCOPE.**—The audit conducted under subsection (a) shall include an evaluation of—

(1) the effectiveness and implementation of safety management plans, including such plans for—

(A) a range of vessel types and sizes; and

(B) vessels that operate in a cross-section of regional operating areas; and

(2) the effectiveness and implementation of safety management plans in addressing the impact of heavy weather.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the audit and providing recommendations related to such results, including ways to streamline and focus such plans on ship safety.

(d) **MARINE SAFETY ALERT.**—Not later than 60 days after the date the report is submitted under subsection (c), the Commandant shall publish a Marine Safety Alert providing notification of the completion of the report and including a link to the report on a publicly accessible website.

(e) **ADDITIONAL ACTIONS.**—

(1) **IN GENERAL.**—Upon completion of the report under subsection (c), the Commandant shall consider additional guidance or a rulemaking to address any deficiencies identified, and any additional actions recommended, in the report.

(2) **REPORT.**—Not later than 1 year after the date the report is submitted under subsection (c), the Commandant shall submit to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken to address any deficiencies identified, and any additional actions recommended, in the report submitted under subsection (c).

#### SEC. 206. EQUIPMENT REQUIREMENTS.

(a) **REGULATIONS.**—

(1) **IN GENERAL.**—Section 3306 of title 46, United States Code, is amended by adding at the end the following:

“(1)(1) The Secretary shall require that a freight vessel inspected under this chapter be outfitted with distress signaling and location technology for the higher of—

“(A) the minimum complement of officers and crew specified on the certificate of inspection for such vessel; or

“(B) the number of persons onboard the vessel; and

“(2) the requirement described in paragraph (1) shall not apply to vessels operating within the baseline from which the territorial sea of the United States is measured.

“(m)(1) The Secretary shall promulgate regulations requiring companies to maintain records of all incremental weight changes made to freight vessels inspected under this chapter, and to track weight changes over time to facilitate rapid determination of the aggregate total.

“(2) Records maintained under paragraph (1) shall be stored, in paper or electronic form, onboard such vessels for not less than 3 years and shoreside for the life of the vessel.”

(2) **DEADLINES.**—The Secretary shall—

(A) begin implementing the requirement under section 3306(1) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act; and

(B) promulgate the regulations required under section 3306(m) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act.

(b) **ENGAGEMENT.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend regulation 25 of chapter II-1 of the International Convention for the Safety of Life at Sea to require a high-water alarm sensor in each cargo hold of a freight vessel (as that term is defined in section 2101 of title 46, United States Code), that connects with audible and visual alarms on the navigation bridge of the vessel.

#### SEC. 207. VOYAGE DATA RECORDER; ACCESS.

(a) **IN GENERAL.**—Chapter 63 of title 46, United States Code, is amended by adding at the end the following:

##### “§ 6309. Voyage data recorder access

“Notwithstanding any other provision of law, the Coast Guard shall have full, concurrent, and timely access to and ability to use voyage data recorder data and audio held by any Federal agency in all marine casualty investigations, regardless of which agency is the investigative lead.”

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“6309. Voyage data recorder access.”

#### SEC. 208. VOYAGE DATA RECORDER; REQUIREMENTS.

(a) **FLOAT-FREE AND BEACON REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend regulation 20 of chapter V of the International Convention for the

Safety of Life at Sea to require that all voyage data recorders are installed in a float-free arrangement and contain an integrated emergency position indicating radio beacon.

(2) **PROGRESS UPDATE.**—Not later than 3 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update on the progress of the engagement required under paragraph (1).

(b) **COST-BENEFIT ANALYSIS.**—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a cost-benefit analysis of requiring that voyage data recorders installed on commercial vessels documented under chapter 121 of title 46, United States Code, capture communications on the internal telephone systems of such vessels, including requiring the capture of both sides of all communications with the bridge onboard such vessels.

#### SEC. 209. SURVIVAL AND LOCATING EQUIPMENT.

Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, identify and procure equipment that will provide search-and-rescue units the ability to attach a radio or Automated Identification System strobe or beacon to an object that is not immediately retrievable.

#### SEC. 210. TRAINING OF COAST GUARD PERSONNEL.

(a) **PROSPECTIVE SECTOR COMMANDER TRAINING.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall implement an Officer in Charge, Marine Inspections segment to the sector commander indoctrination course for prospective sector commanders without a Coast Guard prevention ashore officer specialty code.

(b) **STEAMSHIP INSPECTIONS.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall implement steam plant inspection training for Coast Guard marine inspectors and, subject to availability, recognized organizations to which authority is delegated under section 3316 of title 46, United States Code.

(c) **ADVANCED JOURNEYMAN INSPECTOR TRAINING.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Commandant shall establish advanced training to provide instruction on the oversight of recognized organizations to which authority is delegated under section 3316 of title 46, United States Code, auditing responsibilities, and the inspection of unique vessel types.

(2) **RECIPIENTS.**—The Commandant shall—

(A) require that such training be completed by senior Coast Guard marine inspectors; and

(B) subject to availability of training capacity, make such training available to recognized organization surveyors authorized by the Coast Guard to conduct inspections.

(d) **COAST GUARD INSPECTIONS STAFF; BRIEFING.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing detailing—

(1) the estimated time and funding necessary to triple the current size of the Coast Guard’s traveling inspector staff; and



(2) other options available to the Coast Guard to enhance and maintain marine safety knowledge, including discussion of increased reliance on—

- (A) civilian marine inspectors;
- (B) experienced licensed mariners;
- (C) retired members of the Coast Guard;

(D) arranging for Coast Guard inspectors to ride onboard commercial oceangoing vessels documented under chapter 121 of title 46, United States Code, to gain experience and insight; and

(E) extending tour-lengths for Coast Guard marine safety officers assigned to inspection billets.

(e) AUDITS; COAST GUARD ATTENDANCE AND PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall—

(1) update Coast Guard policy to utilize risk analysis to target the attendance of Coast Guard personnel during external safety management certificate and document of compliance audits; and

(2) perform a quality assurance audit of recognized organization representation and performance regarding United States-flagged vessels.

#### SEC. 211. MAJOR MARINE CASUALTY PROPERTY DAMAGE THRESHOLD.

Section 6101(i)(3) of title 46, United States Code, is amended by striking “\$500,000” and inserting “\$2,000,000”.

#### SEC. 212. REVIEWS, BRIEFINGS, REPORTS, AND TECHNICAL CORRECTIONS.

(a) MAJOR CONVERSION DETERMINATIONS.—

(1) REVIEW OF POLICIES AND PROCEDURES.—The Commandant shall conduct a review of policies and procedures for making and documenting major conversion determinations, including an examination of the deference given to precedent.

(2) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the findings of the review required by paragraph (1).

(b) VENTILATORS, OPENINGS AND STABILITY STANDARDS.—

(1) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall complete a review of the effectiveness of United States regulations, international conventions, recognized organizations’ class rules, and Coast Guard technical policy regarding—

(A) ventilators and other hull openings;

(B) fire dampers and other closures protecting openings normally open during operations;

(C) intact and damage stability standards under subchapter S of chapter I of title 46, Code of Federal Regulations; and

(D) lifesaving equipment for mariners, including survival suits and life jackets.

(2) BRIEFING.—Not later than 18 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the effectiveness of the regulations, international conventions, recognized organizations’ class rules, and Coast Guard technical policy reviewed under paragraph (1).

(c) SELF-LOCATING DATUM MARKER BUOYS.—Not later than 6 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the reliability

of self-locating datum marker buoys and other similar technology used during Coast Guard search-and-rescue operations. The briefing shall include a description of reasonable steps the Commandant could take to increase the reliability of such buoys, including the potential to leverage technology used by the Navy, and how protocols could be developed to conduct testing of such buoys before using them for operations.

(d) CORRECTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation, for purposes of section 502(f)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(4)) (as in effect on the day before the amendments made by section 11607 of Public Law 114-94 (129 Stat. 1698) took effect)—

(A) not later than 30 days after the date of enactment of this Act, and in consultation with the Director of the Office of Management and Budget, shall define the term “cohorts of loans”;

(B) before the deadline described in paragraph (2), shall return to the original source, on a pro rata basis, the credit risk premiums paid for the loans in the cohort of loans, with interest accrued thereon, that were not used to mitigate losses; and

(C) shall not treat the repayment of a loan after the date of enactment of Public Law 114-94 as precluding, limiting, or negatively affecting the satisfaction of the obligation of its cohort prior to the enactment of Public Law 114-94.

(2) DEADLINE DESCRIBED.—The deadline described in this paragraph is—

(A) if all obligations attached to a cohort of loans have been satisfied, not later than 60 days after the date of enactment of this Act; and

(B) if all obligations attached to a cohort of loans have not been satisfied, not later than 60 days after the date on which all obligations attached to the cohort of loans are satisfied.

(e) OVERSIGHT PROGRAM; EFFECTIVENESS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall commission an assessment of the effectiveness of the Coast Guard’s oversight of recognized organizations and its impact on compliance by and safety of vessels inspected by such organizations.

(2) EXPERIENCE.—The assessment commissioned under paragraph (1) shall be conducted by a research organization with significant experience in maritime operations and marine safety.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date that the assessment required under paragraph (1) is completed, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of such assessment.

#### SEC. 213. FLAG-STATE GUIDANCE AND SUPPLEMENTS.

(a) FREIGHT VESSELS; DAMAGE CONTROL INFORMATION.—Within 1 year after the date of the enactment of this Act, the Secretary shall issue flag-State guidance for all freight vessels documented under chapter 121 of title 46, United States Code, built before January 1, 1992, regarding the inclusion of comprehensive damage control information in safety management plans required under chapter 32 of title 46, United States Code.

(b) RECOGNIZED ORGANIZATIONS; UNITED STATES SUPPLEMENT.—The Commandant shall—

(1) work with recognized organizations to create a single United States Supplement to

rules of such organizations for classification of vessels; and

(2) by not later than 1 year after the date of the enactment of this Act, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on whether it is necessary to revise part 8 of title 46, Code of Federal Regulations, to authorize only one United States Supplement to such rules.

#### SEC. 214. MARINE SAFETY STRATEGY.

Section 2116 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “each year of an annual” and inserting “of a triennial”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “ANNUAL” and inserting “TRIENNIAL”; and

(B) by striking “annual” each place it appears and inserting “triennial”;

(3) in subsection (c)—

(A) by striking “fiscal year 2011 and each fiscal year” and inserting “fiscal year 2020 and triennially”; and

(B) by striking “annual plan” and inserting “triennial plan”; and

(4) in subsection (d)(2), by striking “annually” and inserting “triennially”.

#### SEC. 215. RECOGNIZED ORGANIZATIONS; OVERSIGHT.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following:

“(g)(1) There shall be within the Coast Guard an office that conducts comprehensive and targeted oversight of all recognized organizations that act on behalf of the Coast Guard.

“(2) The staff of the office shall include subject matter experts, including inspectors, investigators, and auditors, who possess the capability and authority to audit all aspects of such recognized organizations.

“(3) In this subsection the term ‘recognized organization’ has the meaning given that term in section 2.45-1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Hamm Alert Maritime Safety Act of 2018.”

(b) DEADLINE FOR ESTABLISHMENT.—The Commandant of the Coast Guard shall establish the office required by the amendment made by subsection (a) by not later than 2 years after the date of the enactment of this Act.

#### SEC. 216. TIMELY WEATHER FORECASTS AND HAZARD ADVISORIES FOR MERCHANT MARINERS.

Not later than 1 year after the date of enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend the International Convention for the Safety of Life at Sea to require that vessels subject to the requirements of such Convention receive—

(1) timely synoptic and graphical chart weather forecasts; and

(2) where available, timely hazard advisories for merchant mariners, including broadcasts of tropical cyclone forecasts and advisories, intermediate public advisories, and tropical cyclone updates to mariners via appropriate technologies.

#### SEC. 217. ANONYMOUS SAFETY ALERT SYSTEM.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Commandant shall establish an anonymous safety alert pilot program.

(b) REQUIREMENTS.—The pilot program established under subsection (a) shall provide an anonymous reporting mechanism to allow crew members to communicate urgent and

dire safety concerns directly and in a timely manner with the Coast Guard.

**SEC. 218. MARINE SAFETY IMPLEMENTATION STATUS.**

(a) **IN GENERAL.**—Not later than December 19 of 2018, and of each of the 2 subsequent years thereafter, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of implementation of each action outlined in the Commandant's final action memo dated December 19, 2017, regarding the sinking and loss of the vessel *El Faro*.

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Department of Homeland Security Inspector General shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Coast Guard's implementation of each action outlined in the Commandant's final action memo dated December 19, 2017, regarding the sinking and loss of the vessel *El Faro*.

**SEC. 219. DELEGATED AUTHORITIES.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall review the authorities that have been delegated to recognized organizations for the alternative compliance program as described in subpart D of part 8 of title 46, Code of Federal Regulations, and, if necessary, revise or establish policies and procedures to ensure those delegated authorities are being conducted in a manner to ensure safe maritime transportation.

(b) **BRIEFING.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the implementation of subsection (a).

**TITLE III—CENTER OF EXPERTISE**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Coast Guard Blue Technology Center of Expertise Act”.

**SEC. 302. COAST GUARD BLUE TECHNOLOGY CENTER OF EXPERTISE.**

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of the enactment of this Act and subject to the availability of appropriations, the Commandant may establish under section 58 of title 14, United States Code, a Blue Technology center of expertise.

(b) **MISSIONS.**—In addition to the missions listed in section 58(b) of title 14, United States Code, the Center may—

(1) promote awareness within the Coast Guard of the range and diversity of Blue Technologies and their potential to enhance Coast Guard mission readiness, operational performance, and regulation of such technologies;

(2) function as an interactive conduit to enable the sharing and dissemination of Blue Technology information between the Coast Guard and representatives from the private sector, academia, nonprofit organizations, and other Federal agencies;

(3) increase awareness among Blue Technology manufacturers, entrepreneurs, and vendors of Coast Guard acquisition policies, procedures, and business practices;

(4) provide technical support, coordination, and assistance to Coast Guard districts and the Coast Guard Research and Development Center, as appropriate; and

(5) subject to the requirements of the Coast Guard Academy, coordinate with the Academy to develop appropriate curricula regard-

ing Blue Technology to be offered in professional courses of study to give Coast Guard cadets and officer candidates a greater background and understanding of Blue Technologies.

(c) **BLUE TECHNOLOGY EXPOSITION; BRIEFING.**—Not later than 6 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the costs and benefits of hosting a biennial Coast Guard Blue Technology exposition to further interactions between representatives from the private sector, academia, and nonprofit organizations, and the Coast Guard and examine emerging technologies and Coast Guard mission demands.

(d) **DEFINITIONS.**—In this section:

(1) **CENTER.**—The term “Center” means the Blue Technology center of expertise established under this section.

(2) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(3) **BLUE TECHNOLOGY.**—The term “Blue Technology” means any technology, system, or platform that—

(A) is designed for use or application above, on, or below the sea surface or that is otherwise applicable to Coast Guard operational needs, including such a technology, system, or platform that provides continuous or persistent coverage; and

(B) supports or facilitates—

(i) maritime domain awareness, including—

(I) surveillance and monitoring;

(II) observation, measurement, and modeling; or

(III) information technology and communications;

(ii) search and rescue;

(iii) emergency response;

(iv) maritime law enforcement;

(v) marine inspections and investigations;

or

(vi) protection and conservation of the marine environment.

By Mr. ENZI (for himself and Mr. BARRASSO):

S. 3509. A bill to reauthorize the Congressional Award Act; considered and passed.

S. 3509

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Congressional Award Program Reauthorization Act of 2018”.

**SEC. 2. TERMINATION.**

(a) **IN GENERAL.**—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking “October 1, 2018” and inserting “October 1, 2023”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2018.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 653—EX-PRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2018, AS THE “NATIONAL DAY ON WRITING”**

Mr. CASEY (for himself and Mr. ROBERTS) submitted the following resolu-

tion; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 653

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation consider writing to be essential and influential in their work;

Whereas individuals who write continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools, including print, audio, and video, to social media, including Twitter, Facebook, and Instagram, and Internet website tools, including blogs, wikis, and podcasts;

Whereas the National Day on Writing encourages all people of the United States and overseas to write, enjoy, and learn from the writing of others;

Whereas, since the inception of the hashtag #WhyIWrite in 2009, the hashtag has generated hundreds of thousands of tweets and reached millions of people, encouraging students, from elementary school through the university level, athletes, authors, and artists from all over the world to participate; and

Whereas, on the National Day on Writing in 2018, the National Council of Teachers of English encourages all people of the United States to tell others #WhyIWrite through print, social media, or other means: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 20, 2018, as the “National Day on Writing”;

(2) strongly affirms the purposes of the National Day on Writing; and

(3) encourages educational institutions, businesses, community and civic associations, and other organizations to celebrate and promote the National Day on Writing.

SENATE RESOLUTION 654—SUPPORTING THE GOALS AND IDEALS OF NATIONAL RETIREMENT SECURITY WEEK, INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES, INCREASING PERSONAL FINANCIAL LITERACY, AND ENGAGING THE PEOPLE OF THE UNITED STATES ON THE KEYS TO SUCCESS IN ACHIEVING AND MAINTAINING RETIREMENT SECURITY THROUGHOUT THEIR LIFETIMES

Mr. ENZI (for himself, Mr. CARDIN, Mr. WYDEN, Ms. COLLINS, Mr. ALEXANDER, Mr. JONES, Mr. YOUNG, and Ms. HASSAN) submitted the following resolution; which was considered and agreed to:

S. RES. 654

Whereas people in the United States are living longer and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States—

(1) only approximately ⅓ of workers or the spouses of those workers are saving for retirement; and

(2) the amount that workers have saved for retirement is much less than the amount those workers need to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is important so that those workers understand the need to save for retirement;

Whereas saving for retirement is a key component of overall financial health and security during retirement years and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not—

(1) be aware of the various options in saving for retirement; or

(2) have focused on the importance of, and need for, saving for retirement and successfully achieving retirement security;

Whereas, although many employees have access through their employers to defined benefit and defined contribution plans to assist the employees in preparing for retirement, many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas saving for retirement is necessary even during economic downturns or market declines, which makes continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from developing personal budgets and financial plans that include retirement savings strategies that take advantage of tax-preferred retirement savings vehicles;

Whereas effectively and sustainably withdrawing retirement resources throughout the retirement years of an individual is as important and crucial as saving and accumulating funds for retirement; and

Whereas the week of October 21 through October 27, 2018, has been designated as “National Retirement Security Week”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Retirement Security Week, including raising public awareness of the importance of saving adequately for retirement;

(2) acknowledges the need to raise public awareness of a variety of tax-preferred retirement vehicles that are used by many people in the United States but could be used by more; and

(3) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Retirement Security Week with appropriate programs and activities, with the goal of increasing the retirement savings and personal financial literacy of all people in the United States, thereby enhancing the retirement security of the people of the United States.

SENATE RESOLUTION 655—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. CORNYN, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Mr. HEINRICH, Mr. HELLER, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MURRAY, Mr. NELSON, Mr. REED, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. CARDIN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 655

Whereas from September 15, 2018, through October 15, 2018, the United States celebrates Hispanic Heritage Month;

Whereas the Bureau of the Census estimates the Hispanic population living in the continental United States at over 58,000,000, plus an additional 3,400,000 living in the Commonwealth of Puerto Rico, making Hispanic Americans almost 18 percent of the total population of the United States and the largest racial or ethnic minority group in the United States;

Whereas, in 2017, there were close to 1,000,000 or more Latino residents in the Commonwealth of Puerto Rico and in each of the following States: Arizona, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Texas, and Washington;

Whereas, between July 1, 2016, and July 1, 2017, Latinos grew the United States population by approximately 1,476,442 individuals, accounting for more than half of the total population growth during that period;

Whereas, by 2060, the Latino population in the United States is projected to grow to 119,000,000, and the Latino population will comprise more than 28.6 percent of the total United States population;

Whereas the Latino population in the United States is currently the third largest worldwide, exceeding the size of the population in every Latin American and Caribbean country except Mexico and Brazil;

Whereas, in 2017, there were approximately 18,588,304 Latino children under the age of 18 in the United States, which represents approximately ⅓ of the total Latino population in the United States;

Whereas more than 1 in 5 public school students in the United States are Latino, and the ratio of Latino students is expected to rise to nearly 30 percent by 2027;

Whereas 19 percent of all college students between the ages of 18 and 24 are Latino, making Latinos the largest racial or ethnic minority group on college campuses in the United States, including 2-year community colleges and 4-year colleges and universities;

Whereas the number of eligible Latino voters is expected to rise to 40,000,000 by 2030, accounting for 40 percent of the growth in the eligible electorate in the United States by 2032;

Whereas each year approximately 800,000 Latino citizens turn 18 years old and become eligible to vote, a number that could grow to 1,000,000 by 2030, adding a potential 18,000,000 new Latino voters by 2032;

Whereas, in 2017, the annual purchasing power of Hispanic Americans was an estimated \$1,700,000,000,000, which is an amount greater than the economy of all except 14 countries in the world;

Whereas there are more than 3,300,000 Hispanic-owned firms in the United States, supporting 2,300,000 employees nationwide and contributing more than \$473,000,000,000 in revenue to the economy of the United States;

Whereas Hispanic-owned businesses represent the fastest-growing segment of small businesses in the United States, with Latino-owned businesses growing at more than 15 times the national rate;

Whereas, as of August 2018, more than 28,000,000 Latino workers represented 17 percent of the total civilian labor force of the United States;

Whereas between 2016 and 2026, Latinos are projected to have the fastest rate of growth of any racial or ethnic group in the labor force, with Latina women having the fastest growth overall;

Whereas, with 65.9 percent labor force participation, Latinos have the highest labor force participation rate of any racial or ethnic group, as compared to 62.7 percent labor force participation overall;

Whereas, as of 2017, there were 326,800 Latino elementary and middle school teachers, 77,033 Latino chief executives of businesses, 54,576 Latino lawyers, 73,372 Latino physicians and surgeons, and 15,895 Latino psychologists, who contribute to the United States through their professions;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought bravely in every war in the history of the United States;

Whereas, as of July 31, 2016, more than 164,000 Hispanic active duty service members and 15,033 officers served with distinction in the Armed Forces;

Whereas, as of August 31, 2016, more than 284,000 Latinos have served in post-September 11, 2001, overseas contingency operations, including more than 8,500 Latinos currently serving in operations in Iraq and Afghanistan;

Whereas, as of September 2015, at least 675 United States military fatalities in Iraq and Afghanistan were Hispanic;

Whereas an estimated 200,000 Hispanics were mobilized for World War I, and approximately 500,000 Hispanics served in World War II;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for the United States in the conflict, even though Hispanics comprised only 4.5 percent of the population of the United States during the Vietnam War;

Whereas approximately 148,000 Hispanic soldiers served in the Korean War, including

the 65th Infantry Regiment of the Commonwealth of Puerto Rico, known as the "Borinqueneers", the only active duty, segregated Latino military unit in United States history;

Whereas, as of 2015, there were more than 1,200,200 living Hispanic veterans of the Armed Forces, including 136,000 Latinas;

Whereas 61 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force bestowed on an individual serving in the Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of the Government of the United States, including 1 seat on the Supreme Court of the United States, 4 seats in the Senate, 34 seats in the House of Representatives, and 1 seat in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2018, through October 15, 2018;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that celebrate the contributions of Latinos to the United States.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 13 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 10 a.m., to conduct a hearing entitled "Examining Safeguards for Consumer Data Privacy."

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 10 a.m., to conduct a hearing entitled "Cleaning up the Oceans: How to Reduce the Impact of Man-made Trash on the Environment, Wildlife, and Human Health?"

#### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 10:30 a.m., to conduct a hearing entitled "Impact of Tariffs on the U.S. Automotive Industry."

#### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the ses-

ion of the Senate on Wednesday, September 26, 2018, at 11 a.m., to conduct a business meeting.

#### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 11 a.m., to conduct a hearing on the nomination of Francisco Luis Palmieri, of Connecticut, to be Ambassador to the Republic of Honduras, Department of State.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 10 a.m., to conduct a hearing on pending legislation and the nomination of Peter T. Gaynor to be Deputy Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security.

#### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 2:30 p.m., to conduct a hearing.

#### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 2:30 p.m., to conduct a hearing entitled "Justice for Native Youth. The GAO Report on 'Native American Youth Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency.'"

#### COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 2:30 p.m., to conduct a hearing entitled "Register of Copyrights Selection and Accountability Act."

#### COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 3 p.m., to conduct a hearing entitled "The State of the VA: A 60 day Report."

#### SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 2:30 p.m., to conduct a hearing.

#### SUBCOMMITTEE ON SPACE, SCIENCE, AND COMPETITIVENESS

The Subcommittee on Space, Science, and Competitiveness of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 2:15 p.m., to conduct a hearing entitled "Global Space Race: Ensuring the United States Remains the Leader in Space."

#### SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

The Subcommittee on Federal Spending Oversight and Emergency Management of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, September 26, 2018, at 2:30 p.m., to conduct a hearing entitled "The Federal Role in the Toxic PFAS Chemical Crisis."

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Blanca Gaytan Farfan, be granted privileges of the floor for the remainder of the day.

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

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 93-642, reappoints the following Senator to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation: The Honorable ROY BLUNT of Missouri.

#### REAUTHORIZING THE CONGRESSIONAL AWARD ACT

Mr. FLAKE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3509 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3509) to reauthorize the Congressional Award Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FLAKE. I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3509) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3509

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Award Program Reauthorization Act of 2018".

#### SEC. 2. TERMINATION.

(a) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 2018" and inserting "October 1, 2023".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2018.

#### JUSTICE SERVED ACT OF 2018

Mr. FLAKE. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4854.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4854) to amend the DNA Analysis Backlog Elimination Act of 2000 to provide additional resources to State and local prosecutors, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FLAKE. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. FLAKE. I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4854) was passed.

Mr. FLAKE. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

#### NATIONAL RETIREMENT SECURITY WEEK

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 654, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 654) supporting the goals and ideals of National Retirement Security Week, including raising public awareness of the various tax-preferred retirement vehicles, increasing personal financial literacy, and engaging the people of the United States on the keys to success in achieving and maintaining retirement security throughout their lifetimes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FLAKE. Mr. President, I ask unanimous consent 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 of debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 654) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions."

#### HISPANIC HERITAGE MONTH

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 655, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 655) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FLAKE. I further ask unanimous consent 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. Without objection, it is so ordered.

The resolution (S. Res. 655) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### DIRECT SUPPORT PROFESSIONALS RECOGNITION

Mr. FLAKE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 625 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 625) designating the week beginning September 9, 2018, as "National Direct Support Professionals Recognition Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FLAKE. I further ask unanimous consent 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. Without objection, it is so ordered.

The resolution (S. Res. 625) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in the RECORD of September 12, 2018, under "Submitted Resolutions."

#### MEASURE READ THE FIRST TIME—H.R. 6287

Mr. FLAKE. Mr. President, I understand there is a bill at desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6287) to provide competitive grants for the operation, security, and maintenance of certain memorials to victims of the terrorist attacks of September 11, 2001.

Mr. FLAKE. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR THURSDAY, SEPTEMBER 27, 2018

Mr. FLAKE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Thursday, September 27; further, that following the prayer and pledge, the 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; further, that following leader remarks, the Senate proceed to executive session under the previous order.

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

#### SIGNING AUTHORITY

Mr. FLAKE. Mr. President, I ask unanimous consent that the majority leader be authorized to sign duly enrolled bills or joint resolutions on Thursday, September 27.

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

#### ADJOURNMENT UNTIL TOMORROW

Mr. FLAKE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, September 27, 2018, at 12 noon.

#### CONFIRMATION

Executive nomination confirmed by the Senate September 26, 2018:

##### CONSUMER PRODUCT SAFETY COMMISSION

PETER A. FELDMAN, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2019.