



United States  
of America

# Congressional Record

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

Vol. 164

WASHINGTON, WEDNESDAY, OCTOBER 3, 2018

No. 164

## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 5, 2018, at 9:30 a.m.

## Senate

WEDNESDAY, OCTOBER 3, 2018

(Legislative day of Friday, September 28, 2018)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

O Lord our God, restorer of the joy of those who find You, we praise Your Holy Name.

Today, strengthen our Senators. Remove from them divisions and strife, infusing them with a spirit of unity and humility. Deliver them from fatigue and irresponsibility, reminding them that careless words have consequences. Lord, empower them to disagree without contentiousness as they seek to protect our constitutional Republic from self-inflicted wounds. Remove clouds of disillusionment as our Senators strive to seize those opportunities that best serve the interests of freedom and human betterment.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

### NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Mr. President, it is safe to say the national spectacle of the professional left has created around Judge Brett Kavanaugh's confirmation process has now reached some kind of fever pitch in the 17 days since Dr. Ford's confidential correspondence was leaked to the press—17 days of a feeding frenzy on Judge Kavanaugh and his family, unlike anything we have seen in recent memory.

Since then, a literal mudslide of wild, uncorroborated accusations has literally poured out—each more outlandish than the last. This mudslide has been actively embraced, urged on, and capitalized upon by the Democrats inside this Chamber and by the organized far-left special interests outside. It hasn't been about getting to the truth or giving anyone a fair hearing; it has only been about one thing—the far left's hunger to bring down Judge Kavanaugh's nomination by any means necessary.

If facts and evidence couldn't get the job done, then intimidation tactics and bullying would have to do. Sometimes this intimidation campaign has been aimed at the nominee. Colleagues, including my friend the Democratic lead-

er, have tried to get Judge Kavanaugh to withdraw from this process because of these uncorroborated and sometimes absolutely ridiculous allegations.

When that didn't work, then the far left tried to bully and intimidate Members of this body—Republican U.S. Senators. They tried to bully and intimidate us. One of our colleagues and his family were effectively run out of a restaurant by these people in recent days. Another reported having protesters physically block his car door, and some have seen organized far-left protesters camp out at their homes.

I am not suggesting we are the victims here, but I want to make it clear to these people who are chasing my Members around the hall here or harassing them at the airports or going to their homes: We will not be intimidated by these people. There is no chance in the world they are going to scare us out of doing our duty. I do not care how many Members they chase or how many people they harass here in the halls. I want to make one thing perfectly clear: We will not be intimidated by these people. This is all part of the organized effort to delay, obstruct, and intimidate those of us who will be voting this week.

A few days ago, I did something I rarely do: I offered a prediction. I predicted that here in the last few days before the Senate is to vote on Judge Kavanaugh's confirmation, the Democratic conference would continue to make good on its leader's promise and fight this nomination with everything it has got. I predicted that, on a dime,

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



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the very supplemental background investigation for which my Democratic friends had clamored would suddenly become insufficient and that no matter what accommodations would be made, no matter what agreements would be reached, the Senate Democrats would find more excuses to continue moving the goalposts one more time.

Granted, this was not exactly a radical prediction. This body and this Nation have spent months watching their friends across the aisle grasp at every imaginable excuse to delay this process and damage this nominee. So I felt pretty safe in saying the last goalposts would soon be on the move yet again, but even I was not sure it would happen this quickly.

Let's start with the Democratic leader and the ranking member of the Judiciary Committee. In a letter released on September 23, they suggested that the FBI had ample time to conduct a supplemental investigation before the hearing that was scheduled just 4 days later. They insisted an inquiry would "not take a tremendous amount of time." The Democratic leader brushed aside the notion that this—the seventh background investigation of Judge Kavanaugh—would delay the process, saying, "It will only take a few days." Well, that was, of course, before we agreed last Friday to delay the proceedings by no more than 1 week to accommodate just such an inquiry.

Naturally, we are now hearing a different tune. Yesterday, the ranking member stated her view that voting this Friday on Judge Kavanaugh's nomination as planned would be "too soon." There go those goalposts again, moving right on down. In that same letter, the Democratic leader and the senior Senator from California called for the supplemental investigation because "conducting background investigations on nominees has long been the FBI's standard practice." Here is what "standard practice" means: The FBI conducts interviews, prepares a careful report, and makes it available for Senators to review. "Standard practice" does not mean what the Democratic leader decided to demand for the first time yesterday now that the FBI is concluding its review. You get the picture.

As it concludes the review, it is not enough. We are to have yet another delay so FBI agents are made to appear—listen to this—for in-person briefings and so that Democrats can cross-examine the agents to see if they are satisfied with how they did their jobs. Is anybody surprised about this? There go those goalposts again.

Well, guess what. Our Democratic colleagues have made it abundantly clear they will never ever be satisfied, not ever. Does anyone really think the same people who said any nominee of this President would result "in the destruction of the Constitution" will be satisfied? Does anyone really think the same people who called Judge Kavanaugh "evil" long before they

heard one word of testimony from anyone will be satisfied? Does anyone really think the same people who said their goal was to delay this nomination past the election will be satisfied? To ask the question is to answer it. If my friends across the aisle were to have their way, the goalposts on Judge Kavanaugh's nomination would be in another time zone by now.

Our Democratic colleagues are quickly running out of material. One of their last efforts seems to be the new argument—notwithstanding whether these allegations can be corroborated in any way—that the real crime here is that Judge Kavanaugh stood up for his family and took umbrage at this disgraceful spectacle. He is now expected to witness this disgraceful spectacle and not get upset about it.

I would ask any of my colleagues: How would you feel if your entire reputation had been destroyed in this mudslide? Would you be calm about it?

For weeks now, a national media feeding frenzy has literally dragged Judge Kavanaugh and his family through the mud. He has been subjected to the most vile and disgusting accusations. His wife has been threatened and his young daughters traumatized.

In many instances, my Democratic colleagues have ushered on these absurdly disgusting accusations and tried to give them a veneer of credibility, specifically citing them now as a reason why Judge Kavanaugh should not be confirmed. Our Democratic colleagues are enabling this mudslide and encouraging it. Now the same Democratic Senators have the temerity to say Judge Kavanaugh disqualified himself for the Supreme Court because he got a little testy at the hearing after they drug him through the mud—because he told them how much damage these accusations had caused him and his family.

Let's get one thing straight right now: I don't want to meet the man or woman who wouldn't be frustrated and angry by a coordinated strategy to destroy his or her good name on the altar of partisan politics.

The Senate has received an incredible volume of testimony about Judge Kavanaugh's exemplary judicial temperament. We have heard from faculty of his alma mater, who called him "a fair-minded jurist who believes in the rule of law" and "commands wide and deep respect" among his legal peers, and from his former law clerks who say: "He listens carefully to the views of his colleagues and clerks, even—indeed, especially—when they differ from his own." Yet some still prioritize partisan point-scoring ahead of Judge Kavanaugh's actual record.

We have heard overwhelming testimony that Judge Kavanaugh's time on the Federal bench has been defined by equanimity, even-handedness, and fair treatment of all parties.

It is time to put this embarrassing spectacle behind us. The American peo-

ple are sick of the display that has been put on here in the U.S. Senate in the guise of a confirmation process.

The FBI is finishing up a supplemental background investigation. It will soon add this information to Judge Kavanaugh's file for Senators' consideration. This is the standard practice. Then, pursuant to last week's agreement of a delay no longer than 1 week, the Senate will vote on this nomination this week. The Senate will vote on this nomination this week.

When we do, we will be voting on one of the most impressive and most stunningly qualified Supreme Court nominees in our Nation's history. We will be voting to confirm a new Supreme Court Justice who possesses sterling academic credentials, widely acknowledged legal brilliance, an exemplary legal temperament, and a proven commitment to complete fairness on the bench. That is what the Senate will do this week.

#### FAA REAUTHORIZATION AND THE OPIOID EPIDEMIC

Mr. McCONNELL. Now, on a completely different matter, Mr. President, the Senate is also attending to other matters of critical, nationwide importance this week.

Today, we will pass a fulsome reauthorization for the critical functions of the Federal Aviation Administration. We will also take up and pass landmark opioids legislation. It is set to deliver major relief to American communities that have been decimated by the scourge of substance abuse and addiction.

Every one of our colleagues represents families who have grappled with the loss of livelihoods and loved ones at the hands of this crisis, and nearly every one of them has contributed provisions to make this a truly comprehensive response.

The legislation before us is the collaborative product of contributions from 70-plus Members of this body. Five different committees had a say. The result is a landmark package that will deliver critical resources to establish opioid-specific recovery centers and equip local medical practitioners. It will help law enforcement to stop the flow of opioids across borders and increase safeguards against overprescription.

I hope each of my colleagues will join me in voting to pass this landmark legislation. I hope they will join me in getting more assistance, more tools, and more training in the hands of first responders.

There will be more access to housing and work opportunities for those in recovery, thanks to my CAREER Act—which, I am proud to say, is included in this legislation—and more resources for State, local, and community leaders as they stand up treatment and recovery programs.

With today's vote, the Senate will say this to every American affected by

the opioid epidemic: America is fighting back against this crisis. More help is on the way.

UNANIMOUS CONSENT  
AGREEMENT—H.R. 302

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following disposition of the House message to accompany H.R. 302, the majority leader or his designee be recognized to make a motion to concur in the House message to accompany H.R. 6, and that notwithstanding the previous order in relation to H.R. 6, the Senate vote on the motion to concur without further intervening action or debate at 3:15 p.m. today, all as in legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY  
LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF BRETT  
KAVANAUGH

Mr. SCHUMER. Mr. President, first, I am glad that the majority leader and I get along. I am glad we are able to do certain things together, like the opioid bill and the appropriations bill, but that cannot hold me back from responding to the blatant falsehoods he tells day after day after day on this floor.

First, from the man who singlehandedly delayed the filling of Justice Scalia's seat for 10 months to complain about a 1-week delay to get the truth—give me a break. It is classic, diversionary, blame-the-other-person tactics, when he himself is the master of delay. It is galling and appalling day after day to hear the majority leader get on his high horse about delay, when he almost invented the word when it comes to judicial nominations.

Second, he blames Democrats for the delay, which is about the most blatant falsehood I have heard uttered on the floor in a long time. The majority leader knows darn well that he has the sole power to determine when to put the Kavanaugh nomination on the floor. He could have done it 2 weeks ago. He could have done it last week. He is now insisting he will do it this week.

Democrats have no say. He talked about an agreement that caused a week's delay. Who was the agreement with? Three Republican Senators.

The majority leader knows—knows—that it was Republicans who caused him to delay, both for the FBI investigation and for Judge Kavanaugh and Dr. Ford to testify. He didn't have to do that. He had the power. He is to blame for the delay, but he couldn't do anything otherwise because his own Republicans insisted on it.

Again, it is a blatant falsehood. I am so tempted to use the L word, but he is

my friend. To say that Democrats caused the delay—Mr. Leader, assert your power to determine what is put on the floor, and be a man. Man up and say it is your decision, not ours. We have nothing to do with it.

Third, he says he is one of the most qualified nominees we have ever seen. We know what is going on here. Everyone—everyone—including the majority leader himself, knows that Kavanaugh is a deeply flawed candidate for a whole lot of reasons. Knowing that, the majority leader and the Republican majority have to divert attention from Kavanaugh. So they are focusing on people who did nothing wrong, like Senator FEINSTEIN, like the Judiciary Democratic minority, and like the Democratic Party.

It is outrageous, but they know that Kavanaugh is not very good, and they know his testimony hurt him across America. I was talking to a CEO, a Republican of a major company. He said his board was watching the debate, and every one of them changed their mind after seeing Kavanaugh testify. They said: This guy doesn't belong on the bench. We can do better. That is the overwhelming reaction of Americans.

Judge Kavanaugh hurt himself dramatically and permanently by his screed—his nasty, partisan screed. That is something of a new, unschooled, two-bit politician, not someone who wants to be on the Supreme Court of the United States.

He hurt himself. Leader MCCONNELL knows that. The Republican leadership knows it. Donald Trump knows it, but they have to get the focus off of Kavanaugh. So they come up with these straw men and women. They come up with these false innuendos, distortions, and dishonesty. It is not going to work. It is not going to work.

Now, let me turn to the President, and in the strongest possible terms, let me condemn the comments by President Trump last night about Dr. Ford. President Trump's outright mockery of a sexual assault survivor, riddled as it was with falsehoods, was reprehensible, beneath the office of the Presidency, and beneath common decency from one person to another. President Trump owes Dr. Ford an immediate apology.

For too long—far too long—survivors of sexual assaults have been afraid to come forward because they thought that powerful men would shout them down and destroy their character. The President of the United States, the most powerful man there is, confirmed those fears for millions of women in the most despicable way possible.

President Trump should send a message to the women of America right now that he is sorry for saying what he said about Dr. Blasey Ford and that survivors of sexual assault should not only be heard but treated with dignity and respect and compassion.

You don't have to believe everything Dr. Ford said—and I do—to refrain from the nasty and vicious attacks, riddled with lies, in sort of a moboc-

racy-type way, and yet Donald Trump shows no restraint and no regulator. He is the prime example of why the norms in America, regardless of politics and regardless of party, are declining, and we don't hear a peep out of my colleagues on the other side, with a few notable and noble exceptions.

He is ruining the norms of America. He is so degrading the way people treat each other. It is pathetic, and it does permanent damage to this Republic, unless his own party members or others close to him speak up.

Anyone who watched Dr. Blasey Ford saw a credible and courageous woman, who elected to relive the worst night of her life because she felt a civic duty to come forward. That action took immense courage.

She is not the first. It is not unusual anymore. We know thousands of women who were hurt and then afraid to come forward mainly because they thought they would be ridiculed and disbelieved, just as President Trump appallingly, despicably, and lowly did last night.

Dr. Ford's actions took courage. She is a woman who is far more honest than Donald Trump. She admitted that she was "terrified" to speak in public about her very private pain and trauma.

I have been disappointed by President Trump's comments before, but this is a new low. I repeat, President Trump should apologize immediately.

Now, what will my colleagues on the other side do? They will ignore President Trump's comments, sidestep President Trump's comments, and spend their time blaming Democrats, even though we had no say in the delay. The delay was through Republicans. We know what they will do. It is shameful.

The President is day by day tearing down the norms that have built this country up. We have had the greatest norms, the greatest character, and the greatest behavior of any Nation ever, but it is declining now because people of goodwill allow Trump to do it without criticizing him. It is about time they did. It is about time they did.

Now, shifting focus back to events here in Congress. We have to get back to reality and truth and focus on treating the Supreme Court nomination debate the right way. When all is said and done, this is about the nominee's credibility and temperament.

I have said it before, and I will say it again: There are many who say what happened when someone was 15 and 18 doesn't indicate their personality and what kind of person they are when they are 53.

Well, I believe Dr. Ford, and I believe what she said is very relevant. There are many who don't want to consider that, but there is an issue that should matter even to them, and that is the credibility and temperament of Judge Kavanaugh.

This is what he is at 53. If he can't tell the truth about previous encounters, engagements, behavior, and activity, which we have found over and over

with Judge Kavanaugh, he doesn't deserve to be on the bench. He doesn't deserve to be on the bench.

That is why we need an FBI investigation. That is why Republicans stymied Leader MCCONNELL in his headlong rush to have a vote and demanded an FBI investigation—it wasn't Democrats, we know that—because they wanted to get to the truth, because credibility of a Justice on the Supreme Court is a very, very important characteristic, right below it is temperament, and then lack of partisanship. Unfortunately, at least from initial indications, Judge Kavanaugh is not high on any of those three lists. That is why we need the investigation, and that is why we need it to be thorough, but we still don't know how thorough of an investigation the FBI is conducting.

As of last night, Dr. Blaise Ford and her list of corroborating witnesses have not been interviewed. While Deborah Ramirez has reportedly been interviewed, her attorney says her list of corroborating witnesses have not. NBC News is reporting that more than 40 people with potential information for the investigation have not been contacted for interviews by the FBI. I heard this story over and over. People call the tips line—that is what they are supposed to do—and they don't get a call back. This may be vital information. We want to know the truth. It can all be done in a week, the week Senator FLAKE and Senator COLLINS and Senator MURKOWSKI asked for, not the Democrats asked for—although we certainly agree with them—but that is not what caused Leader MCCONNELL to delay, and every Republican Senator knows it. So that is why we need this to be a thorough investigation.

Without a clear sense of what the White House has told the FBI to look at in this investigation, we have no idea if the FBI is doing a real investigation or simply preparing a figleaf—at the direction of the White House—for Republicans to vote yes.

I understand the difficulty for the FBI. I have a great deal of respect for Director Wray. He has been pushed around. They have been ridiculed by the President—the brave men and women who risk their lives for us as part of law enforcement, but the FBI has a duty to do, and Director Wray has a duty to their reputation. If he is being constrained by the White House, he has an obligation to let us know, and certainly Counsel McGhan has an obligation to let us know what constraints he has placed upon the FBI.

So here is what needs to happen: First, the White House must publicly release in writing what the White House Counsel has instructed the FBI to pursue. If the FBI is not interviewing these witnesses that Ms. Ramirez's attorney presented to them because Counsel McGhan or Donald Trump has said don't do it, we ought to know that, and certainly not just we ought to know that, the Senators who requested the FBI investigation ought to know that.

Second, Leader MCCONNELL should arrange an all-Senators briefing from the agent in charge of the investigation before the vote. We should know what he did and what he didn't do and why.

Third, the findings of the FBI investigation, upon completion, should be released publicly, with any personal information redacted. This is not the usual practice, but it has been done in the past when it is needed, and it is sure needed now. The FBI should do it.

These three steps would go a long way to ensure the public's faith that the investigation has been conducted fairly, fully, and properly.

This debate, this nomination, is about whether Judge Brett Kavanaugh has the character, the credibility, and the impartiality to serve on the Nation's highest Court. In order to be an effective judge at any level, you need to be impartial. You need to be dispassionate. We don't ask our judges to be perfectly neutral, but we can't tolerate judges who are nakedly partisan either. Judge Kavanaugh himself has said that "most obviously, a judge cannot be a political partisan." Those are his words, but that is just what he has shown us he is, through his long history and now with his recent rant.

The testimony Judge Kavanaugh prepared for the Judiciary Committee last Thursday—prepared testimony, this was not just on the spur—showed who he was, and it was steeped in partisan resentment and acrimony. He tried to implicate sitting Senators in a "calculated and orchestrated political hit job." That is what he said to the Senators he was being interviewed by. He denounced "left-wing opposition groups" who don't have close to the power the hard right has had in pushing our Republican colleagues around to rush this nomination through, but we don't hear about them. Then, topping it off, he portrayed the recent allegations against him as "revenge on behalf of the Clintons."

I dare say, Dr. Ford didn't have the Clintons on her mind once when she wrestled and struggled with whether to come forward. It is an absurd charge—absurd.

He even told Democratic Senators: "What goes around comes around," which, to many here, sounds just like a threat. A judge telling people "what goes around comes around"? A judge, a Supreme Court Justice says that when he is nominated? We can certainly do better. Even if someone who has the same ideology as Kavanaugh is chosen, someone who doesn't do things like that should be before us. I hope that person will not be chosen, of course, if he has Judge Kavanaugh's ideology, which is one of the main reasons I was against him to begin with.

We should never forget it is likely Judge Kavanaugh will greatly impede or eliminate a woman's right to choose. It is likely—it is very likely—he will get rid of healthcare, including preexisting conditions. It is likely he

will allow Presidential overreach. Those three substantive bases motivated most of us to come out against Kavanaugh, even before his awful testimony.

I understand Judge Kavanaugh felt his character was under assault. I understand how he is feeling angry and upset. I understand responding to questions in the heat of the moment with words you might later regret, but these were prepared remarks. It takes a partisan to see a partisan conspiracy against him.

As conservative fellow at the Brookings Institute and former Kavanaugh defender Benjamin Wittes wrote in a column entitled "I know Brett Kavanaugh, but I wouldn't confirm him":

Judge Kavanaugh's opening statement was an unprecedentedly partisan outburst of emotion from a would-be judge. I do not begrudge him the emotion, even the anger. . . . But I cannot condone the partisanship—which was raw, undisguised, naked, and conspiratorial—from someone who asks for public faith as a dispassionate and impartial judicial actor. His performance was wholly inconsistent with the conduct we should expect from a member of the judiciary.

That is from somebody who is a conservative and a Kavanaugh supporter. The courage that a good number of both Kavanaugh's friends and observers like Wittes are showing and realizing that this guy is too much, I wish we saw a little more of that from the Republican side because they know, deep in their hearts, this guy shouldn't be on the bench. We know they know.

Now, the judge's partisanship at a hearing raises questions, as I have mentioned, but the biggest issue against Judge Kavanaugh, in my judgment, is credibility. It is the No. 1 issue. Does Kavanaugh always tell the truth, the whole truth, and nothing but the truth? Whatever you think of what he did as a 17- or 18-year-old, what Judge Kavanaugh has said as a 53-year-old matters, whether you think the 17- or 18-year-old behavior should be part of the decision, which I do, or whether you don't.

The harsh fact is, Judge Kavanaugh has repeatedly—repeatedly—danced around the truth on issues large and small in 2004, his first confirmation hearings; in 2006, his second; and now again in 2018. On things such as what happened when he was in high school and college and law school, to things such as grand jury proceedings and White House controversies, again, he has danced around the truth, never been direct, and often tried to mislead. We cannot have a Supreme Court Justice whose credibility is in doubt. That will hurt the Nation for a generation.

So I ask my colleagues, whatever you think about what Judge Kavanaugh did at 17 or 18, think about what he said at age 53. Think about the credibility of the man now as a grown adult and a judge. Think about whether you want to put someone who has been so partisan, with questionable credibility, on the Court or whether there is someone better.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### SPORTS MEDICINE LICENSURE CLARITY ACT OF 2017

The PRESIDING OFFICER. The clerk will report the unfinished business.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 302, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 4026 (to the motion to concur in the amendment of the House to the amendment of the Senate), to change the enactment date.

McConnell amendment No. 4027 (to amendment No. 4026), of a perfecting nature.

The PRESIDING OFFICER. The majority whip is recognized.

#### NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, I unfortunately don't have enough time right now to respond to everything the Democratic leader has said, but I do want to say this: The most accurate statement the minority leader made is, he was against Judge Kavanaugh from the start. No one should be confused about this being a search for the truth. This is about search and destroy.

Now, I think the Judiciary Committee conducted itself appropriately in giving Dr. Ford a chance to tell her story. I have said all along I want Dr. Ford to be treated just the same way my daughters or my wife or my mother would be treated under similar circumstances, and I think we met that standard, but we know the goalpost continues to be moved by our colleagues. This idea that you can assassinate a man's character, resulting in threats against his family, ruin his reputation and his future, and expect him to be a human punching bag and not respond forcefully—it is incredible to me.

This should be about a fair process, but a fair process means the people who ultimately decide should have an open mind at the beginning. You wouldn't want to walk into a courtroom and talk to a jury or a judge where the judge and jury had already made up their mind; you would want them to listen to the evidence. That is what a fundamentally fair process means.

It also means, if somebody is going to make an accusation against an individual for a crime, which is what has been alleged against Judge Kavanaugh,

they would have to come forward with more than just an allegation; they would have to come forward with witnesses, proof, evidence because under our Constitution, people are presumed to be innocent of crimes unless proven guilty. They are accorded due process of law, a fair hearing, a fair process.

Unfortunately, as a result of the mishandling of Dr. Ford's confidential letter to the ranking member, contrary to her wishes and without her consent, leaked to the press, she has been thrust into this three-ring circus. She was not told by her lawyers that the Judiciary Committee had offered to send a bipartisan team of professional staff out to her home in California to interview her confidentially. Why would her lawyers not tell her that? Because they wanted this three-ring circus. Despite Dr. Ford's wishes not to be thrust into the spotlight, they evidently thrust her into that spotlight, raising the question in my mind: For whom are they working? Are these lawyers actually working for Dr. Ford or do they have another agenda and another client in mind?

Well, the idea that now this has all come down to what somebody wrote in their high school yearbook is beyond parody. I mean, you can't make stuff like this up. Oh, we know the judge is belligerent because he allegedly threw ice on somebody in a bar in college. Of course, the reporter who wrote that had previously sent out a tweet demonstrating his bias against Judge Kavanaugh, but now it is accepted as fact—and, man, we are going to defeat this man because he threw ice on somebody when he was in college.

Or we are going to go through his high school yearbook. I wonder what the high school yearbook of every Senator in this Chamber says. I hope that is not the standard.

The Senate as an institution is one that operates based on precedent. If this is the precedent for future nominees, woe be to us because we will not be able to recruit the best and brightest people to serve in the judiciary or be subjected to this inquisition of a confirmation process.

As I said, there is more I want to say responding to the Democratic leader's comments, which I couldn't disagree with more. He had already made up his mind, so this is now about trying to build a case against the nominee. The problem is, there isn't any evidence, so in its place, what he wants to do is presume guilt: Because somebody said something in their high school yearbook, they ought to be disqualified; because they allegedly threw ice on somebody when they were in college, that is disqualifying. That is making this whole process a laughingstock. This is the opposite of the sort of fair and dignified process we should be following.

Now, at the request of many Senators, the FBI is going to be reporting back to the Senate on their supplemental background investigation. Will

that be enough to satisfy those who had said, "All we need is one more week in order to allow the FBI to question more witnesses"? We see now that they have moved on. Regardless of what happens with this supplemental background investigation, they will not be satisfied because they had their minds made up already, even before Dr. Ford's letter became public.

This is an embarrassing, disgraceful way for the Senate to conduct itself. We do not honor ourselves or this institution by handling this nominee, this nomination, and these witnesses—including Dr. Ford—like this.

I don't know what it is going to take for us to change. But one thing that can't happen is we can't let these despicable tactics and this strategy win because if they are able to destroy the reputation of a sitting judge based on such flimsy stuff, that means this same precedent will be applied to future nominees. Woe be to us and what a terrible disservice, not only to the good men and women who want to serve in government but also to the American people.

The thing I hate most about Washington, DC, and its insular culture is that some people don't just want to win the argument; some people don't want to just win the election or win the vote; they want to destroy their opposition—destroy them. That is why people are saying that, even if the judge is confirmed, maybe over in the House they will start impeachment proceedings. One of the Members of the Judiciary Committee said: If the judge is confirmed, it will not stop there; I am not going to stop. What does that mean?

We need to vote. We need to get the FBI report and we need to vote because the longer this circus continues, the more embarrassing it becomes to the Senate and to the Senators who work here.

The PRESIDING OFFICER. The Senator from Maryland.

#### OPIOID CRISIS RESPONSE ACT

Mr. CARDIN. Mr. President, later today we are going to have an opportunity to vote on the Opioid Crisis Response Act. I want to take some time to compliment all involved in bringing this legislation forward.

First, let me start by acknowledging the problem in Maryland. The problem we have in Maryland is throughout our entire country.

Recently, I was at the MedMark Treatment Center in Baltimore City, and I had a chance to see firsthand the efforts being made by the local community, by the private sector, and by the government to deal with those who have addiction issues as a result of the opioid crisis. I must tell you, they are making progress, but the problem continues. The problem continues in every community in Maryland.

I have had similar roundtable discussions in western Maryland, on the Eastern Shore, in the Baltimore and Washington metro areas, and in all

parts of Maryland. In every community, they tell me that the crisis of overdose is still increasing, despite efforts made by local communities to try to deal with the addiction issue on many fronts—on the front of law enforcement, looking at different ways of dealing with pain medicines, and looking at ways to deal with people with addiction issues.

As we know, with the widespread use of addictive opioids, they hit the market, and people became addicted to the prescription opioid medicines that were not used for their proper purposes. Later, they used heroin, which was cheaper than the opioid medicines, and people became addicted to that. More recently, heroin has been mixed with fentanyl, which can be very deadly and is much more powerful than heroin or prescription opioids, and people end up in the emergency room. In many cases, they end up dead.

Congress has responded. We passed the 21st Century Cures Act, which was a bipartisan bill that set up a framework and alternative ways of dealing with pain rather than using addictive opioids and dealt with providing significant resources to local governments to deal with the issues in law enforcement, in prevention, and in treating people with addictions.

Of course, the passage of the Affordable Care Act provided healthcare coverage for people with behavioral health issues and addiction, which helped not only those in the exchanges on private insurance but also those in the Medicaid system. So we have done a good job in trying to respond to it.

Now we have the legislation before us: the Opioid Crisis Response Act. I am very pleased about the provisions. Many committees have provided input. It is a truly bipartisan product reflecting the will of the House and the Senate and the different committees of jurisdiction.

I am particularly pleased that we have provided additional resources and flexibility for local communities. The one thing I learned in visiting different parts of Maryland is that programs in some communities will work, and in other communities, these programs will not work. So we need to look at what works for each community involved.

The legislation before us reauthorizes and improves the State Opioid Targeted Response Grants in the 21st Century Cures Act. In my State of Maryland, we received \$20 million under that act in fiscal year 2017. I have been encouraged by the Governor, the mayor of Baltimore, and other local officials who support that reauthorization improvement. They know it will help them deal with the problems.

Let me tell you what the additional flexibility means for people in Maryland. In both Baltimore City and the Upper Shore, local governments are looking at establishing what is known as a stabilization center. A stabilization center will serve as a safe place for

those under the influence of drugs or alcohol to sober up and be connected to an appropriate setting, where they can get the help they need and the treatment they need for recovery. The problem with our emergency rooms is that many times people who have OD'd, once they are brought back, can become very disruptive, and they can adversely affect the healthcare in the emergency room settings for other people who are there for other purposes. In addition, they can't always get the services they need, particularly in the middle of the night, to deal with their addiction problems. The stabilization center is set up to deal with those issues and connect people to proper medical care and behavioral health and social services.

The problem is there is no funding for stabilization centers. Fortunately, under this legislation, flexibility is given in regard to the grant program for Comprehensive Opioid Recovery Centers, under the Substance Abuse and Mental Health Services Administration—SAMHSA—where local governments and community organizations can apply for funds to deal with these innovative approaches dealing with the addiction issue. I was pleased that it was a recommendation I had made and it was incorporated into the final legislation.

Another popular type of program in my communities is peer support. We find that people who have gone through addiction recovery are much more effective in reaching out to those who have an addiction need today and can provide the type of support they need to stay with treatment. The problem is that not all State Medicaid programs cover peer support services, certainly not in Maryland. So I was pleased that this legislation includes an amendment I offered that will get GAO to study State Medicaid programs that currently reimburse for peer support services and how those programs save money and improve outcomes for beneficiaries.

I am also pleased that we remove restrictions on Medicaid reimbursement for inpatient treatment of substance use disorders. We give flexibility to IMDs by removing the cap on the number of beds, which can help us, again, deal with the needs in different communities around our Nation. I worked with other Members of the Senate to get that included in the final bill that we will be voting on later today.

We also provided enhanced reimbursement for medication assistance treatment in the Medicare system. That is an issue I came forward with in this legislation, and I am pleased it was included.

The legislation also provides reimbursement for Medicaid health homes that focus on individuals with substance use disorder. Further, this legislation provides flexibility to deal with addiction issues through telehealth. Many of us have worked on telehealth issues, and this legislation expands the

use of telehealth services for Medicare beneficiaries with substance use disorders.

The bottom line is I was pleased to work with colleagues on both sides of the aisle in order to provide the flexibility for local governments and local communities to do what they need to do in order to deal with this crisis and, at the same time, provide Federal Government partnership and resources that can really make a difference.

We do more than just deal with the treatment issues. We deal with law enforcement, and I am pleased that is in the bill. Our Governor had asked that we deal with the challenges of fentanyl shipments coming through international mail into this country; that issue is dealt with in this legislation, and I was pleased to be part of that.

I am also pleased that we are providing first responders with protective equipment and training to deal with fentanyl. Many of our first responders are being accidentally exposed to fentanyl as they respond to an OD episode, and I am pleased there is help in this legislation to deal with that. I am particularly proud about that because Smiths Detection, which is located in my State, is providing the technology to help our first responders.

Maryland is a high-intensity drug-trafficking area designation. This bill reauthorizes many important programs to deal with the current opioid crisis, and there are moneys in this to support drug courts and task forces. All of this will help people in Maryland and across our Nation.

The legislation also deals with workforce and student loan forgiveness for those who go into this field. That is something that is welcome and needed.

Lastly, the bill deals with housing. Housing is a significant challenge for those who have addiction needs. This legislation will allow us to support innovative programs under Medicaid to deal with housing in conjunction with the opioid crisis.

I am proud we were able to work together in committees on both sides of the aisle, in both Chambers, and I look forward to the passage of this legislation later today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what is the order right now? It is my understanding, I say to my good friend from Illinois, that I was to be speaking and alternating back and forth. Is that correct?

The PRESIDING OFFICER. There is no order in effect. The unfinished business is the House message to accompany H.R. 302.

Mr. INHOFE. Mr. President, I ask that I be recognized for 10 minutes.

Mr. DURBIN. Mr. President, I have been waiting for 10 minutes. I didn't realize it was going to be an alternating situation, but I will defer to him because of his seniority and our friendship. I wish to ask how long he will

speak, and I wish to ask unanimous consent to follow him.

Mr. INHOFE. Let me ask my friend how long he would be, if I defer to him at this point.

Mr. DURBIN. Ten minutes.

Mr. INHOFE. All right, I am going to defer to the Senator for 10 minutes.

I ask unanimous consent that at the conclusion of his remarks, I be recognized for such time as I may consume.

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. DURBIN. Mr. President, it is hard to believe that it was 3 weeks ago when we first heard the name Christine Blasey Ford. It seems like a lot longer; doesn't it?

In that period of time, a lot of things have occurred. The first thing was the announcement from Kellyanne Conway at the White House when she said that Dr. Ford's testimony and complaint would neither be ignored nor would she be insulted. Last night at a rally in Mississippi, the President of the United States mocked Christine Blasey Ford for her lack of specific memory about this terrible sexual assault, which occurred 36 years ago.

I think most people realize that she testified under oath, gave us all the information she knew, and conceded there were things she couldn't remember. Neither she nor any victim should be in any way belittled because they can't remember all of the details of something that happened in the distant past, something they would much rather forget.

Let me also remind those who are following this debate that it was Dr. Ford who stepped forward and called for an FBI investigation. She was willing to step forward before the FBI and tell her story. It was Judge Kavanaugh who resisted it, even when I asked him directly. Now the FBI investigation is under way.

For the good of the Senate and for our Nation, I hope this is a complete, professional, nonpartisan investigation, and I hope we are given the time to at least read the report from the FBI before the Republican majority leader in the Senate plows through, as he said over and over, to a vote in this Senate.

I hope those who come to this issue in good faith, regardless of their position, will be respectful of the process, which we may be using in the future and should respect as it reaches its conclusion.

#### FORCED FAMILY SEPARATION

Mr. President, on a separate issue, I wish to tell the Senate about an experience I had several months ago. I was at an immigration court in Chicago. I had never been there before. It was at a high-rise office building in the Chicago Loop. The corridors were packed with those who were waiting for an opportunity for a hearing.

I went into this courtroom where a judge was sitting, and I saw the two people who were before the court that

day to have their case heard. The judge called the courtroom to order. She was very respectful to the two individuals who were there, but she had a problem. One of the people before her could not get into the chair to sit down for the proceeding. The reason that young girl, whom I will call Maria, could not get into the chair was because she was 2 years old—2 years old. One of the volunteer attorneys lifted her up and put her in the chair and handed her a stuffed owl, which she clung to through the whole hearing.

The other person who was being subject to a hearing that day had no trouble getting into the chair. He scrambled into the chair and sat down because he was anxious to play with the Matchbox car that was on the table. This young man, whom I will call Hamilton, was 4 years old.

In the United States of America, in the city of Chicago, at an immigration court of this Federal Government, these two individuals were up for a hearing because they had been separated forcibly from their parents. There was no real conclusion to the hearing. They reset the next hearing date for these two children—2 years old and 4 years old—for 4 days before Christmas.

How did we get to this point in America where we are actually having a Federal court hearing of an immigration court for a 2-year-old and a 4-year-old—one too small even to get into a chair by herself and the other who, thank goodness, found a Matchbox car to play with during the proceeding? We reached this point because of the announcement of the Trump administration of something called zero tolerance and the decision to separate over 2,700 children from their parents at the border.

Where are we today? We are in a situation where 136 of these children—months after this policy was started and then discontinued—are still being held by the government. Ninety-six of them have parents who we believe to be outside the United States.

Just this last week, the Department of Homeland Security inspector general came out with a report, which I commend to everyone, analyzing what the zero tolerance policy meant. I will tell you what it meant. It meant the absolute ultimate when it came to cruelty and incompetence. What they tell us in this report was that a decision was made by the Trump administration and by the Department of Homeland Security under Secretary Nielsen to separate children from their parents, even before these children had the ability to speak. They were called preverbal children. They separated them without any plastic bracelets on their wrists, without any fingerprints to trace them back to their parents. They were separated not by blocks or even a few miles but sometimes 1,000 miles.

I came to learn the story of a little boy I will call Hamilton because it was

published in *The New Yorker*. It was a story about his mom from El Salvador and the little boy being taken from her in March—taken from this mother. They left the mother in Texas in detention, and they transported the child to Chicago. Initially, a volunteer lawyer came in and bought a phone card and said to the mother: You can call him. And she did. They would talk for a little while and sing a little song.

The next time she called him, he wasn't as responsive. It has now reached a point where this 4-year-old little boy will not speak to his mother on the telephone, will not communicate with her. The people at the shelter in Chicago had begged the mother: Tell him he has to eat.

Did you ever see a little 4-year-old boy you would have to tell to eat? It says something about his state of mind. Sadly, this 4-year-old has now reverted back to diapers and will not say a word to his mother on the phone—separated by a zero tolerance program of this Trump administration.

What they tell us from the Department of Homeland Security Inspector General's Office is that we are far from the end of this sad, disgraceful chapter in American history.

Who is going to be held accountable for this? Will it be the President, perhaps in some election in the future? Will it be the Attorney General, who proudly announced this new program separating mothers from children? Will it be the Secretary of the Department of Homeland Security, who separated these children, according to the inspector general's report, putting them in confined spaces, which were unacceptable by humane standards, which we actually have been governed by for years in the United States?

I believe Secretary Nielsen should be held responsible. I believe she should resign. Someone has to answer for this disgraceful chapter in American history, and we still must remember that 136 eligible children are still being held by our government under this policy. It is time for us to reunite these children with their parents. Except in the most extraordinary circumstances, it is time for us to try to put these families back together again. I want Hamilton to start eating again. I want him to be in his mother's arms again. I want him to try to get over this chapter in his young life. It can affect him for as long as he lives.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, amid all the unfounded, uncorroborated accusations and attacks on a fine jurist, I think it is important for us to remember that other things are happening here at the same time. For one thing, I will only make one comment about the comments of the previous speaker; that is, the program that is somewhat accurately described actually started not in the Trump administration but in the Obama administration.

## FAA REAUTHORIZATION ACT

Mr. President, what I want to say is that something really significant is about to happen; that is, something we have been waiting for for a long time. If you are not on the Commerce Committee, you are not dealing with this issue—actually, there are three committees dealing with it—and you wouldn't be aware of how significant the vote coming up really is.

We are going to be voting to reauthorize the FAA. This is something we have been trying to do now for many years. This is actually a 5-year reauthorization. That is significant. The last time we did a 5-year reauthorization of the FAA was in the 1980s. It is a huge win, not just for the obvious good things that are going on and what we need to be doing to update the system we are working with, but if you single out general aviation and pilots, it is a big, major deal.

The legislation makes needed investments in our Nation's airport infrastructure and supports the general aviation community. It improves commercial service for the flying public and streamlines the FAA regulatory process, eliminating a lot of the red-tape that goes along with any bureaucracy. It enhances aviation security and promotes responsible and safe integration for drones in our national airspace.

As an active pilot, I am especially pleased that many pilot protections I have fought for are in this bill. In fact, I am very proud that I actually introduced in committee and was able to get in the bill six of my amendments that I know are very significant, and they mostly address general aviation. It is going to have more transparency in communicating with the FAA.

We have heard the stories about some of the FAA enforcement proceedings. That is common to a lot of bureaucracies. It strengthens one area: the notice to airmen. That is called NOTAM. NOTAMs are notifications to people who are pilots to let them know if they are going to land on a runway and if there is a problem on the runway and it is under construction or something like that. It came from a personal experience I had when I landed on one where there was work. But there were no NOTAMs. So there was no way of warning people.

I remember that I said: Well, where are the NOTAMs, if you say there are NOTAMs?

They said: Well, that is for you to find out.

This changes all of that. We have the NOTAM reform that is in there. It includes the Volunteer Pilot Protection Act. That is like the Good Samaritan act. I remember that about 30 years ago, when I was mayor of Tulsa at that time, on the island of Dominica—not to be confused with the Dominican Republic—there was a radio conveyor that reached the entire Central America and a lot of South America, and it was wiped out by a hurricane.

I remember getting 12 pilots together and 12 aircraft together and going to take medical supplies and take food and all of these things to that island. I actually had to fly through a hurricane to get down there. There were four people who were going to go and did not go because they might incur some kind of liability or they might do something on the way that would create that problem.

The Good Samaritan law that is in this bill is something we have been working on for a long period of time and will allow people not to be punished for their generosity, which has been the case before. The bill directs the FAA to update regulations and policies related to this selection and training and designation of pilot examiners.

There is a big problem. I experienced this personally just about 3 months ago. They are called DPE, or designated pilot examiners. There are not enough of them around. What we did with this bill was to add a new form of inspecting pilots that is going to allow one examiner to do twice as many pilots. Here it is in this bill.

Without the proper examiners, the commercial pilots are prevented from obtaining the recurring qualifications, and flight schools are prevented from graduating students. There is a problem right now in the numbers of people who are out there who have passed and want to take examinations and are not able to do that. It also addresses the problem of contract towers. Contract towers are mostly towers you see around the country. The largest ones are called FAA towers. However, some of them are contract towers, so they are contracting with the private sector. Well, this is good. They do a good job. I would just suggest, though, that if we had not allowed for these contract towers, we wouldn't have, in my State of Oklahoma, some seven towers that would be out there. Two of those contract towers are in the cities of Stillwater and Norman, OK. Well, Stillwater happens to be the home of Oklahoma State University, and Norman is the home of Oklahoma University.

I suggest to you, Mr. Chairman, on game day, if you are in there, going in with sometimes up to a thousand aircraft, and if you don't have a tower there, how is that going to work? Well, that is a recognition that that is a problem which needs to be dealt with, and that is in this bill. It also affects a lot of the airports that are adjacent to military bases.

It updates the FAA's dated benefit process, ensuring that communities invest resources without unnecessary paperwork.

The FAA reauthorization unlocks the economic growth potential of aviation it provides to local communities. We have in Oklahoma—not far from Tulsa, actually—a very small community called Bristow, and Bristow had two large industries that wanted to move in there and were not able to do it and

were making a decision to go not to another community in Oklahoma but to another State. It wasn't as far as Alaska; it was not too far away from Oklahoma. So what we were able to do was leverage the State funding to put in these improvements to the airport. I was there during the dedication. Those two very large industries are moving in. People don't realize what an airport means to a local community in rural America. So this has provisions in there that will allow that to take place.

There is another one I want to mention. If you are in a general aviation airport environment—now, that is not like DFW or Dulles or one of those; it is the smaller ones. In the Chair's State of Alaska, that is about all they have up there. If you are in that type of an environment, if you get Federal funds—and they all get Federal funds—if you don't use those in a general aviation airport, they automatically, under current law, go to DFW or one of the giant airports. Under this, it is guaranteed that they will go to another general aviation airport, which is a huge win.

Our Nation's aviation industry is facing a dire shortage of pilots. We have language in here that is going to be helpful. We all know about the problem—particularly those of us who are serving on the Senate Armed Services Committee—about the pilot shortage we have. We have some 2,000 pilots right now who are actually fighter pilots, but we have a shortage of pilots.

One of the problems is that during the 8 years of the Obama administration, in the process of starving the military, they were not allowing their pilots in the Navy and the Air Force to fly more than 12 hours a month. This was something that can't be done, and consequently they were in the position of not being able to have them—well, in this bill, we are starting out and actually have language in a pilot program to allow students in high school to go through ground school, to get people interested in aviation. All that is in this bill. The programs—there is a wide array of public and private sector stakeholders dedicated to furthering aviation and an accessible future career path for pilots.

I applaud the reforms in the FAA's process for certifying aircraft and aircraft products.

One of the problems we have had out there is that people are building—I am talking about major builders or experimental builders—aircraft and then not being able to get them certified because of the long certification process. We have shortcut that and have the same amount of requirements in this bill, but we will be able to almost double the number of certifications.

So that is happening right now. I thank Senator THUNE and Senator NELSON and the committee for acknowledging that we finally have to do it. For 10 years now, I have been sitting around waiting for a reauthorization



bill and have been talking to people about the consequences. Now, finally, after about 30 years, we have a reauthorization bill that is a 5-year bill. We are going to be voting on it shortly. It is going to be a great improvement.

So other things are happening here. We are passing things. We are being productive. We will continue to do so as soon as this fiasco is over, the challenges to our fine Justice Kavanaugh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### OPIOD EPIDEMIC

Mr. MARKEY. Mr. President, 2 weeks ago, I stood here to commend this body for developing and passing much needed legislation to help families and communities respond to the opioid overdose crisis. This crisis is a tragedy, a scourge, an epidemic that claimed an estimated 49,000 lives just last year. It is one that knows no political, territorial or demographical boundaries.

Soon, the Senate will consider a bipartisan, bicameral, consensus opioid package, which overwhelmingly passed the House of Representatives last week.

Contained within the conference bill are several of my provisions from the Senate-passed legislation, including Opioid Milestones, a bipartisan bill I introduced with Senators MURKOWSKI and HASSAN to create a scorecard to measure our Nation's response to the opioid crisis. In other words, as we spend more money, how do we now give a grade to each one of the programs that we are funding so that in 2, 3, 4 years, it is best practices across the whole country, so that we are ensuring that we learn the lessons of what is, in fact, occurring? So that is a milestone, a scorecard so that we know what is happening with the money, with the programs we are funding.

The final package also retains important legislation I introduced with Senators YOUNG and BALDWIN to help address increasing rates of infectious diseases associated with injection drug use, such as HIV and viral hepatitis.

Two weeks ago, while highlighting these provisions, I also called on my House and Senate colleagues to include in the conference legislation a critical policy that was noticeably absent from the Senate-passed bill: expansion of medication-assisted treatment, or MAT, for opioid use disorders.

In 2016, I worked with Senator RAND PAUL to expand access to MAT by enabling nurse practitioners and physician assistants to temporarily prescribe SUBOXONE. This year, I introduced bipartisan legislation with Senator PAUL, Senator COLLINS, and Senator HASSAN to provide permanent MAT prescriber authority for nurse practitioners and physician assistants. Our legislation would also extend this authority to other nursing professions already stepping up to address the opioid crisis—certified nurses, midwives, clinical nurse specialists, and certified registered nurse anesthetists.

As this consensus legislation was being negotiated, Senator PAUL and I led a bipartisan, bicameral letter urging leadership to include the House-passed version of our legislation in the final bill.

Today, I am pleased to report that we succeeded in this endeavor. Section 3201 of the conference legislation would permanently allow nurse practitioners and physician assistants to prescribe MAT. It would also provide that authority to the other nursing professions for 5 years. This policy will immediately save lives and improve our overall response to the opioid overdose crisis.

I thank my partners in both the House and Senate for fighting to ensure that we reduce the demand side of this epidemic by enhancing access to treatment.

In addition to expanding MAT, the conference package takes important steps to help connect vulnerable populations to healthcare, particularly substance use treatment.

As we work to address our Nation's opioid crisis and right the wrongs of the failed War on Drugs, we must do all we can to remove barriers to care, including for those who have been incarcerated.

Last month, I reintroduced my legislation, the Supporting Positive Outcomes after Release Act, which prohibits States from terminating an inmate's Medicaid coverage during incarceration. My legislation would instead require States to temporarily suspend Medicaid coverage, ensuring immediate access to healthcare services upon reentry into the community. In other words, when the prisoner is let out of incarceration and they go back into the community, they will have access to healthcare services. Otherwise, the likelihood of relapse is very high.

I am pleased that the conference opioid package includes a version of my legislation requiring States to suspend rather than terminate Medicaid coverage for young people under 21 years of age during incarceration. This provision will help bridge the precarious time after release by ensuring that these individuals can access their benefits as soon as possible.

I applaud the work of Senators HATCH and WYDEN to include this important provision in the conference package, and I hope that this is a step forward in expanding this suspension policy to other Medicaid populations. I don't think it should be just 21 and under; I think it should be anyone who is leaving prison. A high percentage of people who are in prison have some drug-related problem, and if we don't provide them with the treatment they need as they are leaving, then it is almost—not a guarantee but a high probability that they will take a U-turn and come right back with the same problem again.

This final opioid package represents a critical component of our response to the Nation's opioid overdose crisis. I

commend Senators MURRAY and ALEXANDER on their incredible and tireless work to put this legislation together, and I thank them for working with me throughout the process on all of those provisions. However, this should not and will not be the end of Congress's efforts to tackle the opioid epidemic. There remain a number of other outstanding proposals, like mandating prescriber education and clearly labeling the risk of opioids on prescription bottles. That could pay big dividends in addressing this crisis.

I would say in conclusion that it is a missed opportunity when we don't mandate physician education across the whole country on the prescribing of opioids. We should do it. There are a lot of physicians out there who are prescribing bottles of opioids who have never had the correct training in order to ensure that they understand what the consequences are.

Simultaneously, Senator HATCH and I have introduced legislation that says, in the absence of mandatory physician education, the bottle cap of every opioid have a warning, as they are taking the bottle from the pharmacy, so that the mother, the wife, the father, the responsible party in the family can actually see that this is dangerous and that it is addictive. The warning is right on the bottle cap in a color—red, orange, green—that says “this medicine is different from anything else you have in your cabinet.” At least give the mothers and fathers and family members the tools they need or the information they need to say: The physician didn't tell us this because they weren't mandated to have the education, but at least I can read it and say to myself that this is something I should be very careful with in allowing my family member to take these pills.

That is for another day, but I think it is important, and I think it is something that we are going to have to include, ultimately, down the line just to give families the information they need.

Again, I thank everyone, Democrat and Republican. This is a perfect example of how bipartisanship prevails over paralysis. And there can't be a more important issue that would prove that this institution can work. I thank everyone involved.

I yield back.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to discuss the bipartisan, bicameral 5-year reauthorization of the Federal Aviation Administration Act that we will be voting on, and I believe passing, in about one-half hour.

This is the first 5-year reauthorization for the FAA since 1982, providing long-term certainty for our aviation infrastructure while ensuring that we continue to have the safest, most efficient aerospace system in the world.

The bill continues to provide stable funding for the Airport Improvement Program which supports the construction, rehabilitation, and development

of airports of all sizes, including the construction of the new Williston Basin International Airport in North Dakota, the first new air carrier airport built in the United States in over 9 years, and very much needed because it is right in the heart of the Bakken.

We have had incredible energy development there. We now produce between 1.2 and 1.3 million barrels a day, second only to Texas, so we have a lot of people coming in, a lot of infrastructure being developed, and obviously our service is incredibly important. I can't thank the FAA enough for recognizing that we not only needed an expansion of airport facilities, but we needed to build a whole new airport because they were closed in by the community of Williston. This is the first new air carrier airport built in the United States in 9 years, and it is tremendous. It is not just about serving Williston, it is about serving Northwest North Dakota, as well as parts of Eastern Montana, and a very important, growing energy industry area for our Nation. That shows the importance of the kind of provisions we have in this legislation and how it affects every part of our great Nation.

Ensuring long-term certainty for FAA programs like the Airport Improvement Program are essential for our airport construction projects, as I have described, in the Williston Basin. It is particularly important that we have this funding and are able to utilize it in an efficient way. For example, in cold-weather States like my State or the State of our Presiding Officer, there is a relatively short construction season so we have to get out there and get after it and get it done when we can. That is what we are doing with this legislation, as well as in the appropriations bill, making sure the funding is there so we can deploy it cost-effectively, getting the funding out there and construction done when it can actually be done.

The FAA reauthorization includes a number of provisions I worked on and authored to expand upon work we are doing in North Dakota on unmanned aircraft systems. This is a big part of the future of aviation. I thank the Commerce Committee chairman—the Commerce Committee being the committee of jurisdiction—and I would like to thank Chairman THUNE, my good buddy from the other Dakota, and also the ranking member for their work on the UAS legislation with me that we have included in this bill.

As my colleagues well know, North Dakota is one of the leading States when it comes to development of unmanned aviation systems technology. As a matter of fact, Eastern North Dakota has been referred to as “the Silicon Valley for drones” by one of the prominent media outlets. Our Northern Plains Unmanned Aircraft Systems Test Site in Grand Forks, ND, is one of seven UAS research and development sites in the Nation, providing the proving grounds for a range of UAS testing

from one-pilot operations and precision agriculture to military applications, defense applications, border security, as well as the energy industry—just a whole gamut of military, border protection, and commercial agricultural uses for unmanned aviation.

For example, one of the golf courses in Grand Forks, the King's Walk Golf Course, which was actually designed by Arnold Palmer and is a very nice golf course, has begun delivering food to golfers on the golf course by drones. That is pretty cool. It is a sign of things to come. We have companies there such as General Atomics, Northrop Grumman, and leading aerospace companies developing applications such as Predator, Reaper, Global Hawk—all of these ISR military applications and so forth.

We also have Customs and Border Protection there. We have 900 miles of border responsibility, and they are using unmanned drones on the border. I want to assure the Presiding Officer that is not just to keep an eye on Alaska, but we work with our good friends in Canada. So we have Customs and Border Protection and military applications but also these ag and energy applications, also this idea of small product delivery, where products can be delivered right to your home with drones. They are actually starting that on the golf course. You walk before you run, right? Here you are on the golf course getting food and beverages delivered. That is a first step in this process.

I look at these young people, and I think about what we all carry now, our smartphones that are amazing computers that can do so much. Ten years ago, obviously, and when we were their age, we never dreamed of something like that. Even 10 years ago, we had no idea what this device could do. Think what unmanned aviation systems—drones, if you will—are going to do in 10 years, right?

Looking at these pages—they will be developing these applications. We will be trying to keep up. You know, guys like me and the Presiding Officer, we will be trying to keep up with these young people. It is going to be amazing, and we have no idea about all the amazing applications that are going to be developed. That is why we worked so hard in this area, and that is why I am so pleased.

Back in 2011, I actually worked on the legislation and authored a lot of it that set up the test sites we have. We were actually the first test site named. What we have been able to include in this bill is another 5-year extension of those test sites. That is really important because the work we are doing out there—as I mentioned, some of the great companies we have, they have to know they will be able to continue to operate on those test sites. We have a lot of special things going into making sure they have the airspace so they can fly these unmanned aircraft and do the testing and development. Whether it is

high level, as I described with something like Global Hawk, which is a very large jet aircraft, all the way down to these small drones that are delivering food products on the golf course, we have to do it all. Having those test sites is a huge part of it.

The second aspect of the legislation I was able to include in this bill really goes to spectrum. We actually have a program in there that allows us to help develop the spectrum, and that is very important as well. The amendment I offered will enable us to evaluate the best and safest spectrum for UAS use. We need that for command and control.

It is amazing the things we have to figure out, including privacy, safety, how we do the command and control, high-level satellite, low-level, is it communication towers, like cell towers, what spectrums we use. All of these things, including redundancy, sense-and-avoid—all of those things go into developing contract airspace use for manned and unmanned aircraft.

Another provision we included has to do with the language that will allow us to develop the best spectrum for UAS use. It is important to ensure that UAS operates on a spectrum that provides the safest command and control of the aircraft and involves the least interference with other spectrum users. I thank Chairman THUNE for working with me to include this provision in the final bill that enables us to move forward in that very important area.

As we see growth in UAS development and use, it is also important that we address vulnerabilities. In the wrong hands, Unmanned Aircraft Systems can pose a serious threat to our country, our people, and property. So I was pleased this legislation includes the Preventing Emerging Threats Act legislation I helped introduce along with the chairman of the Homeland Security and Government Affairs Committee, Senator RON JOHNSON. I truly appreciate his work and the fact that we were able to include this provision in the legislation which Secretary Nielsen at the DHS wants. She was very clear that the Department of Homeland Security needs this legislation to have the authority not only to protect our Nation's borders but internally as well in case of any kind of unmanned aircraft attack on a facility and to be able to protect and prevent that. DHS needed this authorizing legislation to do that. So our bill will help protect important facilities from the security risks posed by anyone using unmanned aircraft improperly or dangerously. We do this by providing the Department of Homeland Security and Department of Justice with the authority to protect covered facilities and assets when there is a security risk posed by unmanned aircraft. I am pleased we were able to work in all these areas and include them in this large, important bill. These are all different areas of aviation that are so important to address for our Nation.

Our Nation leads the world in aviation. We always have. We lead in technology development, whether it is manned or unmanned aircraft. We are pushing the boundaries whether it is rocketry or anything else. The President now is advocating a space force. Again, we are pushing the boundaries of aviation. We will continue to do that because of the innovation, creativity, ingenuity, and the adventurous spirit of the American people.

We have to make sure we are doing our job in this body as well as our fellow Members of Congress. Our responsibility is to make sure we create the framework for our great companies, our great inventors, and our great scientists—for these amazing young people with all their brilliant and bright ideas—to have the forum and the opportunity to support the legal and regulatory environment so they can go out and do truly great things, where the sky is the limit. Right, guys? Where the sky is the limit.

That is what this bill is about. It is not about the government doing it, it is about empowering the great people of this country to do all those great things and continue to lead the world forward with aviation. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### INTERNATIONAL AID AND NAFTA

Mr. LANKFORD. Mr. President, there is a lot going on in the world right now, and obviously there is a lot going on in Washington, DC, but I want to take a global look at what is happening in trade.

I want to begin by mentioning what is happening in Indonesia. It is a part of the world where Americans don't travel too often or interact with. It is not in our typical sphere, but right now the people of Indonesia are digging out from a massive earthquake and tsunami that followed.

The latest death toll numbers are over 1,400 people they identified right now. Many of the most remote villages that were deeply affected by the earthquake haven't been reached yet. We don't know how high the death toll is going to climb.

Our State Department has already engaged, as we should, to help them in any way we can. We have already released some initial aid relief to them. We are offering our help in any way we possibly can to assist the people there as they try to make sense of how to go forward on relief efforts. There are private organizations, such as World Relief, that provide a global response that are already on the ground engaging to help. There are Americans helping the people of Indonesia—and rightfully so that we should. We should keep our focus on what is happening around the world, and where we can help, we should help and engage. So we should continue to pray for and reach out in practical ways to help the people of Indonesia. We will try to keep people updated on that in the days ahead on how people can stay engaged.

The President made an announcement earlier this week dealing with international activities with our closer neighbors of Canada and Mexico. This is an issue that has been discussed for quite a while. The President brought it up in his campaign and immediately went to work on trying to reshape the NAFTA agreement.

Interestingly, States have different opinions about NAFTA, but in Oklahoma our No. 1 and No. 2 largest export locations are Canada and Mexico. Our manufactured and agricultural products often are moving north and south to our closest neighbors, and NAFTA has been a win for us as far as building our own economy and reaching out to export our products.

So I was very attentive when the President said he wanted to revisit NAFTA. Our team quickly engaged with the President and his team to talk about what can be done to help. It is one of the issues I brought up with Robert Lighthizer before he was even appointed to the position of U.S. Trade Representative. We talked about NAFTA; we talked about the importance of trade agreements as well.

I met with Gregg Doud, the Chief Agricultural Negotiator, multiple times through this process. I met with the White House to talk numerous times. I met with the President and with the Vice President. I met with different individuals with their team to talk about how important trade is and how essential it is that we get to a good deal.

Initially, the focus was on resolving it with Mexico, leaving Canada out. My conversations with the White House have been that I understand the pressure on Canada, but Oklahoma's No. 1 trading partner is Canada. So I encouraged them to finish this out, as well, because it is exceptionally important to us.

There is this perception that only the people who border with Canada care about trade with Canada. That is not so. We continue to interact with them in letters, meetings, and phone calls.

I was pleased to see a trade agreement that actually came forward this week. There is a lot to resolve. We are still going through the details on it, but the important thing to come through it is locking in some of the things we already have with trade agreements.

When I speak with the people in my State about trade, they say: We want to resolve the trade issues with our friends, but the main focus we want to have is reaching out to make new friends internationally. Let's resolve the markets we already have and make sure those are stable. Let's try to find new places to sell our products and establish new trade agreements. It makes sense for our economy. It makes sense, quite frankly, worldwide for us.

I was pleased to see the administration step forward, saying that we are resolving the issues with Canada and Mexico and resolving some of the unanswered issues.

If you go back to the 1990s, we weren't talking a lot about e-commerce when the NAFTA deal was first done. It was time for an update on that.

It was time, quite frankly, for a State like ours that deals with a lot of wheat to have Canada acknowledge that the wheat we grow is quality wheat. Canada had a bad habit; every time we sent quality wheat to them, they would downgrade it as soon as it came across the border and say that American wheat was never the same quality as Canadian wheat. Sorry to say, our wheat is the same quality, so that is finally being resolved, back and forth, between Canada and the United States.

There are simple questions, such as what are de minimis products to be able to carry across the border between Canada and Mexico? It might not seem like a big deal, but allowing an individual to cross the border from the United States to Canada—to go back and forth with a small number of goods they have purchased is significant to someone who is a normal consumer crossing back and forth across the border. That has been a problem for a long time that finally will be resolved.

Dairy issues have famously been a problem. Opening up their market a little more to dairy products is very significant for us. This preserves and expands access for U.S. poultry and egg producers and makes updates to the areas where we need modern updates. I am pleased to see we are finally moving to resolve this.

There are some areas that I think are still unresolved, such as the issue about an expiration date. I have spoken with the administration multiple times about that. I think trade agreements can be revisited at any moment. We don't have to set an expiration date on it. Clearly, they can be revisited because we are revisiting NAFTA right now to renegotiate the deal. I don't think we need to set a future date and say that this whole thing goes away. I think that sets an arbitrary deadline on a trade deal. If it is working, we can renegotiate the areas that need to be tweaked, but leave it in place. It creates greater stability.

I look forward to having the debate about some of those issues and trying to resolve some of those things. But in the meantime, I want to thank the Trump administration for doing the work that was required, taking on the trade issues that have needed to be taken on for quite a while, and trying to actually get them resolved. Now that NAFTA is wrapping up, we look forward to seeing the details in the days ahead and coming before Congress for a vote, as we see all of the details, and all of the American people will be able to see this final negotiation.

I look forward to the next year. The next year will include the new markets. We have trade issues, for instance, with Japan and U.S. beef. The whole world wants to have our beef.

They know the quality of the beef we put out. Japan has arbitrary tariffs that well exceed the norms against American beef coming into Japan, which other countries don't face. That needs to be resolved with Japan.

We need to continue to expand our exports into multiple other countries. The Trans-Pacific Partnership that was discussed in the previous administration—this administration set aside it and said: We are going to do bilateral negotiations rather than multilateral negotiations. I understand that. It is time to take on those bilateral negotiations, deal with those trade agreements, and expand into new markets and new places.

As the American economy is thriving right now, we are continuing to create greater efficiencies and greater products. The world continues to want our products, and the more we can negotiate those deals and find places to send them and people who want to buy them, let's do it.

I would add one more thing. We have a unique relationship with England. As the UK, because of their Brexit vote, breaks away from the EU and from that trading bloc, they are working on negotiating a deal with Europe. We should be aggressively negotiating a deal with the UK to form a trading relationship. There is no reason the United States and the UK shouldn't be the first major trade negotiation that they take on and that we solve.

We have a lot of products back and forth. Aerospace is one of those primary areas in which the UK and the United States should be able to cooperate extensively. Let's get that trade agreement going and make sure we can get that locked in.

In the days ahead, we will want to continue to have our close alliance with the UK, including a close free trade agreement between us, to make sure we can knock down tariffs. This is a moment when the UK can walk away from Europe's high tariffs and high barriers to trade, and we can actually say: Let's establish a closer relationship with our close allies of the UK.

There is a lot to be done in trade. There are a lot of new places to go, and there are some areas that I would tweak and do differently, even in this new deal on NAFTA with the United States-Mexico-Canada Agreement. But I am proud of the administration; they have actually taken this on to be able to solve it.

As I have jokingly said: They have the ability to break things; now it is time to prove they can fix some things. This is one they are fixing, and it will be good for the American economy in the days ahead to see it done.

I yield the floor.

Mr. LEAHY. Mr. President, Americans are taking to the skies like never before. According to the Bureau of Transportation Statistics, a new high of 74.8 million domestic and international passengers flew in June of 2018, a 5.8-percent increase compared to

last year and a 1-percent increase compared to May. June was the fifth consecutive monthly increase in system-wide passengers. In the midst of this growth, Congress has been working on legislation to reauthorize the Federal Aviation Administration, FAA, which sits at the center of this tremendously important industry.

Today we are sending a 5-year FAA reauthorization to the President's desk. While certainly not perfect, on balance, this is a good bill that takes positive steps for airline workers and customers and also reauthorizes funding for key programs that help rural airports. At a time when the Trump administration has sought to either eliminate or dramatically slash discretionary funding for the Essential Air Service, EAS, this bill sends a strong, bipartisan signal about the importance of EAS to rural communities across the country. In addition, this agreement will end the requirement that airports use toxic firefighting foam that can poison groundwater. Communities in Vermont have been forced to confront the aftereffects of the use of these dangerous chemicals. It is long overdue that we put an end to their use.

I am also pleased that this bill contains a small but important provision I worked to include that will authorize reimbursement for preclearance activities in the rail environment. As a long-time advocate for preclearance, I appreciate the willingness of Chairman THUNE, Ranking Member NELSON, and Chairman GRASSLEY to work with me and Senator JOHNSON on this language, which is necessary for establishing preclearance facilities at Canadian rail stations.

I am concerned, however, about one unrelated piece of legislation attached to this bill that grants vague and overly broad authority to the Departments of Justice and Homeland Security to mitigate threats posed by drones. The Preventing Emerging Threats Act would allow the government to take control over, destroy, and wiretap drones that pose a "credible threat" to an undefined class of Federal property. Crucially, it exempts DOJ and DHS from the protections contained in the Wiretap Act and the Pen Register and Trap and Trace Act, opening the door to warrantless wiretapping.

While there is undoubtedly potential for drones to be misused in a manner that could pose a serious threat to citizens and government buildings, this bill fails to achieve the right balance between granting DOJ and DHS reasonable authority to confront such threats and protecting civil liberties. The vague definitions of "credible threat," "safety and security" and "covered facility or asset" leave the door open for serious abuse. It is imperative that Congress remain vigilant in conducting oversight to prevent misuse of this vague authority.

Despite my serious concerns about the Preventing Emerging Threats Act,

I am supporting this package because it brings stability and certainty to the FAA and includes other important provisions that benefit airline passengers, employees, and Vermont. I appreciate the hard work that went into crafting this compromise. I do not support everything in this bill, but on balance, it is legislation I will vote in favor of.

Mr. BLUMENTHAL. Mr. President, I rise today to provide clarification surrounding section 317 of H.R. 302, the Federal Aviation Administration, FAA, Reauthorization Act of 2018.

New section 44737 of title 49, as added by section 317 of the bill, allows for the consideration of other means acceptable to the FAA Administrator that provide an equivalent level of fuel system crash resistance. I want to state clearly for the record that the intent of Congress in new section 44737 subsection (a), paragraph (1), subparagraph (B) is to provide flexibility for the FAA to consider innovative fuel system designs when determining an equivalent level of fuel system crash resistance.

The PRESIDING OFFICER. The Senator from Florida.

#### FAA REAUTHORIZATION ACT

Mr. NELSON. Mr. President, the Senate is going to vote shortly on legislation called the FAA bill. It addresses the concerns of air travelers across the country. The bill before us has some key safety and security aviation measures.

We have worked across the aisle to bring to Congress a 5-year authorization of the Federal Aviation Administration. This is the first 5-year bill of the FAA that has passed and will pass this Congress since the 1980s.

Why is that important? There needs to be stability for planning purposes for the aviation industry. Fortunately, this bill is a new mark of bipartisanship that would allow us to get an extensive bill charting the authorization for aviation for the next 5 years. Remember, there was a time during one year in which we had multiple extensions. That has caused an inability to bring bipartisan agreement to the FAA's governing of aviation.

Well, we have that agreement, and it is going to be a 5-year bill. I have already commended Chairman JOHN THUNE in another hearing this morning on another topic in the Commerce, Science, and Transportation Committee. It is that bipartisanship that brings us to this point.

Along with the FAA bill, the bill will also provide long-term stability and continued focus on security and safety at the Transportation Safety Administration, the TSA, and the NTSB, the National Transportation Safety Board, which is charged with determining the cause of aviation and other transportation accidents.

This bill greatly benefits the flying public. It ensures the FAA's core mission remains safety, and it helps American aviation and aerospace companies remain competitive and produce good-paying jobs. In Florida alone, my

State, aviation and aerospace companies employ over 98,000 people. It is “big time” to us in Florida.

Most important of all, we have heard weary travelers loud and clear with their cries for help, and help is on the way. That is why this bill contains a number of comprehensive consumer protections.

We have all experienced the indignity and the frustration of being squeezed into smaller and smaller airline seats. Under this bill, the FAA will be required to establish minimum dimensions for passenger seats. For airline passengers who purchased airline services that were never received, the legislation requires prompt refunds. Remember how infuriating it is if your bag doesn’t arrive or if it is completely lost—the indignity that you have already paid for that bag. You are going to get a refund.

We also addressed the needs of traveling families by requiring early boarding during pregnancy, private space in airports for nursing mothers, and ensuring that strollers can be checked at the gate.

By the way, do you know how cigarettes are prohibited on flights? This prohibits e-cigarettes, electronic cigarettes, on flights.

The bill calls for the development of a bill of rights for passengers with disabilities.

We also established an aviation consumer advocate within the Department of Transportation. The aviation consumer advocate will now be there to help travelers who have been mistreated by the airlines.

Those are just some of the consumer-oriented reforms. It will be incumbent on the Trump administration to carry out these improvements. This Senate will be enacting our constitutional responsibility of oversight to see that the executive branch is doing just that.

Aside from the consumer wins, I would also like to mention that the bill advances the TSA’s mission of securing our transportation system by expanding the use of bomb-sniffing dogs, speeding up the deployment of technology, and addressing gaps in surface transportation security.

The bill also addresses another topic, disaster recovery and response, by including protections for local governments that have experienced a natural disaster, by limiting the number of years the Federal Emergency Management Agency, FEMA, can demand repayment of disaster assistance in cases that don’t involve fraud or abuse. That is a real problem in Florida, where years later—they call it a clawback—FEMA is trying to clawback disaster assistance funds that it had already sent to the State or local governments and then claimed years later: No, you shouldn’t have had that. Of course, those funds have already been spent. It is a very important issue for Florida and for so many of our cities and counties that are put in this economic, fiscal bind.

For the residents of Puerto Rico and the U.S. Virgin Islands, there is also an

extension of disaster unemployment assistance. Believe me, after those island territories—our fellow U.S. citizens—had been hit by the hurricanes that roared through that part of the world last year, there is still a lot of unemployment, and they need that unemployment assistance as a result of the natural disaster that occurred.

In the case of Puerto Rico, not just one but two hurricanes, Irma and Maria, hit and devastated that island. This is, certainly, going to help those who lost their jobs or those who were unable to work due to Hurricane Maria to get back on their feet.

As the ranking member of the Commerce Committee, I have always sought to address the national challenges by reaching across the aisle to find bipartisan consensus, and this bill does that. As I said in my comments, Senator THUNE has been a great partner to work with. I appreciate the opportunity to have worked with him, along with Senators BLUNT and CANTWELL, as well as with Representatives SHUSTER, DEFAZIO, MCCAUL, and THOMPSON, on this important legislation—5 years, an FAA bill.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. ERNST). Under the previous order, the leadership time is reserved.

Under the previous order, all postcloture time has expired, and the question occurs on the motion to concur.

Mr. INHOFE. 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 clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 220 Leg.]  
YEAS—93

Alexander	Enzi	Kyl
Baldwin	Ernst	Lankford
Bennet	Feinstein	Leahy
Blumenthal	Fischer	Manchin
Blunt	Flake	McCaskill
Booker	Gardner	McConnell
Boozman	Gillibrand	Menendez
Brown	Graham	Moran
Burr	Grassley	Murkowski
Cantwell	Harris	Murphy
Capito	Hassan	Murray
Cardin	Hatch	Nelson
Carper	Heinrich	Perdue
Casey	Heitkamp	Peters
Cassidy	Heller	Portman
Collins	Hirono	Reed
Coons	Hoeven	Risch
Corker	Hyde-Smith	Roberts
Cornyn	Inhofe	Rounds
Cortez Masto	Isakson	Rubio
Cotton	Johnson	Sanders
Crapo	Jones	Sasse
Daines	Kaine	Schatz
Donnelly	Kennedy	Schumer
Duckworth	King	Scott
Durbin	Klobuchar	Shaheen

Shelby	Thune	Warner
Smith	Tillis	Warren
Stabenow	Toomey	Whitehouse
Sullivan	Udall	Wicker
Tester	Van Hollen	Young

NAYS—6

Barrasso	Markey	Paul
Lee	Merkley	Wyden

NOT VOTING—1

Cruz

The motion was agreed to.

The PRESIDING OFFICER. The motion to concur having been agreed to, the motion to concur with amendments is rendered moot.

SUBSTANCE USE-DISORDER PREVENTION THAT PROMOTES OPIOID RECOVERY AND TREATMENT FOR PATIENTS AND COMMUNITIES ACT

The PRESIDING OFFICER. As if in legislative session, under the previous order, the Chair lays before the Senate the House message with respect to H.R. 6.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 6) entitled “An Act to provide for opioid use disorder prevention, recovery, and treatment, and for other purposes,” with an amendment.

MOTION TO CONCUR

Mr. THUNE. As if in legislative session, I move to concur in the House amendment to the Senate amendment to H.R. 6 under the previous order.

The PRESIDING OFFICER. The motion is pending.

The Senator from South Dakota.

FAA REAUTHORIZATION ACT

Mr. THUNE. Madam President, it is oftentimes easy to believe the news reporting on how the Senate is broken and bipartisanship is dead, but then you work with your colleagues—both Democrats and Republicans, from the House and the Senate—on something like the FAA Reauthorization Act, which we just passed, and you are reminded that we can still come together and get things done for the American people.

The bill we just overwhelmingly passed and sent to the President’s desk is the longest FAA reauthorization since the 1980s, and it will improve our aviation system for travelers, manufacturers, and innovators alike.

The bill also reauthorizes the Transportation Security Administration, ensuring improved screening technologies and more explosive detection K-9s, additional focus on security and surface transportation to public areas, and new pathways to mitigate airport security delays for an overall better travel experience.

It also reauthorizes the National Transportation Safety Board, providing key reforms to modernize and improve transparency in this important safety agency’s investigations, recommendations, and Board member discussions. These important provisions are just the three-quarters of the

bill in the jurisdiction of the Senate Commerce Committee, of which I have the privilege to serve as chairman.

As chairman, I would like to personally thank the members of our committee for all of their hard work this Congress and especially Senator NELSON, the committee's ranking member; Senators BLUNT and CANTWELL, the chairman and ranking member of our Aviation Subcommittee; and Senators FISCHER and PETERS, the chairman and ranking member of our Surface Transportation Subcommittee.

I would also like to acknowledge, on the House side, Chairman SHUSTER and Ranking Member DEFAZIO of the House Committee on Transportation and Infrastructure, Chairman MCCAUL and Ranking Member THOMPSON of the House Committee on Homeland Security and Governmental Affairs, and Chairman SMITH and Ranking Member JOHNSON of the House Science Committee. They have been great partners, and I appreciate their efforts in helping to get this bill across the finish line.

Finally, I would like to thank all of the staff from both Chambers who worked tirelessly, including many late nights and weekends, on this bill. Without their efforts, the final product would not have been such a success. While everyone on the team worked hard on this bill, on my staff I would like to especially thank Nick Rossi, Adrian Arnakis, Mike Reynolds, Simone Perez, Jackie Keshian, Missye Brickell, Fern Gibbons, Jason Smith, Andrew Neely, Isaiah Wonnenberg, Chance Costello, Alison Graab, Fredrick Hill, and Brianna Manzelli.

On Senator NELSON's staff, thanks should go to Kim Lipsky, Mohsin Syed, Tom Chapman, Chris Day, Laurence Wildgoose, and Danny Blum.

I would also ask unanimous consent to have printed in the RECORD the names of the staffers who are part of the committees in the House who played key roles in the legislation and, of course, the staff members from the committee Chairman SHUSTER chairs, the Transportation and Infrastructure Committee in the House, which was very instrumental in getting this bill across the floor in the House and ultimately over to us in the Senate and then the ranking member, as I mentioned, PETER DEFAZIO's staff.

I ask unanimous consent to have printed in the RECORD the names of their staffs to whom we are grateful.

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

Chairman Shuster's staff who should be thanked include: Chris Vieson, Geoff Gosselin, Fred Miller, Holly Woodruff Lyons, Naveen Rao, Hunter Presti, Cameron Humphrey, and Hannah Matesic.

From Ranking Member DeFazio's staff: Kathy Dedrick, Alex Burkett, Rachel Carr, Michael Tien, and Luke Strimer.

Mr. THUNE. Madam President, I also ask unanimous consent to have printed in the RECORD the names of Chairman MCCAUL's staff and Ranking Member THOMPSON's staff.

Also, we are grateful to the staff of Chairman SMITH, who chairs the House Science Committee. There was a good amount of science policy that was ultimately included in this legislation.

Also, we are very grateful to Ranking Member JOHNSON's staff, Pam Whitney and Allen Li.

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

From Chairman McCaul's staff: Brendan Shields, Kyle Klein, Alex Rosen, Emily Trapani, and Forrest McConnell.

From Ranking Member Thompson's staff: Hope Goins, Alex Marston, and Rosalyn Cohen.

From Chairman Smith's staff: Chris Wylder, Ashley Callen, Mike Mineiro, and Sam Amber.

Mr. THUNE. I am sure there will be people whom I have left off this list, and I apologize for that, but it just underscores the amount of collective effort that underpins our work.

I could also easily expand that list to include those at the Department of Transportation and the Federal Aviation Administration who provided valuable assistance and technical expertise. We look forward, now that this bill has passed and headed to the President's desk for his signature, to working with them on its implementation.

So again, I say thank you to my colleagues who supported this bill and all of those who were involved in bringing us to a conclusion. This is the culmination of many months of hard work, bipartisan negotiation. Frankly, it wasn't easy, and that is a great credit to the staff members I mentioned and to the individual members of our committee and the other committees who were so involved in seeing this get across the finish line.

So I say thanks to the Members on the floor and the members of our committee.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I would like to extend my congratulations to the Senator from South Dakota. This is a significant agreement on which he and Senator NELSON and others have worked very hard. I want to especially thank him for including in the bill something Senator FEINSTEIN of California and I have worked on for several years; that is, the provision to ban the use of cell phones on airplanes. There is nothing worse than sitting next to someone on a 4-hour flight who would make it his or her business of revealing all of the intimate details of their life to someone on a cell phone. This would take care of that.

I would say to the Senator from South Dakota that sometimes I suggest to my friends in Tennessee that they look at Washington, DC, as a split-screen television. On the one side are tweets and Supreme Court contention and cable television and arguments, and on the other side we are getting quite a bit done, like the FAA

bill, like the songwriters bill, like the appropriations bills that have kept us first in the world in supercomputing. Thanks to the leadership of Senator BLUNT of Missouri and Senator MURRAY of Washington, we have, for the fourth consecutive year, included record funding for biomedical research. That doesn't capture as much attention as the other side of the TV screen, but it demonstrates that we are capable in this body of both vigorous contention on arguments, and we are also capable of doing the basic work of the Senate, which is to take big issues, see if we can come to some agreement about it, and come to a lasting conclusion, which the Senator was able to do, and I congratulate him for it.

I want to speak for a few minutes about another example of that. We are in the midst of contentious disagreement about the Supreme Court, but at the same time we have an urgent, bipartisan consensus, of virtually unanimous agreement, to deal with the most urgent public health epidemic facing our country today in virtually every community; that is, the opioids crisis. Each one of us has stories about how the opioids epidemic is ravaging our hometowns and our home States.

For example, at one of the several hearings we had in the Health Committee which I chair, a mother, Becky Savage, talked about her two sons whom she found in her basement after a graduation party one night, both dead. She was happy they were in their basement because instead of out driving around town, doing what teenagers might be doing, they were at home, but someone brought alcohol, someone brought opioid pills from the medicine cabinet in some home, and someone mixed those two together, producing two overdoses for two children who were not drug addicts, who were not alcoholics but who made a mistake.

Another hearing involved visiting the Niswonger Children's Hospital in Johnson City, TN, where one-third of the babies born in the neonatal center there are born withdrawing from opioids because their mothers are addicted, and it takes them days or weeks more to get over that. We listened to two judges in Upper East Tennessee, two criminal court judges, State judges, who said that of 6,000 completed cases they heard last year, two-thirds of them had something to do with the opioid epidemic.

There was the drug agent from Tennessee who was in my office who deals with meth and all sorts of drugs, and he described for me what had happened when they seized some fentanyl. Fentanyl is the white powder that is 50 times stronger than opioids—which comes from China, often in the mail—and which this bill we are about to talk about deals with. This drug agent, who is an experienced law enforcement officer, told me that just by opening a small plastic bag with a little of the white powder getting into the air, he was almost overcome and had to leave

the room because it would cause him to pass out. That is the epidemic we are dealing with everywhere in America.

Before I describe the bill, let me talk about two things that have to do with the bill. One is money and one is moonshot. People often say, when I describe our bill—which we called the Opioid Crisis Response Act but is now called by, I think, a better name, the SUPPORT for Patients and Communities Act—when I describe the bill, people ask: Where is the money? Well, the money is not in this bill. This is an authorization bill. We do money in other bills. We call them appropriations bills. The Congress and President Trump have both been attentive to the money.

Since just March, including the appropriations bill passed in March and the appropriations bills approved by the Senate last week, we will have directed in the Congress \$8.5 billion toward the opioid crisis—everything from hundreds of millions for nonaddictive pain medicines to \$1 billion for grants to States for more treatment—so \$8.5 billion just this year. That is the money.

Then, so far as the moonshot, some people say to me, “Well, we need a moonshot for the opioids,” and I wish we could have one. We probably need the energy, we probably need the money, and we probably need the resources and the determination it took in the 1960s for President Kennedy to say: Let’s go to the Moon in a decade. Unfortunately, we can’t do that from Washington, DC. This problem will not solve itself from here.

We can’t assign this task to an agency and say: Fix it in 10 years. That is why we call this bill the SUPPORT for Patients and Communities Act. The opioids epidemic is going to have to be solved in Ames, IA, and Nashville, TN, and Sacramento, CA, and communities all across this country by Governors who work with medical faculty to change the curriculum on how doctors learn about pain medicine; by States that, like Tennessee, have begun to limit the opioid prescriptions to 3 days at a time to try to avoid the 60-day, 60-pill bottle that someone might take home and use 15 pills and then have the rest taken by a teenager to a party, with a terrible result at the end; by the judges who deal with opioids and their criminal cases; and by the nurses and the treatment officials who try to help people with medication. All of this has to be solved community by community by community. We know that. We are not pretending that a single act here can fix the problem. We have had urgent bipartisan consensus on this. There have been contributions from 5 Senate committees, and 72 different Senators are reflected in this bill. That is why we have urgent bipartisan consensus, because we want to do everything we can do to provide tools to parents and patients and doctors and nurses and communities and Governors—anyone we can find—to deal with this crisis.

Senator MCCONNELL has called this opioid legislation “landmark legislation,” and I believe he is right. In our State, as in most States, more people are killed by opioid overdoses than by car crashes—in Tennessee, 1,776 last year. That is why the House passed this bill by 393 to 8 last Friday. That is why, after we vote on this bill today at 3:15, it will go directly to the President, and I am confident he will sign it quickly.

With more than 70 different provisions, there is no way to talk about them all. Each one is important, but here are a few of the most important:

Senator PORTMAN’s STOP Act. I talked about fentanyl—the white powder that is 50 times more powerful than opioids—coming by mail from China. FedEx and UPS can stop it, but the U.S. Postal Service can’t. This gives the government the authority to stop that powder from coming in from China.

Nonaddictive painkillers. The most common reason Americans see a doctor is because they hurt. They have pain. There are 100 million Americans with some pain, and there are 25 million Americans with chronic pain. They need help, and if opioids can’t help over a long term, they need a nonaddictive pain medicine, which is why we have put in hundreds of millions of dollars and passed fast-tracked legislation to find that.

Blister packs for opioids. States have begun to limit the doses of opioids that can be prescribed. We give to the Food and Drug Administration the authority to require manufactures to sell opioids in blister packs of three, five, or seven.

Extend support for Medicaid patients. Again, Senator PORTMAN worked hard on this one, as did others. This extends from 15 to 30 days the time for treatment for people with a substance use disorder, and it expands it to all those disorders.

The TREAT Act. Senator PAUL and Senator MARKEY have pushed this. It permanently allows more medical professionals to treat people in recovery to prevent relapse and overdose.

The bill prevents doctor-shopping by improving State prescription drug monitoring programs, and it provides more behavioral and mental health providers and support for comprehensive opioid recovery centers—all three of the major techniques we know.

It provides help for babies born in opioid withdrawal and for mothers with opioid use disorders and more early intervention with vulnerable children who have experienced trauma.

As I said, there are more than 70 different proposals from Senators themselves, equally divided between Democrats and Republicans. That is why this bill, which is the most complex one, I suspect, I have ever worked on—I have worked on some complex ones, but it is as complex as any—it literally had to have the support of every single one of the Senators to move through this body once, to the House, and I suspect

it will almost get it 100 percent again because of the urgency and the participation in this.

I mentioned the \$8.5 billion. Senator BLUNT says there has been a 1,300-percent increase in congressional funding to combat the opioid crisis over the last 4 years.

Eight committees in the House. Five committees in the Senate. Seventy-two Senators. Senator PORTMAN’s STOP Act. Senators PAUL and MARKEY’s TREAT Act. Senator RUBIO worked with us as we moved the Senate bill forward, and in the final version is his Eliminating Kickbacks in Recovery Act, which we were able to include in this final consensus legislation.

I thank Senator MCCONNELL, the majority leader, and Senator SCHUMER, the Democratic leader. They have lots to think about. They have many demands on them and their time. But they have made it possible through this whole process to make room for this because they understood the importance of it, and I thank them for that.

I thank the chairmen and ranking members of the other Senate committees—Senators HATCH, GRASSLEY, THUNE, CRAPO, MURRAY, WYDEN, FEINSTEIN, NELSON, BROWN—and their staffs. It is not that easy for that many committees to put down their jurisdictional jealousies and work across committee jurisdictions to work together, but we had an urgent bipartisan consensus that we needed a result here.

I thank Senator MCCONNELL’s staff, Scott Raab and John Abegg, as well as Senator SCHUMER’s staff, Veronica Duron, for all of their work on the legislation. They expedited it when it needed to be expedited.

I thank David Cleary on my staff and Evan Schatz on Senator MURRAY’s staff. They are the chiefs on those issues. When they work together and Senator MURRAY and I work together, we often can get a lot done.

On my staff, I especially want to thank Grace Stuntz, who was the policewoman on all of this, working with the various committees here and the various committees in the House, and her team: Andy Vogt, Melissa Pfaff, Margaret Coulter, Curtis Vann, Tyler Shrive, Brett Meeks, and Jen Boyer. They did a tremendous amount of work. I also thank Lindsey Seidman, Bobby McMillin, Jake Baker, Jordan Hynes, Liz Wolgemuth, Taylor Haulsee, Ashton Davies, Elizabeth Gibson, Christina Mandreucci, Evan Dixon, and William Heartsill.

On Senator MURRAY’s staff, I thank John Righter, Nick Bath, Andi Fristedt, Laurel Sakai, Colin Goldfinch, Madeleine Pannell, Allie Kimmel, Katherine McClelland, Lori Achman, Sheri Lou Santos, and Remy Brim.

We worked closely with the House of Representatives. I called both Representative WALDEN and Representative BRADY and talked with them before we went ahead with this, and they

worked seamlessly with us for the last several months. The chairmen and ranking members of the House who made contributions included Representatives WALDEN, BRADY, GOODLATTE, FOX, SHUSTER, PALLONE, NEAL, CONYERS, SCOTT, DEFAZIO, and their staffs.

Lastly, I would like to thank the staff of the Senate and House Legislative Counsel. They helped us write the bill. With all of the changes and all the Senators and all the provisions, they did a spectacular job. The staff of the administration provided technical assistance along the way, as well as the staff of the Congressional Budget Office. They worked literally around the clock. They worked on weekends to make it possible for us to get through the House and to now get through the Senate and down Pennsylvania Avenue to the President of the United States. This wouldn't be here without them.

This is a landmark piece of legislation. This legislation, with more than 70 contributions from U.S. Senators—really equally divided between both parties—and \$8.5 billion of funding since March, is an important step toward dealing with the most serious public health epidemic in any of our communities. The Supreme Court debate is important, but in hundreds of thousands of families and literally every community across this country, this is more important. This is more important, and this legislation will help.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### FAA REAUTHORIZATION ACT

Ms. CANTWELL. Madam President, I come to the floor to follow my colleagues, Senators THUNE and NELSON and to thank them for the FAA bill which we just passed and which is on its way to the President's desk. I so appreciated working with the chairman and ranking member and my colleague on the subcommittee, Senator BLUNT, on this FAA reauthorization bill.

As mentioned by the chairman, this is the first long-term reauthorization in decades, and it represents a 5-year investment in critical infrastructure that our airports need all throughout the United States.

It represents for us in the Pacific Northwest hundreds of millions of dollars of investments in our airports that help us continue to grow our economic and regional economies. Everybody in the State of Washington knows that we are bursting at the seams when it comes to our airports and that we need more capacity—particularly at Seattle-Tacoma International Airport, where we saw an increase of nearly 2 million passengers. It has been one of the fastest growing airports in the Nation for the last 5 years. This long-term infrastructure bill will provide hundreds of millions of dollars for airport investments in our State and will help us meet that growth and demand.

This bill is also a major down payment on security and efficiency to help

us handle that growth and the impact to our economy and to our transportation systems. That is one of the reasons this bill has provisions to bring more K-9 units to airports throughout the United States, including the State of Washington. The K-9 units have been vital to helping us cut nearly in half the time it takes to get passengers through the airport screening process, and I believe they are a tremendous deterrent, and they make sure that our airports are safe and secure from those who may want to do harm. The fact that we are improving the ability of these K-9 units to be supported by local airports is one of the great aspects of this bill as well.

We also want to note that our airport infrastructure across the State includes a lot of contract towers; that is, airports that help us with regional transportation, private transportation, and a diverse range of operations. Yet these airports are often in the shadows of larger airports, whether that is Felts Field in Spokane or Walla Walla Airport. Making sure that these contract tower airports receive support and funding so they can continue to help our aviation sector and the flying public is a great aspect of this bill.

Also, many of my colleagues have talked about the other improvements to safety and security. We are continuing to make a down payment on next-generation technology; that is, our air traffic control system. I can't say enough about how important it is for us to continue to move forward on the NextGen aviation system. It helps us fly more efficiently. It saves on fuel costs. It helps our system operate more efficiently. The bill's innovation also takes a next step forward on unmanned aerial vehicles.

I again thank our colleagues—particularly Senator THUNE and Senator NELSON—for their great work on this, and my colleague Senator BLUNT. Making aviation investments is critical to continuing to grow an aviation economy in the United States. It is also just as critical to growing economies around the State because air transportation helps them attract and keep businesses in the area. While we have Sea-Tac bursting at the seams, we have other regional airports that are still trying to grow, and giving them this infrastructure investment will help in the future.

I again thank our colleagues. I am glad we are moving forward on the first long-term aviation infrastructure investment in decades. Some of us here may remember the last bill, on which I think we had something like 23 extensions over many, many years before we finally got a bill. So this represents the first time in many decades that we now have a 5-year picture that we can look at and see the investment for aviation moving forward.

I thank my colleagues and will continue to work with them on other aspects of aviation improvement for the future.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### OPIOID EPIDEMIC

Mr. DONNELLY. Mr. President, I come to the floor today to discuss the opioid abuse epidemic, which has taken the lives of too many Hoosiers, harming families and communities across my State and our country. This is a public health crisis. It is a complex problem, and addressing it will require all of us to work together in a bipartisan way at the Federal, State, and local levels.

I am very pleased that the House and the Senate have worked together over many months to write this bipartisan legislation, the SUPPORT for Patients and Communities Act. This bill provides important new tools to combat the opioid epidemic and to work to ensure that those providing prevention, treatment, and recovery services in our communities have the resources necessary to help those in need of assistance. I am also proud that this legislation contains several bipartisan bills I helped lead over the past year.

For Hoosiers in Northern Indiana, one particular provision in this legislation is particularly significant. On July 26, 2017, Dr. Todd Graham was senselessly murdered in South Bend after refusing to prescribe an opioid to a patient. To honor Dr. Graham's memory, I helped to introduce the bipartisan Dr. Todd Graham Pain Management Improvement Act with my friend and fellow Hoosier Senator TODD YOUNG. This bill directs the Department of Health and Human Services to study Medicare's payment and coverage policies for nonopioid pain treatments. It could also help to increase access to nonopioid treatments and prevent future patients from developing an addiction. It would never have been possible without the leadership and courage of Julie Graham and the Graham family.

Another way of increasing access to nonopioid pain treatments is to encourage the development of new nonopioid pain treatments. I helped to introduce two bipartisan bills to achieve that goal. These bills would require the FDA to clarify how nonopioid pain treatments can qualify for expedited approval and to clarify how it will assess treatments that reduce the need for opioids. Provisions based on both of these two bills are included in this legislation so we can get closer to helping treat pain without the risk of addiction.

On another front, as we work to provide health professionals with new treatment options, we must also make sure that there are enough health professionals to provide substance abuse



disorder treatment in communities that need them. There are far too many areas in my State of Indiana and across America that lack access to meaningful addiction treatment and the trained professionals to provide it.

Earlier this year, I worked with Senators LISA MURKOWSKI and MAGGIE HASSAN to address this issue by introducing the bipartisan Substance Use Disorder Workforce Loan Repayment Act. This bill provides up to \$250,000 in student loan forgiveness for trained addiction treatment providers who will work in areas with a shortage of mental health professionals or an above-average overdose death rate. This new initiative helps to recruit more providers to work in addiction medicine and to serve in areas that most need their services. I am very proud to report that the Donnelly-Murkowski-Hassan bill was included in this larger legislative package.

Drug overdoses killed more than 72,000 Americans in 2017, including nearly 30,000 from opioid overdose. In Indiana, 1,840 Hoosiers were lost to overdoses just last year alone. That is heartbreaking, as each person is someone's loved one and someone's family member.

We have a lot of work to do, and I will not rest until we reduce this overdose rate, because one overdose is one too many. The SUPPORT for Patients and Communities Act will provide critical resources to communities across Indiana and across America.

I look forward to seeing this legislation passed here in the Senate and then signed into law by the President. I look forward to continuing to work with my colleagues on both sides of the aisle to address this epidemic.

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.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

#### OPIOID EPIDEMIC

Mrs. CAPITO. Mr. President, today I rise to strongly support the passage of the SUPPORT for Patients and Communities Act, the SUPPORT Act. Actually, I think that is a great title, the SUPPORT Act.

The SUPPORT Act combines the work of the House of Representatives with the Senate's Opioid Crisis Response Act, which we recently passed with overwhelming bipartisan support.

As we anticipate voting on this groundbreaking legislation soon and sending it to the President's desk, I wanted to highlight some of the provisions I think are most critical, many of which I worked on with my colleagues on the other side of the aisle to move forward.

The SUPPORT Act successfully builds on the work Congress began with the passage of the Comprehensive Addiction and Recovery Act back in July of 2016, and it is a critical next step in our fight against an epidemic that continues to devastate families and communities across this country, especially in my home State of West Virginia.

This legislation reflects what we have learned in the past few years since we passed CARA. West Virginia has been struggling so much with the opioid crisis; we have been struggling longer and harder than many of our other States. This is not something we are particularly proud of, but it is a reality with which we live, and we really face the challenge.

This crisis has shaped our ongoing response to the epidemic, as well as my contributions to the bill. In West Virginia, we understand better, I think, some of the causes of the crisis and how we can deal with them. We have discovered what is working in our State, and we have learned that the ripple effects go far beyond those struggling with addiction. It affects families and children and communities.

When thinking about next steps for fighting the opioid epidemic, one of the first things I realized was that the formula for State funding was not providing adequate resources to the hardest hit States—States like West Virginia. I joined with my colleague Senator SHAHEEN from New Hampshire—her State also has been devastated by this epidemic—to help change that formula.

I am pleased that this bill reauthorizes the State grants in a way that ensures that States like ours—small States with very large problems—will begin to receive more resources and those resources that we desperately need.

Something else we quickly realized in West Virginia was that we didn't have the treatment facilities or the trained workforce to adequately support individuals seeking treatment. To address these needs, I worked with my colleague Senator HASSAN from New Hampshire to create a grant program establishing comprehensive opioid recovery centers, or CORCs, in the most affected areas, and I worked on provisions that will help increase and better prepare our healthcare workers.

We also realized, sadly, that there will always be bad actors who attempt to take advantage of those in crisis. I have talked to friends of mine whose young adult children are in the throes of addiction and will literally pay anything—anything—to get the help they feel their loved one deserves, making them particularly vulnerable, I think, to bad actors and to folks who might take advantage of that. So we introduced the Opioid Addiction Recovery Fraud Prevention Act with Senator CORTEZ MASTO from Nevada. This measure will hold fraudulent substance abuse treatment programs and recov-

ery centers accountable by empowering the FTC to bring enforcement actions against them.

Another issue I hear about often is the need among employers for potential employees who are able to pass a drug test. Our economy is booming, our workforce is expanding, but we are having difficulty in some areas finding enough employees who can actually pass a drug test. It is not unusual; I will hear that 10 people get tested, and only 2 will pass.

We also have the need for recovering addicts to be able to find that pathway back to employment. To address both of these needs, this legislation authorizes grants that will align job training and treatment services, including several provisions from the CARA Act that I sponsored with Senator BROWN from Ohio.

As to the causes of the crisis, there are many, but there are two areas that come up again and again.

First is the need to reduce the number of prescriptions for opioids. To get at the root of the problem, Senator FEINSTEIN and I introduced the Using Data to Prevent Opioid Diversion Act. Our bill, which is now a part of the SUPPORT Act, provides drug manufacturers and distributors with data to identify pharmacies that are suspiciously ordering prescription opioids, and it grants law enforcement the authority to hold them accountable, as they should be, if they fail to use this data to identify, report, and stop suspicious orders.

Had something like this been on the books before, we may have been able to stop—and I want you to hear this statistic—the 780 million oxycodone and hydrocodone pills that were distributed to pharmacies in my State alone—my 1.8 million population State, between the years of 2007 and 2012, 780 million pills, including the nearly 9 million pills that were distributed between 2007 and 2008 to a single pharmacy in Kermit, WV, where the population is 392.

The second issue that comes up often is the need to reduce the amount of synthetic opioids like fentanyl, which is killing—killing—people. It is 100 times more potent than heroin.

The STOP Act will help prevent the shipment of synthetic opioids into the United States through the international mail system, where the vast amount of these originate. This measure, which Senator PORTMAN led and I joined with him to introduce, imposes tough new requirements for our U.S. Postal Service and Customs and Border Protection. By better targeting illegal packages, we can keep those dangerous drugs from ending up on our streets and in our local communities.

West Virginia has a more mature opioid epidemic, which has helped us to learn what is working and what is not working. One great example of something that is working is our Quick Response Teams, or QRTs, which has been piloted in Huntington, WV. Based on

similar programs around the country, a QRT is a three-pronged effort by medical professionals, mental health agencies, and law enforcement. These teams contact individuals who overdose within 72 hours of their overdose to help get them into treatment programs. In other words, let's not have them just go to the emergency room, stop the overdose, and have them walk back out with no followup.

Given the success of the QRTs in our State, I worked with Senator MURPHY to include a grant program in the SUPPORT Act that will allow communities across the country to implement similar programs.

When it comes to what is not working, over the last year or so, I began to hear from hospice staff who, due to a DEA rule—I seriously didn't understand this rule—were not allowed to destroy unused medication unless authorized by State law.

A lot of times in hospice, particularly elderly people in hospice—or anybody who is in a great deal of pain—have medications on the shelf, and if they are left to the disposal of a family member, you could see how they are ripe for falling into the wrong hands of a grieving family member or possibly somebody in and out of the home who has an addiction issue. I worked with Senator COLLINS to ensure that the SUPPORT Act includes language that would allow hospice employees to dispose of those controlled substances.

Another example of a policy that is not working is a 40-year-old regulation related to substance use disorder privacy records. This came to my attention following a terrible tragedy for my fellow West Virginian, Jessie Grubb, which was caused by confusion and misinformation.

Jessie was a daughter, a great sister, an athlete, and someone who was recovering from addiction. Following surgery from a running injury, despite her family's and her own best efforts to make clear that she was not to be prescribed opioids, she was discharged from the hospital with a prescription for 50 oxycodone pills. Jessie overdosed on those pills. She was 30 years old.

Following her tragic death, Senator MANCHIN and I introduced Jessie's Law. Jessie's Law makes it easier for doctors to know if a patient has a history of opioid abuse. It requires HHS to develop best practices for prominently displaying this information in electronic health records when requested by the patient so that they can see them right there as they are discharging the patient.

Although Jessie's Law passed the Senate in August, it had not passed the House, and I am glad to see it in the SUPPORT Act.

Still, while this may help avert future tragedies, many in the addiction community have encouraged further action to assure that providers can safely and effectively coordinate high-quality treatments for patients with substance abuse disorder. To meet

those needs, Senator MANCHIN and I introduced the Protecting Jessie Grubb's Legacy Act. Part 2 is not in the SUPPORT Act, and we will continue to work on this Legacy Act to make sure that this important policy change happens.

Something we have seen in West Virginia are the ripple effects of the opioid epidemic. These are the children, the families. An unbelievably increasing number of children are being raised by their grandparents, raised by their great-grandparents, or are in foster care. It is putting a major strain on our social services but also on the individual child who, through no fault of their own, has ping-ponged from house to house in very emotional kinds of ways.

There are more babies receiving neonatal care, and I have worked with my colleagues to make sure the CRIB Act, which I worked on with Senator BROWN as well—this measure clarifies a State's ability, under Medicaid, to provide care for infants with neonatal abstinence syndrome in residential pediatric recovery centers like Lily's Place, which we have in Huntington, WV. The First Lady actually visited Lily's Place, and we would welcome her to come back.

We also reauthorized the Residential Treatment for Pregnant and Postpartum Women, a grant program I worked with my former colleague Senator Ayotte to include in CARE. This provides new resources to identify, prevent, and mitigate the effects of trauma related to the opioid epidemic on infants, children, and their families.

If nothing is done for this generation and the ripple effect on children, I fear we are at real risk of losing not just one generation to opioids but the next generation as well. Fortunately, there are lots of things that are being done. I will mention one: the Martinsburg Initiative in West Virginia, which is a combination among Shepherd University, the Martinsburg Police Department, and Berkeley County Schools, as well as the Boys & Girls Clubs of the Eastern Panhandle working together, based on a CDC study which shows that when children have adverse childhood experiences, such as exposure to drugs and alcohol, it can have a major impact on their physical and mental development. When we started CARE 2 years ago, it was a good start, and the SUPPORT Act is a great next step. A lot of this has to do with funding. The Defense-Labor conference report that the President signed into law last week includes \$3.8 billion for the opioid epidemic—an increase of \$250 million. With this year's funding, funding for related programs has increased by more than \$3.5 billion over 4 years. Clearly, we have a commitment to this as a body, as all of us working together.

I would like to applaud the efforts of all the committees involved and especially the dedication of the HELP Committee—Chairman ALEXANDER and his

staff and those who have worked together. I look forward to continuing to work with my colleagues on ongoing and emerging problems in this space. Methamphetamine is something that is way on the rise and taking over, unfortunately, from heroin, which is just a terrific tragedy.

There is no one silver bullet when it comes to the opioid epidemic, but one thing is certain: I and we will keep fighting against those who are bringing deadly drugs into our communities. We will fight for those struggling with addiction and seeking treatment. We will fight for the children who are caught in the middle, and we will fight for every other person who is affected by this crisis.

I am going to keep fighting for States like mine. Even in the darkest hours in West Virginia with this crisis, we have continued to move forward to a better place. Overdoses are down in Huntington, WV, by 41 percent because of our community efforts toward a brighter, drug-free future. That is what we are all fighting for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I join my colleague from West Virginia and thank her for her leadership on this work.

The continuing problem of opioid abuse—the epidemic that has swept our Nation—has struck at the heart of my State, like West Virginia. In my State, there were 694 deaths from opioids and other drug overdoses in 2017. That is more than the number of people who died from car crashes and homicides combined in the State of Minnesota.

No matter where I go, I hear heartbreaking stories. It is not just beloved superstars like Prince whom we have lost in Minnesota; it is teenagers in Duluth and young people in our farmland, 12-year-olds.

One story I heard from some people at a small town gathering was about 12-year-olds being courted by drug pushers. The drug pushers tell them to go home to their parents' medicine cabinet. They are given a list of stuff to look for and are told: If you bring one of those bottles of pills with those names on it, we will give you a beer. That is happening in my State.

There is the story of Shelly Elkington's daughter, Casey Jo, who was a champion swimmer who hoped to study nursing like her mom, but in 2008, she was diagnosed with Crohn's disease. After painful complications, Casey Jo received her first prescription opioid for pain relief.

As many of you know, about four out of five heroin users got their start on prescription drugs. The very pills that are supposed to ease someone's pain end up getting them hooked or, worse yet, getting them killed. That is what happened to Casey Jo. She died of an illegal drug overdose, but she first became addicted because of that painkiller she took that day. That is what

is happening to too many families in Minnesota and across the country.

Here in the Senate, we have made some progress on the epidemic. Last Congress, I led a bill with three other Senators—Senators ROB PORTMAN of Ohio, SHELDON WHITEHOUSE of Rhode Island, and Kelly Ayotte of New Hampshire. It is called the Comprehensive Addiction and Recovery Act, known as CARA, and it was signed into law. It encourages States and communities to pursue several strategies, including increasing the availability of naloxone to save lives in overdose situations.

Later in 2016, this Senate and this Congress made \$1 billion in funding available for treatment and prevention with the passage of the 21st Century Cures Act. I got to be at the bill-signing with President Obama and Vice President Biden.

Earlier this year, we made an additional \$3.3 billion available as part of the government funding bill.

That is all progress, but we still have a lot of work to do. We are taking important steps forward by passing this legislation today, which includes more than 70 provisions to take on addiction. We have worked with the administration, we have worked with the House, and we see this as a bipartisan priority.

One of the major pieces that are in this legislation is based on the STOP Act that I introduced with Senator PORTMAN to help stop dangerous synthetic drugs from entering our country in the first place.

We know this is a serious problem. Powerful synthetic drugs like fentanyl, which is up to 100 times more potent than morphine, keep coming in from China. In my State, there were 172 deaths involving synthetic opioids last year. That is a 74-percent increase from the year before. More than 90 percent of those deaths involved fentanyl.

That is the reason I joined with Senator PORTMAN to introduce legislation to close the loophole that allows substances like fentanyl to be shipped into our country in the mail using the U.S. Postal Service. That is what the traffickers are doing. They are sending these drugs in the mail to our country from China and from other places.

Under current law, the U.S. Postal Service doesn't require advance electronic data for packages entering the country. That makes it easier on the traffickers and harder for our law enforcement officers to locate packages that contain illicit drugs. Our commonsense legislation requires that these shipments provide this data to make it easier for our Customs agents to detect packages containing synthetic drugs and stop them from being shipped to communities across the country.

The way I look at it is this: If Target—a hometown company in Minnesota—can find a pair of shoes in Hawaii from a simple SKU number, I would think we would be able to stop traffickers and criminals from sending in incredibly dangerous drugs that lit-

erally can kill people with an amount basically the size of a pinch of salt, that we would be able to stop them from bringing this into the country in U.S. Postal Service packages. That is just wrong.

With 318 million international packages having entered our country without advance electronic data last year, it is clear that we must do more. I look forward to this measure being signed into law as part of this package.

Another provision in this legislation is a provision called the SALTS Act that I authored with Senator GRAHAM. It passed the Judiciary Committee in May. Our bill will help to crack down on criminals who sell and distribute analogue synthetic drugs. Senator GRAHAM and I have been trying to pass this for a long period of time, and I am glad this is finally getting done.

The issue of synthetic drugs hit home for me when, a few years ago, a 19-year-old from Blaine, MN, died after overdosing on a drug called 2C-E. Back then, I introduced a bill to outlaw 2C-E and eight similar substances, and it was signed into law as part of a broader bill. I remember we worked on that with Senators GRAHAM, GRASSLEY, SCHUMER, and others, and we combined the bill and were able to get those listed on the illegal drug list. But that is not enough because we are seeing that new synthetic drugs are constantly coming into the market. Criminals are adjusting the chemical composition of these drugs, so as we get one listed, they just change it a little bit so that it is no longer contained on the list because it has a different chemical composition. But it is still an illegal drug manufactured for the purpose of getting people hooked.

The bill Senator GRAHAM and I have crafted will make it easier for law enforcement to prosecute the criminals who traffic what are called analogue drugs—similar drugs where compositions have been changed enough to make it so that they are not on the list. The bill addresses a loophole in current law that allows drug dealers to skirt the law by labeling these drugs as “not intended for human consumption” when they are placing people in danger every day. They slap that label on and say “See, we didn't mean that to be illegal,” and they change the composition so it is not illegal on the list.

What our bill does as part of this opioid package is it allows for the consideration of factors to help to make clear that these dangerous substances really are intended for human consumption no matter what label they slap on them, such as the substance's marketing, labeling, or the difference between its price and the price at which the substance that it is represented as—like candy or bath salts—is normally sold. That is a good clue that it is not just candy or bath salts.

Since I first introduced this bill, the Drug Enforcement Administration has taken action to emergency schedule fentanyl analogues on a temporary

basis. But we know that criminals are continuing to come up with new analogue drugs, and this measure will help us to meet those threats.

The last provision in this bill that I want to talk about is based on legislation that Senator RUBIO and I introduced, and that is the Eliminating Kickbacks in Recovery Act. Our bill targets unscrupulous actors who prey on patients seeking treatment to exploit their health insurance by making it illegal to provide or receive kickbacks for referring patients to recovery homes and treatment facilities. These kickbacks are already illegal under Federal healthcare plans like Medicare, but there is no Federal law to prohibit them in private health insurance plans. When people are struggling with addiction, their focus should be on getting well, not on worrying whether treatment facilities are trying to take advantage of them to make more money. It is simply outrageous. Our bill will crack down on healthcare facilities or providers who try to game the system to take advantage of these vulnerable patients.

Those are three provisions I have worked on that are in this bill, but, as we know, there is a lot of other good work that has been done in this bill. In the end, the way I look at this is that our first goal is to stop people from getting addicted in the first place. That means doing all we can to stop this fentanyl, carfentanil, and all the illegal drugs from coming in. That means providing education in our schools so kids understand what is happening and how dangerous these drugs are. That means working with our doctors and healthcare providers so they are not overprescribing opioids. We now know that four out of five heroin users got their start on legal prescription drugs. We want to put limits—and that is going on all over the country with Republican and Democratic Governors—and we must do more here.

The second piece of this is making sure we have treatment available for people who are addicted. There are all kinds of work being done on treatment, from SUBOXONE, to the work that is being done in the medical device industry as they look at potential ways to get people off of these drugs, to traditional treatment methods. We have to be openminded to all possibilities to get people off of these drugs because once addiction occurs, they are very hard drugs to kick. That means we are going to have to put in resources to combat that.

I personally support Senator MANCHIN's bill, the LifeBOAT Act, which is a commonsense approach that allows a one-penny additional fee on each milligram of active opioid in these drugs so that that money can be used to pay for treatment. We should be using those kinds of innovative ideas at the Federal and State level.

The last point is to go after the bad guys, the people who are trying to get people hooked on these drugs. That is

where two of the bills I just discussed—the analogue bill with Senator GRAHAM and the bill that Senator PORTMAN introduced with me, the STOP Act, which requires the Postal Service to track these packages—it is a combined effort.

There is a law enforcement piece of this, but we cannot forget that at its core, we want to stop this cycle where people are getting addicted. And when they do get addicted, when that happens, we have to get them the treatment they deserve.

I used to be a prosecutor in the criminal justice system, and I always said that we wanted to run our office as efficiently as possible. We wanted to use business techniques in how we ran an office. But there was one important way that we were not like a business: We didn't want to see repeat customers. We didn't want to see people cycling in and out of the criminal justice system. The best way we can ensure that doesn't happen is by making sure that people get the treatment they need so that they can go on to lead happy, productive lives.

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. MERKLEY. Mr. 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. MERKLEY. Mr. President, the most important words of our Constitution are the first three, "We the People." This describes the entire purpose of our Constitution, which is to create a government responsive to the people and to produce laws that reflect the will of the people. It requires a close adherence to the vision embodied in the Constitution, including the advice and consent vision in the Constitution.

We know that the Founders of our country struggled with how to appoint people to high positions in the executive branch and in our courts. It was Alexander Hamilton who laid out the deliberations. He said: If a body or an assembly has that power, there will be a lot of horse trading back and forth, and we will not get the best people suited to the positions in the executive branch and in the courts. So the responsibility should rest with one person. That is how the nominating power came to be vested with the President.

The Founders also discussed the fact that a single person can go off track. The President might have favoritism toward people from his or her home State. The President might favor people who, in turn, had done favors for him or her and so forth.

They said that the way to avoid this is to have the Senate be a check upon the President, and that "would tend to greatly prevent the appointment of unfit characters." That is how Alexander Hamilton summed it up.

Our responsibility is to review the record of individuals and make sure that no one is appointed who is of unfit character. That separation of powers has been honored over the centuries with the President nominating and then the Senate reviewing the entire record of the individual to honor its responsibility to figure out if this individual is fit or if this individual is unfit.

But now we have something we have never seen before, which is that the President's team has intervened in a massive way to block a thorough review of the nominee's record. There are three parts of this intervention. The first was to weigh in with Senate leadership and say: Don't request anything about his 3 years as Staff Secretary. There was a conspiracy then between the President's team and a few Senators to prevent the entire body from being able to review Nominee Kavanaugh's record.

That is unacceptable because each and every one of us has that responsibility. Each and every one of us takes the oath of office. This isn't just a responsibility that exists for one or two people who refer to themselves by title like majority leader or chairman of the Judiciary Committee. This is a responsibility that every one of us has, and that responsibility has been violated with this violation of the separation of powers.

The second thing the President did was to proceed to appoint an individual to use the stamp "Presidential privilege," meaning executive privilege, to deny access to the Senate of some 100,000 documents when the individual served in the capacity of a lawyer on the team of White House Counsel. In this case, the Senate did request the records. This is solely the exercise of the President and perhaps, therefore, it is the clearest example of the violation of the separation of powers.

We have from the individual himself the statement: "The White House . . . has directed that we not provide these documents." That is referring directly to the documents on which William Burck marked "Presidential privilege"—100,000 documents.

Why are these documents important? Well, we know from the more limited ones we have received that it addresses his actions and his opinions on a host of important topics.

The documents reveal, for example, that while he said he wasn't involved in the discussions around certain nominations, we know that, at least in a modest way, he was, from the documents we have. But we don't have the bulk of the documents to explain the whole story.

He said he wasn't involved with the discussions regarding the use of torture, but we have a limited glimpse from the documents we did get that he was involved in those discussions. The remaining documents probably have a much more expanded vision of his involvement.

He said he wasn't involved in the receipt of stolen documents that regard nomination discussions—documents stolen from the Senate Democrats—and yet we find out from the existing documents that we have that he was and that these were received directly by him.

Here we are with this limited glimpse of three cases in which he misrepresented the story. We certainly didn't get the full story. What is in the 100,000 documents that were censored that we never got?

We have never been in this situation before where a President deliberately obstructed the review of the nominee's record in this vast procedure. Did the President's team go through them carefully and say: Oh, well, because of the sensitivity of XYZ, therefore, we are going to block documents ABC, and therefore create an index explaining that. No, they did not. We have a whole-scale blockage of key parts of the record.

There is more than that. There is also the President's role in marking documents "committee confidential." Here is the challenge. We have a responsibility—a constitutional responsibility—that has been violated. That is why today I filed a motion to compel the President to provide those 100,000 documents marked "Presidential privilege" to us in the Senate, so we can review them and do our responsibility under the Constitution.

Let me switch topics. I have heard Senators here say: Well, we certainly couldn't vote for this individual if he lied to the committee in his testimony. That certainly would mean he was unsuited to serve. Yet we have numerous instances in which he has lied to the committee, and he is unsuited to serve.

At a minimum, the President should withdraw this nominee. It is certainly an enormous dark mark on the integrity of the Court to take someone who misled the Senate—Democrats and Republicans—about numerous topics. In just those three issues I mentioned, we had deception. On issues related to whether he received stolen documents, he did. He said he didn't.

Was he involved in the proceedings for certain nominees? He said he wasn't, but he was.

Was he involved in the conversations over torture? He said he wasn't, but he was.

That is just with the limited information we have.

Then we have the hearing in which he said that his friends who were at the gathering with Dr. Ford refuted her story. That is a straight-out lie. Not one of them refuted her story. They said they didn't remember. They said they didn't know. They certainly didn't refute it. That is a lie.

He said she wasn't in the same social circle, but we know she was. She dated his good friend.

When he was asked about certain things like "boofing" and "Devil's Triangle," he lied to the committee about

what those terms meant and what all his friends knew they meant. They meant things I will not discuss here, but he wasn't honest with the committee. The list then goes on and on.

He said he was not aware of the story until he read it in *The New Yorker* magazine. It turns out that it was not true when, in fact, he intervened to try to sabotage that story before it was ever printed because he knew about it beforehand.

Colleagues, look, there are times when we may have an individual who suits one's judicial philosophy but who is totally unsuited to serve on the Court. Stand up for this institution. Stand up for the Senate. It has been unable to carry out its responsibility under the Constitution of reviewing this man's whole record. Stand up for the integrity of the committee process and the fact that we don't put people on the Court who lie to this body. Stand up for the vision of the United States of America—the vision of a “we the people” nation, not of a government by and for the powerful. Yet that is exactly what his decisions stand for. Stand up for the vision of a President and a republic instead of for the vision of a King and a kingdom, which is what his view of Presidential power turns into—a President above and beyond the law.

Colleagues, do your job. That means we do not vote until we have the documents and review his entire record, and when we vote, if he is still the nominee, we reject him because he lied, because he demonstrated intense partisanship, because he is angry under stress, because he threatened retaliation, because he is unsuited to serve on any court, let alone the Supreme Court of the United States of America.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Missouri.

Mr. BLUNT. Mr. President, my colleague just talked about standing up for the Senate, about standing up for the values that traditionally have been our values. One of those principal values has been “innocent until proven guilty.” What we have seen happen here in the last week is something that did not need to happen, certainly, in the way it has happened.

The hearing, the hours of questions, the picking apart of those answers at leisure—we have seen all of that. Do you know what would have happened if we had followed this process the right way? It is hard to do when a significant majority of the committee says that it is against the nominee before he has the hearing and when several Senators say they are against the nominee before he is even nominated, no matter who the nominee will be.

There would have been a normal background check that would have occurred if the information that had been available to the committee—to the Democrats and their staffs—had been turned over at the time. How would they have handled that? How would those in the FBI have handled that on

July 30 or August 30 or on any other date? They would have handled that by going and talking to the people involved. Dr. Ford and Judge Kavanaugh would have been interviewed by the FBI. The people they would have mentioned with whom the FBI should also talk would have been interviewed by the FBI, and that would have been put in the file. The material could have been presented to the committee as it should have been.

In Judge Kavanaugh's private hearing, they were willing to talk about baseball tickets. They could have pursued this in the private hearing: Here is what is in this file. What do you have to say about that?

Dr. Ford, as she said she had wanted to be, would have been kept anonymous in that process. There would have been no reason—unless the committee would have decided to do what somebody on that committee did—to have used her name and for this to have become a major public confrontation. This could have been handled in another way. Her letter and her personal trauma could have been handled in a way that they were not. In fact, it couldn't have been handled more poorly or politically by some in the minority or by their staffs than it was.

Only after the original hearings had ended, only after it was obvious that Judge Kavanaugh—in my view, it was obvious—had the votes to be confirmed, then, suddenly, were these unverifiable charges made public by the Democrats on the committee and by their staffs.

I work hard in the Senate to find agreement with my colleagues of both parties. I have been the principal Republican cosponsor on legislation with all but four of the Democrats in the Senate. I do my best to find the areas we can agree on. In fact, with regard to this FAA bill today, Senator CANTWELL and I chair that subcommittee, while Senator THUNE and Senator NELSON chair the full committee. There is this and appropriations. There are a lot of things that have happened this year that haven't happened for a while, and it is because we have reached out to try to work together.

What we have with this nomination is a new principle. I find the “guilty until proven innocent” conduct by some of our colleagues to be totally unacceptable. It is not who we are. It cannot become the new standard. I heard somebody say at a meeting this week: Well, if these charges are out there, this person will always be impacted when there is a case before the Court that might possibly involve those charges. That cannot be how we pursue the future. We cannot pursue the future by thinking: If you are charged with something, you will be, from that point on, somehow unable to do the job that you are eminently qualified for.

We have a person here who has 300 court of appeals opinions on the most challenging court of appeals in the country—more than a dozen of those

accepted almost word for word by the Supreme Court. There is plenty to determine judicial temperament. There is plenty to determine whether the judge can do what the judge is supposed to do.

Unless later today, somehow, we see something, which is highly unlikely based on all of the things that are already out there, I intend to vote for Judge Kavanaugh. I don't think he would have said he categorically and unequivocally didn't do this—or anything like it regarding the specific charge—if he had. It was not necessary. You wouldn't have to say that about conduct over three decades ago. You could say all kinds of other things, but here is a lawyer whose legal capacity has never been challenged. He would not have had to make that unequivocal statement if there had been any reason to be concerned about that statement.

He said he didn't do it. All who were mentioned and who were asked if they saw it happen say they didn't see it. I believe something traumatic did happen to Dr. Ford. I don't believe it involved Judge Kavanaugh. With the obvious, specific three-decades-later memory of the person involved—with that exception—you could actually believe that both of them are telling the truth.

I joined Judge Kavanaugh's daughter in praying for Dr. Ford and her family. I also think we should all pray for Judge Kavanaugh and his family.

This is an issue that has gotten totally out of hand. It is an issue that has gone well beyond the bounds of what we believe in our country. It is an issue that we can't let begin to determine the future way we do these things. You cannot have guilty until proven innocent. You cannot have innocent until nominated as the standard for the country. We cannot let this go forward that way.

Some relationships here—and they are important ones to me and others—are going to take a little while to restore, but we will have to restore them. There aren't enough of us to walk away from each other and say: We cannot possibly move forward in working with you. I intend to continue to work with my colleagues, but I also intend to continue to stand up for the fundamental values of fairness that this country has always held most dear. We need to do that this week with this nomination as well.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise, as well, to speak about the nomination of Judge Brett Kavanaugh to serve on the U.S. Supreme Court. He was nominated on July 9—86 days ago today.

Even before he was nominated, a number of Members of this body stood and said they would oppose the nomination to the Supreme Court with their not even knowing who he or she might be. After the name came out that evening, other Members of the Senate

said they opposed him. CHUCK SCHUMER, the Democrat minority leader, said he would oppose the nomination with everything he had. It used to be that we could just disregard language like this as empty rhetoric—not anymore. Now we know exactly what the Democrats had in mind from the very start. We have seen the kind of smear campaign they had planned from the very beginning.

What I have heard from people at home, in Wyoming, is that they didn't think things could get any lower in Washington, DC, until they saw this. The Democrats have done everything under the Sun to delay Judge Kavanaugh's nomination and to tarnish his reputation. It began with misrepresenting Judge Kavanaugh's sterling judicial record. Well, that didn't work.

Then they unfairly complained that they didn't have enough documents by Judge Kavanaugh. When that didn't work, they shifted to surprise attacks on his character.

The only thing they have accomplished is to set a new low for how the Democrats treat people in Washington, DC.

There is a way we do things in the Senate to make sure we can fairly and fully investigate nominees for important jobs. What we have seen is that the Democrats have absolutely rejected this bipartisan tradition. They hid information for more than 2 months. Then, after Judge Kavanaugh had gone through 4 days of confirmation hearings, the Democrats leaked that information to the press—information that they had been sitting on and hiding from the American people, hiding from the Republicans on the committee, hiding from the judge himself.

This isn't the first time we have seen the Democrats try to change the rules when it comes to judicial nominees. The Democrats really do have a double standard. They do it time and again. They want one set of rules for when there is a Democratic President and then a totally different set of rules for when there is a Republican President.

The Democrats have had for years something known as the Biden rule, which was named after then-Senator Biden and then-Vice President Joe Biden. This Biden rule says you shouldn't confirm a Supreme Court nominee once a Presidential election is in full swing. The Democrats wanted that rule in place when George Bush was President. Once President Obama was in office, the Democrats wanted to pretend they had never said it, never heard of it, and that it no longer applied. They wanted a totally different set of rules for considering nominees for a Democratic President than those for a Republican President.

Then they had what we saw here in the Senate as the Reid nuclear option. That is when the Democrats decided and voted overwhelmingly to get rid of the filibuster for confirming judges and

other nominees. The Democrats set the rule when they were in the majority, when there was a Democrat in the White House, and they wanted to confirm people who were nominated by President Obama. As soon as a Republican got into the White House, the Democrats who voted to change the rule now complained when the rule they changed was applied to them. The Democrats have a double standard.

Now what we see is the Schumer rule. The Democrats took the normal process for how we review nominees, and they threw it out the window. The Democrats' new rule is this: Defeat the nominee no matter what. The Democrats are willing to do whatever it takes to delay, disrupt, intimidate, and obstruct this Republican nominee. The Democrats haven't just thrown out the standards for how we do our work here; they have absolutely trampled on common human decency.

It was bad enough when Democrats were just trying to delay things. They demanded reams of paperwork. Well, Senators have been given access to 500,000 pages of records—one-half million pages of records—from the judge's time as a judge and throughout his career in public service. That is triple the amount of information they have ever gotten about any other Supreme Court nominee.

After Judge Kavanaugh's confirmation hearings, he responded to nearly 1,300 written questions from Senators. Those are more questions than we have had for every other Supreme Court nominee in history, combined—combined.

Judge Kavanaugh has served on the circuit court in the District of Columbia—the second highest court in the land—for 12 years. He has written opinions in 300 cases. If anyone wants to know how he will act as a judge, they should look at how he has already acted as a judge for the past dozen years. These are the documents that matter. These are the ones that tell you how he approaches being a judge.

People can look at the 13 cases where the Supreme Court adopted Judge Kavanaugh's reasoning. That is how much respect other judges and Justices have for his careful and compelling decisions.

Washington Democrats don't seem to care about any of this. Democrats got the documents they asked for so they just changed their demands.

You can see how transparent Democrats have been by looking at what they said last week. As late as last Friday morning, Democrats were saying we should pause for a week. That is what Senator SCHUMER, Senator FEINSTEIN, and other members of the Judiciary Committee said. They said: Let's pause for 1 week.

As soon as Republicans said we would do that, the Democrats said that is not good enough. They said it doesn't matter what happens in that week, they are still voting no. For them, it was never about finding the truth. For

many, it was never even about the name of the nominee because they came out opposing him before his name was even placed in nomination by the President.

This has always been about the far-left wing of the Democratic Party doing—as they have described it—whatever it takes to push their talking points.

It is now all about the politics of personal destruction. They don't seem to care much about what they do and how they damage the people involved. They don't care about the damage they are doing to the Senate and the damage they are doing to the Supreme Court.

The American people deserve better than this. It is time for the Democrats to end their charade before they do more harm to the Senate, to the Supreme Court, and to the United States of America.

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. PERDUE. Mr. 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. PERDUE. Mr. President, this has the potential of being a historic week in America. The last 10 days have been very troubling to me as a U.S. Senator, as an individual citizen, husband, father, son.

I am very troubled today by the extreme measures we see being made right now about a case my colleagues across the aisle are trying to make. I am outraged, actually. After a personal incident that involved my wife and me this week, we have seen firsthand the length to which Members of the other side of the aisle will go to distract us away from the truth.

This body, the U.S. Senate, has become nothing more than a bully pulpit for someone's special cause, when it should be a deliberative body. We should be finding the truth.

My Democratic colleagues claim they want to work together with Republicans. They talk all the time about working in a bipartisan way. Yet, when we get into the heat of the battle, nothing could be further from the truth.

This is bigger than confirming Judge Kavanaugh to the U.S. Supreme Court. This is about civility in our country. People have died supporting our Constitution and fighting for the freedoms we have in this country: innocent until proven guilty, for goodness' sake. When that is not convenient with an argument you are trying to make, it gets trashed. That is what we have seen this week in this body.

This is about the common discourse in America. Whoever said we always have to agree? We don't. But whoever

said you have to hate someone if you disagree with them?

Senate Democrats have made it clear, they are willing to say or do anything to stop the President's agenda which, by the way, is working. We are growing this economy at twice the rate we achieved under President Obama. We have over 331 nominees today waiting to be confirmed—the first time in history this has ever been done to this degree.

One of my Democratic colleagues called Judge Kavanaugh “your worst nightmare.” Another called him “a nominee who wants to pave the path of tyranny.” Yet another said: This Supreme Court confirmation would mean “the destruction of the Constitution.” Seriously? That is irresponsible for somebody in this body. She said that before Judge Kavanaugh was even announced as a nominee. Worst of all, another one of my Democratic colleagues said anyone who supports Judge Kavanaugh's confirmation is “complicit in the evil.” I just don't understand that.

Really? Senate Democrats want to be reasonable and work together? Seriously? This rhetoric sounds anything but reasonable to me. In fact, I believe my Democratic colleagues have gone one tick too far this time. When paid activists who support you attack my wife, you have gone too far. The American people will know that on both sides. That didn't start outside this body; it actually started in here. You are inciting this disrespect of our law.

One of my Democratic colleagues in this body has encouraged people to “get in the face of some Congresspeople.” Really? How does that move the cause of justice forward? The House minority leader wants to see “uprisings all over the country.” Seriously?

Another Member of the House said—and I am quoting the entire quote here.

They're not going to be able to go to a restaurant—

Talking about Republicans—

they're not going to be able to stop at a gas station, they're not going to be able to shop at a department store. The people are going to turn on them. They're going to protest. They're going to absolutely harass them until they decide that they're going to tell the president, no I can't hang with you.

The same Member of the House also said:

If you see anybody from that cabinet in a restaurant, in a department store, at a gas station . . . you get out and create a crowd, and you push back on them and you tell them they're not welcome.

This is America, but these are the tactics of the Brown Shirts in Germany in the 1930s—unacceptable, totally irresponsible. This is outrageous and unacceptable behavior for anyone but much less a Member of this body, a Member of Congress, and a Member of the U.S. Senate. You have crossed a line. Inciting dangerous behavior is not something we should be about in this body.

Now, when it comes to Judge Kavanaugh, America was built on a

bedrock principle that we were trying to instill in America as opposed to what we lived with under different rule in Europe, and that is this: The presumption of innocence is sacred. An individual here is innocent until proven guilty. That is part of what makes our country so exceptional.

Unfortunately, Senate Democrats have become so far removed from getting to the truth that they will stop at nothing to delay this Supreme Court confirmation. That is all this week is about. It is another delay.

Any objective observer would agree that Chairman GRASSLEY afforded both Dr. Ford and Judge Kavanaugh an equal opportunity to speak before the U.S. Senate Judiciary Committee and to the American people. As a matter of fact, any war on women this week and in this sad story here has been perpetrated on Dr. Ford by Senate Democrats. She wanted this to be confidential, and this body could have done that. They could have done all the investigation confidentially without dragging her name through the media—or Judge Kavanaugh's.

Some people on the Democratic side of the Senate want America to believe this is just a simple case of he said, she said, and it comes down to whom do you believe. It is a lot more than that. It is not only he said, she said, but it is “they said.”

The accuser in this case named three people who she said would corroborate her story. Not only did they not corroborate her story, they actually corroborated his story.

Senate Democrats were not satisfied even with that. They weren't satisfied that when the letter was leaked to the press—it wasn't given to the committee—but when it was leaked to the press some 6 weeks after it was received by Senate Democrats—6 weeks—an investigation was started immediately by the Judiciary Committee. Oh, but wait. Senate Democrats chose not to participate. How is that for looking for the truth? Instead, what they did is they waited until we had a hearing and then said: Oh, we need another FBI investigation that we knew would be totally redundant with what had just been done by Federal investigators employed by the Senate Judiciary Committee, but we went ahead and agreed as a committee to do just what you wanted; that is, to allow a full and open FBI investigation into this, which is nothing more than redundant with what had just been done in the prior couple of weeks.

Judge Kavanaugh has had six—six—FBI investigations. This is the seventh formal FBI investigation. Not only that, the minute the committee saw Dr. Ford's letter, it immediately, as I said, went into detail with these outside Federal investigators, without the help of Senate Democrats who are members of that committee. As a matter of fact, when the ranking member of the Senate Judiciary Committee met with Judge Kavanaugh a few

weeks ago, she had been in possession of this letter from Dr. Ford for several weeks, and her staff had already recommended an attorney to Dr. Ford, but in that meeting with Judge Kavanaugh—the first meeting between the ranking member and Judge Kavanaugh—she didn't mention the letter one time. That is in the testimony. She held on to Dr. Ford's letter for 6 weeks before it was leaked to the press.

Again, it is clear this is all a well-orchestrated effort to cause delay and push this decision, hopefully—in their minds—past the election. Shame on any Member of this body, Republican or Democratic, that puts self-interests and political interests before their constitutional responsibility.

The committee has voted favorably to move Judge Brett Kavanaugh's nomination forward. That means it comes to this floor. It is time to take a full vote before this body, before the U.S. Senate.

We hope in the next few hours, the next day, to have this FBI report and to put this sad saga to bed. It is time to put partisan politics and delays behind us. It is time to confirm Judge Brett Kavanaugh to the U.S. Supreme Court.

I want to say one more thing. It is time for this body to reread their oath of office, to uphold and defend the Constitution of the United States, to make sure that what we say in this body is the best and the very best America has to offer, to move our concerns forward.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

SUPPORT FOR PATIENTS AND COMMUNITIES ACT

Mr. PORTMAN. Mr. President, today the U.S. Senate is going to vote on legislation that is representative of years of work that has been done to help address the opioid crisis. That vote will occur in about half an hour.

This is historic legislation. It is legislation that was put together by the House and Senate, on a bipartisan basis, to answer some of the pleas and calls from our communities back home—pleas from people asking: Can't you do more to help us reverse the tide of this opioid epidemic?

I would like to start by thanking and commending Senator LAMAR ALEXANDER for putting together this legislation, taking the work from five different committees of Congress—the HELP Committee, Judiciary, Finance, Banking, the Commerce Committee—putting those different legislative projects together, along with projects that had come over from the House. Seventy Members of this body have contributed to this legislation.

This legislation is important because although Congress acted a couple years ago, unfortunately, the problem has gotten worse, not better, and we have learned more. The last major legislation we passed on opioid legislation was about 2 years ago. By the way, during those 2 years, I am told I have been

on this floor 56 times talking about this issue. I have been talking about how the legislation we passed is working or not working, talking about stories from back home, talking about the need to implement the legislation we passed in a more expeditious way because of this problem, talking about the urgency, and talking about having the necessary funding.

Here is the good news: We have increased funding dramatically. The two bills we passed in 2016 are beginning to work. One is called the Comprehensive Addiction and Recovery Act that I co-authored with Senator WHITEHOUSE; the other is called the Cures legislation. Both of them helped. CARA has grants that go directly to nonprofits, to programs that work that are evidence-based, to help with prevention and education, treatment, and longer term recovery, and to help our first responders.

The second one, the Cures legislation, gives grants that are going directly to the States from the Federal Government and then back to the programs States think work best for them. These funds, which are unprecedented, along with these two laws, are helping. They are helping to make the Federal Government a better partner with State and local government and with nonprofits to combat this crisis.

I have been all over my State to see how these programs are working, and I have spoken on the floor a lot about the people I have met who have been helped. I have spoken about some of the cases of hope—cases where somebody who stepped forward to take advantage of one of these programs and found the treatment that worked for him or her.

I have also talked about the need for us to do more. That is why earlier this year—again on a bipartisan basis—we introduced CARA 2.0—the Comprehensive Addiction Recovery Act 2.0—to learn from what we are seeing back home, what is working or not working with the first legislation and to move it forward.

The legislation we are about to vote on this afternoon includes a number of provisions of CARA 2.0, and I appreciate that. Again, I thank my colleagues for including those and the leadership for bringing this to the floor.

It also, though, includes some other legislation I think is really important. Unfortunately, again, we have to do it. Seventy-two thousand—that is the number of Americans who died from opioid and other drug overdoses last year. In 1 year, more people have died from opioid and other drug overdoses than in the entire Vietnam war.

Opioids was the No. 1 cause of death. Within opioids, the No. 1 cause of death was fentanyl, the synthetic form of opioids. Even though we have made progress with the legislation I am talking about, we have this record level of overdose deaths in my home State and in our country. I believe one reason for

that is that despite doing a better job on prevention and treatment and longer term recovery, we have had this influx of a new deadly drug. This is the fentanyl influx. It comes mostly from China. It comes mostly through our Postal Service. It is the No. 1 killer right now in my State and probably the No. 1 killer in the country in terms of drugs.

In Ohio, there has been a 4,000-percent increase in the last 5 years in fentanyl overdoses and deaths. It is inexpensive. It is cheap. It is deadly. It is 50 times more powerful than heroin; a few specs can kill you. Because it is synthetic, there seems to be a limitless supply. We need to push back.

One thing this legislation before us today does is it says we are going to stop having our Postal Service be the conduit for this poison coming into our communities. It is about time. The legislation is very simple. It says this loophole where you can send this deadly poison through the mail system is going to be closed because we are going to say that now the post office has to provide law enforcement the information, in advance, electronically, that all the other private carriers already have to provide.

We spent 2 years investigating this. One thing we found in our Permanent Subcommittee on Investigations was the dealers—the traffickers—were saying: If you send it through the Postal Service, delivery is guaranteed because they don't have the screening at the Postal Service.

The STOP Act is important. It will serve as a tourniquet, stemming the flow of this deadly poison that has led to record-level overdose deaths and endangers anyone—including first responders and mail carriers—who comes in contact with it. This is important because it pushes back on the supply, but that is not all we have to do.

We have to do a better job in terms of getting people into treatment to be able to overcome their addiction. This legislation we are about to vote on does that as well. It includes a bipartisan proposal I introduced with a group of colleagues to expand Americans' access to treatment by lifting what is called the IMD, or Institutions for Mental Disease, exclusion.

This is how it works. It is an outdated policy. It is a vestige of a policy from years ago to try to discourage institutional care, which was well-meaning at the time. But this is what it does today: It says that in a residential treatment setting—and some of them are doing a great job—you are limited to 16 beds if you want Medicaid reimbursement.

One of the most heartbreaking things I do as a Senator is talk to families, parents, and loved ones of people who overdosed and died after they wanted to get into treatment but were turned away and told there was no more room for them. I have talked to a father and a mother whose daughter went to treatment. Finally, she was ready.

They turned her away because there wasn't room. In the 2 weeks while she was on the waiting list, what happened? She used heroin, she overdosed, and she died. She was ready, but they weren't ready for her. This legislation will help prevent that and will allow more people who are ready to overcome their addiction get into a treatment center and get a form of medication-assisted treatment that is right for them.

Significantly, the final version that we will vote on today, agreed to by the House and Senate, is an improvement from the House-passed legislation because it now is covering any kind of substance abuse, not just opioids, not just cocaine, not just crystal meth, not just alcohol but any kind of substance abuse. That is very important. All of them are problems in our communities. Crystal meth has increased in a lot of areas of Ohio, even as we have made progress against opioids, as an example.

This legislation will also ensure that once people get into treatment, it is up to the high standards and the standards of best care that we all want. It includes several provisions I have been working on to do just that. One is national quality standards and best practices for recovery housing, so people who are transitioning out of treatment and into longer term recovery have high-quality housing options that eliminate the gaps that so often occur in recovery.

It also helps young people struggling with addiction by authorizing support programs in high schools and colleges—we have some great examples of this in Ohio, spreading around the country—to focus on people who are already addicted but also to act as further encouragement for people who want to come and learn more about this for prevention and education.

It will help provide resources and care for some of the most vulnerable affected by this crisis. There is \$60 million in this legislation for a plan of care for babies who are born dependent on drugs. These babies have what is called neonatal abstinence syndrome because their mom was addicted and was using while they were in the womb. They come out needing to go through withdrawal themselves. They need more help. We don't know what the impact is going to be longer term, but we know our hospitals across the country are being filled with innocent babies who need our help.

It has the CRIB Act included in this legislation, a bipartisan bill I co-authored that will help newborns suffering from addiction recover in the best setting possible for them and allows, again, reimbursement for great organizations, such as Brigid's Path back home in Dayton, OH, where people come and provide care to kids whose parents are addicted. They aren't in foster care yet, but they need this care and transition to be able to ensure their longer term success.

Finally, it reauthorizes some really important programs: drug courts,



which are working to get people who are incarcerated into treatment; drug-free community prevention grants, which are helping to push back in our high schools and middle schools and even elementary schools; high-intensity drug trafficking areas, HIDTA grants, which focus on the Federal Government working more with State and local government on drug interdiction.

This opioid epidemic has gripped my State of Ohio. We are among the States hardest hit. But every State in this Chamber has been hit, and it is personal. It is personal for all of us because we have all heard the stories.

On Monday, before I came here to vote in this Chamber, I went to the funeral of a young man whose family I have known my entire life. His mom, whom I have known since I was born, was heartbroken, talking about his opioid addiction and talking about everything they tried to do to get over this. We talked about it as a disease, which it is. This young man's life was cut way too short. I shared in their heartbreak, mourning his beautiful life cut short by addiction.

I am tired of reading about tragedies like this in the news, hearing about it from friends and families, and watching the devastation caused by opioids across my State. We need to do more to turn this tide, and I believe this legislation will help.

In the midst of this opioid epidemic, we have to do more to cut off the supply of these deadly drugs. That is done here. We need to do more to close the gaps that occur in treatment. That is part of this. We need to do more to catch those who fall through the cracks and help those gripped by addiction get into treatment, get over their addiction, and get on to lives of meaning and purpose—a life with purpose.

To those I represent who are struggling with addiction, to those who have friends or loved ones who have struggled or continue to struggle with addiction, and to the millions of people in communities across this country who have been crippled by this crisis, this legislation is a turning point and a glimmer of hope. It is a glimmer of hope at the end of a dark tunnel. It will not solve all of the problems. Ultimately, those are going to come from our communities, from our families, from within our own hearts. But this legislation will help by allowing law enforcement to stop the flow of these deadly drugs, allowing people ready to turn their lives around to get treatment and support, and allowing our communities to begin to heal.

I urge all of my colleagues to support this legislation this afternoon.

I yield back my time.

The PRESIDING OFFICER. The Senator from Vermont.

#### NOMINATION OF BRETT KAVANAUGH

Mr. SANDERS. Mr. President, one out of four women in this country has been a victim of sexual assault. This is an epidemic, and it tells me—and I

think the vast majority of the American people—that we need a culture change in the way boys and men respond to women.

Last night, the President of the United States—instead of understanding that we have to change our culture, instead of understanding that we have to make it easier for women who have been victims of sexual assault to come forward and tell their stories—got up on a podium in Mississippi and mocked Dr. Ford, made fun of her.

Here is a woman who has come forward to do what she thought was right as an American citizen, understanding from day one that she would be attacked by political opponents. The result of her having come forward was that she has received death threats; she has been separated from her children; and she has had Nazis protesting outside her house. That is what she has gone through, and the President's response to her courage is to mock her, to make fun of her.

What kind of message does that send to women and men all over this country—women who are struggling to determine whether, when they come forward, they will be laughed at, they will be rejected?

The President of the United States should lead this country in changing that type of culture, making it easier for women to come forward and tell their stories, making it clear to boys and men that in this country, that type of behavior is unacceptable. Yet we had a leader of our country, a President of the United States, mocking this woman.

I hope that every Member of this Chamber, regardless of their feelings about Kavanaugh, would come forward and express disgust and outrage at the behavior of President Trump with regard to Dr. Ford.

A number of my Republican colleagues have come forward and said: You know, at the very beginning of this process, well before the allegations of sexual assault or the veracity of Mr. Kavanaugh, there were people coming forward, saying they were opposed to the nomination. I plead guilty. I was one of those people. I announced my opposition to Judge Kavanaugh probably a day after Trump made that nomination.

Let me tell you exactly why I came out early against Judge Kavanaugh. The reason is that for years now there has been a hard right 5-to-4 majority on the Supreme Court who have time and again made rulings that represented the wealthy and the powerful, rulings against the interests of working families, women, the environment, children, and the poor. Based on the statements that Kavanaugh has made over the years and based on his judicial rulings, I had no doubt that, if seated, Kavanaugh would become part of that hard-right majority. I should tell you now, based on the last hearing that took place before the Judiciary Com-

mittee where we saw Mr. Kavanaugh's politics come out, my initial judgment turned out to be exactly right.

If he is seated, he will be part of the hard right—a hard right that ruled on Citizens United that billionaires in America have the right to undermine our democracy and spend as much money as they want to elect candidates who represent the wealthy and the powerful. I fear that if Kavanaugh is on the Supreme Court, he will take Citizens United even further.

We have a hard right on the Supreme Court by a 5-to-4 vote that gutted the Voting Rights Act—an act designed to protect minorities from discrimination in terms of their ability to vote. Literally the day after that decision came down, there were Republican Governors and attorneys general all over this country working overtime, shamefully, cowardly, to make it harder for poor people, people of color, and young people to vote. I have no doubt that if Mr. Kavanaugh is seated, he will be part of that hard-right philosophy. So I apologize to nobody for, within 1 day of that nomination, saying that I was opposed to it. That is my view.

Obviously, many of my Republican colleagues, maybe some Democrats, did not reach that conclusion. However, in the past 3 months and especially in the past few weeks, we have heard credible accusations of sexual assault by several women. These are charges that must be thoroughly and seriously investigated by the FBI.

If confirmed, Judge Kavanaugh will have a lifetime seat on the Supreme Court—a lifetime seat. Yet we have the Republican leader and other Members saying: We have to rush this process along. We have to give the FBI just a few days in order to complete their investigation because, my goodness, we have to fill that empty seat on the Supreme Court. How hypocritical is that?

Let me remind my colleagues that less than 2½ short years ago, following the death of Justice Scalia, my Republican colleagues simply refused to even consider President Obama's nomination of Merrick Garland for a seat on the Supreme Court, and they left that seat open for 10 months until they got a Republican President. If you could wait for 10 months to fill that empty seat, I think you can wait a few weeks more for us to do a thorough investigation of the allegations against Judge Kavanaugh.

We are dealing with not only Judge Kavanaugh's rightwing political philosophy; we are dealing with not only the serious allegations of sexual assault, which have to be thoroughly investigated; we are dealing with another very important issue, and that is the issue of veracity, whether Judge Kavanaugh was honest and truthful in terms of his responses to questions asked of him recently and years before when he came before the Judiciary Committee. I have heard colleagues say—I think rightfully—that regardless of philosophy, if somebody lies to a

U.S. Senate committee, that person should not be seated.

What we need right now, not in a few days' period, is a thorough investigation not only of the charges, the allegations of sexual assault, but also issues of whether Judge Kavanaugh has been honest when he has come before the Judiciary Committee.

Let me give a few examples of what I mean—things that need to be explored. In his previous testimony before the committee, Judge Kavanaugh was asked more than 100 times whether he knew about files stolen by Republican staffers from Judiciary Committee Democratic staffers. He said he didn't know anything about it when he was in the Bush White House. Yet emails released as part of these hearings show these files were regularly shared with Kavanaugh while he was on the Bush White House staff. In fact, one of the emails had the subject line "spying." Was Judge Kavanaugh telling the truth, or was he lying? We have to determine that.

In 2006, Judge Kavanaugh told Congress he didn't know anything about the NSA warrantless wiretapping program prior to it being reported by the New York Times. This year, an email revealed that while at the White House, he might have been involved in some conversations about this program. Was Judge Kavanaugh telling the truth in his response to the committee?

In 2004, Judge Kavanaugh testified that the nomination of William Pryor to the 11th Circuit Court "was not one that I worked on personally"—again, when he was in the Bush White House. Documents now contradict that statement.

Newly released documents also call into question whether Judge Kavanaugh was truthful that the nomination of Charles Pickering "was not one of the judicial nominees that I was primarily handling." Was he telling the truth?

If he was not telling the truth on these issues, does that tell us something about the character of this man who wants to take a seat on the Supreme Court?

In 2006, Judge Kavanaugh testified: "I was not involved and am not involved in the questions about the rules governing detention of combatants." New evidence released as part of these confirmation hearings contradicts that assertion.

Those are issues not dealing with the allegations of sexual assault. In terms of the recent allegations, Judge Kavanaugh repeatedly told the committee that he never drank to the point where he didn't remember something. He also denied ever becoming aggressive when he drinks. This is not an issue of whether somebody drinks. Millions of people drink. This is an issue of whether he was being honest in his responses. As you know, there have been a number of reports from those people Judge Kavanaugh attended high

school with and attended college and law school with that contradict his assertion about his drinking habits. Judge Kavanaugh himself, in a 2001 email, referenced "growing aggressive" during a weekend vacation but that he "didn't remember." Again, the issue here is not drinking; the issue is veracity. Was he telling the truth?

On another issue, Judge Kavanaugh testified that he treated women "as friends and equals" and with "dignity and respect." Numerous entries in his school yearbook would seem to suggest otherwise. Was Judge Kavanaugh's statements to the committee truthful? Again, whether you like his philosophy or you don't, it is important for us to ascertain the veracity of his testimony.

Judge Kavanaugh claimed that he and Dr. Ford "did not travel in the same social circles." Dr. Ford said that she dated Chris Garrett, referenced as a friend in his yearbook. In fact, she testified that Garrett introduced her to Kavanaugh.

Kavanaugh claimed numerous times in response to Dr. Ford's allegations that "all four witnesses say it didn't happen" and that witnesses "refuted" Dr. Ford's story. Yet one of the witnesses simply said she didn't remember the party in question that took place decades ago but that, in fact, she believes Dr. Ford.

Kavanaugh testified that he had "no connections" to Yale, when, in fact, he was a legacy student whose grandfather attended the school.

Kavanaugh claimed that he had no idea his mentor and good friend Alex Kozinski was sexually harassing his clerks and creating a hostile work environment, but Kozinski's behavior was such an open secret that some law schools were warning potential applicants to stay away from Kozinski. Kavanaugh claims he was not on Kozinski's infamous email list but refused to even search his emails to double-check. Was Judge Kavanaugh telling the truth about his relationship with Judge Kozinski?

These are very serious issues. Millions of Americans are deeply involved and concerned about these issues—issues not only about philosophy, issues about sexual harassment of women, issues about veracity. This is a question we have to get to the bottom of. We do not need artificial time limitations. Let's do it right, before we cast a vote on Judge Kavanaugh.

I yield the floor.

Mr. DURBIN. Mr. President, today I wish to engage in a colloquy with Senator PORTMAN to speak about section 5052 of H.R. 6, the SUPPORT for Patients and Communities Act.

Section 5052 of H.R. 6 takes a long-overdue step of lifting the "Institutions for Mental Disease," or IMD, exclusion for individuals with a diagnosis of substance use disorder. For more than half a century, this arcane provision has restricted access to care for patients struggling with addiction by

prohibiting Medicaid from reimbursing for residential substance abuse treatment in facilities with more than 16 beds.

Sixteen beds? That might suffice in some parts of the country, but certainly not in many Illinois communities suffering from the opioid epidemic. I have visited facilities down in Carbondale, IL, where they told me they have hundreds of people waiting for treatment and a 12-week wait for an open bed. We don't restrict cancer or diabetes or heart disease patients to only receiving care in certain-sized facilities, and we should not do the same for substance use disorders.

In the face of the Nation's worst ever drug overdose epidemic, this Federal law has prohibited treatment centers from expanding services to accommodate the growing demand for recovery services and blocking an entire class of high-quality providers from providing care. It is unacceptable.

For years, I have worked in a bipartisan manner to lift this IMD exclusion. I have led bipartisan groups of Senators in writing to the Centers for Medicare and Medicaid Services, CMS, urging them to provide flexibility from this treatment barrier and also worked to ensure Illinois's section 1115 Medicaid waiver includes authority to partially waive the IMD exclusion.

I have also worked on legislation for multiple years to lift the IMD exclusion for individuals with a diagnosis of substance use disorder. I first reintroduced the Medicaid CARE Act in a prior Congress and then last year teamed up with Senators PORTMAN, BROWN, KING, and others to reintroduce the legislation, which lifted the bed cap from 16 beds to 40 beds and allowed for up to 60 days of residential treatment if it was deemed medically necessary. Later, we joined to introduce the Improving CARE Act, which removed the bed cap altogether, allowed for inpatient stays for up to 90 days, and introduced measures to ensure that patients would have access to all necessary treatments, in the highest quality facilities, with a plan for successful transitions to outpatient and community-based care.

Section 5052 of the SUPPORT for Patients and Communities Act took much of our proposal from the Improving CARE Act, including ensuring that we lift the IMD exclusion for individuals with all diagnoses of substance use disorder and improving the array of patient treatment options when seeking care. This work will have an incredible impact on improving access to care in my State and nationwide, and I would like to thank all of our bipartisan colleagues who helped to secure this important language to break down the IMD exclusion.

Unfortunately, section 5052 does not include a policy that matters a lot to me and my colleagues: directly allowing for eligible individuals seeking

such care to stay up to 90 days in a facility for treatment. Inpatient and residential stays for substance use disorder treatment should by no means be indefinite, and I believe that individuals should seek outpatient treatment as quickly as possible so that they can return to their homes and communities. However, section 5052 raises the statutory length of stay for only 30 days, which in many cases is insufficient for individuals that need more intensive treatment for their substance use disorder.

I know Senator PORTMAN is going to discuss this further, but section 5052 includes language defining eligibility under this new authority to include Medicaid enrollees enrolled under a State plan or a waiver of such plan. Given that Illinois and other States do have Medicaid 1115 waivers to provide substance use disorder treatment in IMDs, I want to affirm that this new statutory authority for 30 days of care can be woven seamlessly together with separate State waivers to maximize the length of stay for patients to include additional days under a waiver.

Mr. PORTMAN. Mr. President, I agree with Senator DURBIN. First, I would like to also voice my appreciation for the hard work that our colleagues in both the House and Senate put into the SUPPORT for Patients and Communities Act. Lifting the IMD exclusion for all individuals with substance use disorder was no easy feat and took decades to accomplish, and I believe that this is a testament to all that we can achieve when we work together to solve our Nation's problems in a bipartisan way.

With that said, I would like to echo Senator DURBIN's concerns regarding the limitation of stays for just 30 days. Each individual seeking treatment for substance abuse is unique and so are their treatment needs. That is why my colleagues and I included a 90-day limit to stays in our Improving CARE Act; 90 days would both successfully accommodate a full range of patient needs, while also ensuring that there is a time limit on inpatient stays so that patients and providers can work together in a timely manner to successfully transition the patient into outpatient care.

Section 5052 recognizes this by taking language from our Improving CARE Act that requires participating, inpatient facilities to offer at least two forms of medication-assisted treatment because we recognized that everyone's treatment needs are different and there is not one single treatment or length of stay in an inpatient facility that is right for everyone. In many instances, 60 or even 90-day treatment programs may be necessary for an individual to succeed, and this is why we included a 90-day stay limit in the Improving CARE Act.

However, it should be noted that section 5052 does include additional language that I hope might rectify this issue. We included in our Improving CARE Act clarifying language that

notes that nothing in the policy will supersede the existing "Medicaid and CHIP Managed Care Final Rule" that was finalized by the Centers for Medicare and Medicaid Services on April 25, 2016. That rule allows for Medicaid-managed care plans to offer inpatient, substance abuse treatment for up to 15 days at a time.

Thus, it is important for us to clarify that as the architects of these provisions that Medicaid managed care plans do in fact have the authority to blend the 30-day stay limit that is authorized under section 5052 of the SUPPORT for Patients and Communities Act and the 15-day stay limit from the Managed Care Final Rule. Under this construct, Medicaid managed care plans will have the flexibility to offer inpatient, substance abuse treatment for up to 45 days.

My home State of Ohio relies heavily on Medicaid managed care and currently enrolls nearly 90 percent of all Medicaid beneficiaries into Medicaid managed care plans. While I am disappointed that we could not find the means to offer our constituents up to 90 days of care, I am grateful that many in my State will be able to have a bit of additional flexibility to extend their stays and get the treatment that they need.

Mr. DURBIN. Mr. President, I would like to reiterate my appreciation to Senators PORTMAN, BROWN, CARDIN, KING, and others and echo what Senator PORTMAN said about flexibility to elongate lengths of stay as medically necessary for patients, beyond the 30 days under this new statutory authority. Earlier this year, Illinois obtained a Medicaid 1115 waiver to address behavioral healthcare in the State, which allowed for a partial waiver of the IMD exclusion to allow for Medicaid beneficiaries in my State to receive up to 30 days of treatment in these IMD facilities. That was good news.

Nonetheless, I expect that section 5052 of the SUPPORT for Patients and Communities Act will still be able to help residents of Illinois and those in other States with 1115 waivers, because, similar to the authority that Senator PORTMAN noted that Medicaid managed care plans have, States will be able to pair this new authority under section 5052 with the existing authorities under State waivers. Thus, Medicaid enrollees in Illinois will be able to combine the 30-day stay under our waiver with the 30 days under this new authority, thus giving my constituents the opportunity to receive up to 60 days of inpatient, substance use disorder treatment a year. That is an important new step forward, and I look forward to working with our State and CMS to fully implement this policy for States to coordinate waivers and statutory authority for longer lengths of stay.

This is by no means a uniform policy for each of the States, and I hope that we can come together again to lengthen these stay limits.

Mr. PORTMAN. Mr. President, I agree with Senator DURBIN. While the policy in H.R. 6 is limited and does explicitly limit inpatient, substance abuse treatment stays to just 30 days, there are in fact opportunities for individuals with either Medicaid managed care or for individuals living in states with 1115 waivers that expanded this type of coverage to receive longer stays if necessary.

Mr. DURBIN. Mr. President, I agree with Senator PORTMAN on stitching together this new statutory authority with existing managed care and waiver authorities to elongate patients' lengths of stay, as medically appropriate. I would once again like to thank all of my colleagues, including Chairman HATCH, Ranking Member WYDEN, Chairman ALEXANDER, and Ranking Member MURRAY, for their help in getting this important policy across the finish line.

Mr. WYDEN. Mr. President, when it comes to Medicaid, there is no question the program is front and center in the fight against the opioid epidemic. Medicaid is the single largest payer of substance use disorder services in the Nation, paying for a third of all medication-assisted treatment across the country and covering millions of Americans currently suffering; yet gaps in the system still exist.

The SUPPORT for Patients and Communities Act includes a number of policies that will help fill some of these gaps both within Medicaid and across the healthcare system. One such provision focuses on providing States with additional flexibility around Medicaid's so-called IMD exclusion related to inpatient and residential treatment. I view this provision as one piece of a larger approach focused on ensuring patients have access to the care and services they need across the entire continuum of care. It includes early prevention, access to critical outpatient and community-based services, residential and inpatient care when needed, and essential step-down care so individuals can successfully transition back into the community.

However, I want to take a moment to note my concern about this particular provision that will leave gaps for young adults seeking care and treatment. Specifically, I am particularly worried about young adults who may not be able to access quality residential substance use disorder treatment services in the same settings as older individuals. Under the Medicaid statute, the IMD exclusion applies to all individuals under the age of 65 with limited exceptions for individuals under age 21 for inpatient psychiatric hospital services. As a result, I am concerned that, because the provision in this bill only applies to those age 21 and older, younger adults below the age of 21 may not have access to the full array of residential substance use disorder treatment options, settings that may be closer to home, closer to support networks, and that more appropriately serve their needs.

I am hopeful that my colleagues across the aisle will work with me to address this and other yet to be addressed gaps in our healthcare system to better meet the needs of the millions of Americans, young and old, suffering from the scourge that is the opioid epidemic.

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

SUPPORT FOR PATIENTS AND COMMUNITIES ACT

Mrs. MURRAY. Mr. President, earlier this year, I heard from an elementary school principal in Washington State about how the opioid crisis was hurting the kids in his school. Students at his school were having trouble focusing in class as they dealt with the trauma of a family member's substance use at home. Some of his teachers were having trouble understanding how best to help those students with their trauma.

I also heard from the staff at a hospital about how they deliver many babies to mothers struggling with opioid addiction. Many are born with neonatal abstinence syndrome, battling with symptoms of withdrawal.

I have heard from countless other families across my home State of Washington about how the opioid crisis has impacted their loved ones.

Our communities have been crying out for action to address the root causes and ripple effects of the opioid crisis that have caused so much heartbreak for so many people. Today, we are making an important step to answer that call.

The legislation we are passing today includes a wide set of policy solutions from both sides of the aisle to help tackle this problem from many different angles. Many people helped craft this legislation and offered their own valuable insights, ideas, and solutions, and I am grateful to all of them.

I especially want to thank the committee leaders in both Chambers who did so much to bring this together: Senators WYDEN, FEINSTEIN, ALEXANDER, HATCH, and GRASSLEY in the Senate, and Congressmen PALLONE, NEAL, NADLER, WALDEN, BRADY, and GOODLATTE in the House.

I am grateful to Leader SCHUMER and Leader MCCONNELL and several others who were particularly helpful in this process.

I thank Senators HEITKAMP, DONNELLY, MARKEY, HASSAN, CASEY, MANCHIN, MCCASKILL, BALDWIN, NELSON, KAINE, and so many more. And of course I thank my staff and the many other members of the staff who worked on this as well.

The bill we all crafted together is a meaningful, bipartisan compromise. It is not what I would have written on my own, and it is not what other colleagues would have written on their own, but it is a collection of impactful, commonsense solutions where we were able to find common ground—ideas that respond to the root causes and the ripple effects our communities are facing.

It includes support for State efforts to improve plans for safe care for children born to mothers battling substance use disorders, like those at the hospital I visited. It ensures that the Health Department is implementing strategies already identified to protect moms and babies from the effects of opioid substance abuse.

It includes provisions to develop a task force and grants to help support trauma-informed care programs and increase access to mental health care for children and families in their communities, including at schools like the one the principal told me about, and provisions to build on critical public health activities to prevent opioid misuse from occurring in the first place.

It includes provisions to address the economic and workforce impacts of the opioid crisis, such as support for training to help the nearly 1 million people out of work due to opioid use disorder to gain and retain employment, as well as provisions to strengthen our behavioral workforce so patients and families can access the treatment they need.

It continues meaningful grants that help States address the most pressing problems associated with substance use disorders in their communities and makes those grants more flexible and available to our Tribal communities who are suffering deeply with the impact of substance use disorders.

It expands access to treatment services by making more providers eligible to prescribe medication-assisted treatment.

It includes provisions to help the Food and Drug Administration address the crisis as well, such as giving it new authority over packaging and disposal of opioids, as well as many other steps to help those on the frontlines of this epidemic.

I am glad we can include so many voices in this discussion and that it led to a bill that offers so many ideas to address the different angles of this crisis. I look forward to seeing this bill become law so it can start helping our families and communities as we work to reach everyone impacted by this nationwide fight against opioid use disorder.

This is an important bill, and it is an impactful step forward. It is not a final step by any means. The opioid crisis is ongoing, and our efforts to address it must be as well. I am going to keep listening to people in Washington State about what they need to respond to this question and working with my colleagues in Washington, DC, to provide the resources and solutions that will help make a difference.

I urge my colleagues to support this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to say to the Senator from Washington that I fully subscribe to her remarks. She is the ranking Democrat on

the HELP Committee, and we work together to produce results. I like it when we can, and I think the American people do as well.

I had a chance to come to the floor earlier this afternoon to thank Senator MURRAY and her staff and the other Senators and their staffs and the large number of people who made this bill possible, so I will not repeat all that.

I would like to say, I think it is worthwhile to stop and say that at the time of a contentious debate about the Supreme Court, the U.S. Senate has found something that is equally important and really more important to hundreds of families across this country, maybe thousands, in virtually every community because the opioid epidemic is our most severe public health epidemic, and we have worked together, and we literally have unanimously agreed on this bill in the Senate, all 100 of us—well, maybe not all 100 but almost all 100 of us. At least all 100 of us agreed to let it go forward, and almost all 100 of us will vote for it.

The House of Representatives was nearly as unanimous. We have a bipartisan sense of urgency to deal with this. Senator MCCONNELL has called it landmark legislation.

It is not the first step the Senate and the House have taken. There was the CARA Act, Comprehensive Addiction and Recovery Act. There was the 21st Century Cures Act, which Senator MURRAY and I worked on and presented to the Congress and which Senator MCCONNELL called the most important piece of legislation in the last Congress.

There are the appropriations bills, which have produced this year \$8.5 billion for the opioid crisis when you combine the money appropriated in March and the money that is being approved this month.

Then there are the provisions of this act. More than 70 Senators have made contributions to it. Senator MURRAY listed many of them: Senator PORTMAN's STOP Act to stop fentanyl from coming through the mail; the Holy Grail, in my opinion, non-addictive painkillers.

Mr. President, I ask unanimous consent for an extra 60 seconds to finish my remarks.

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

Mr. ALEXANDER. Authority for the FDA to require manufacturers to sell smaller doses of opioids; extending treatment for Medicaid patients from 15 to 30 days in covering all substances; the TREAT Act, Senator MARKEY, Senator PAUL worked hard on this.

I want to especially thank Senator MCCONNELL and Senator SCHUMER for creating the environment so we could put together the work of five different committees in the Senate and eight different committees in the House of Representatives. That rarely happens. It takes a good deal of restraint and good will, and the reason for it is because of this bipartisan urgency to deal

with this problem. This is not a moon-shot from Washington. It is everything, though, we could think of to do; more than 70 different proposals to support patients and support communities as they continue to fight our No. 1 public health epidemic.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to concur.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 221 Leg.]  
YEAS—98

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

NAYS—1

Lee

NOT VOTING—1

Cruz

The motion is agreed to.

EXECUTIVE CALENDAR—  
CONTINUED

The PRESIDING OFFICER. The Senator from Montana.

UNANIMOUS CONSENT AGREEMENT

Mr. DAINES. Mr. President, I ask unanimous consent that the Senators be allowed to present legislative items at the desk during today's session.

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

The PRESIDING OFFICER. The Senator from Washington.

SUPPORT FOR PATIENTS AND COMMUNITIES ACT

Ms. CANTWELL. Mr. President, I come to the floor today to thank my

colleagues Chairman ALEXANDER and Ranking Member MURRAY for this important opioids legislation. Parts of it passed out of the Senate Finance Committee as well. So I want to thank Senators HATCH and WYDEN for their work on this very comprehensive package.

This important legislation, which, I think, is the third in the bills we passed related to opioids, couldn't come at a more important time. This crisis is ravaging our communities. It is impacting families.

We need to do all we can to help those on the frontlines. That is why I have been from Port Angeles to Spokane, to southwest Washington, to Everett to talk about this issue and to try to provide the solutions that my law enforcement and community people want in this legislation.

I am so excited that the legislation will mean that there are more available beds through Medicaid to treat those addicted to opioids. This is something we heard about in every community in Washington. We heard that those coming out of our jails addicted to opioids, who had some modicum of an ability to maybe get off of opioids, then had to wait weeks and weeks for treatment in places like Tacoma or Spokane, where there simply weren't enough beds.

This legislation allows Medicaid to cover treatment at institutions with more than 16 beds for up to 30 days. It means that funding will be available to States and local governments to help treat opioid addiction, and it is very important in the State of Washington because we have received \$43 million in the past 3 years to help us with these tools. It means funding tools for law enforcement so that they can help combat drug trafficking rings.

Specifically, this legislation includes more than \$4 million in tools to support our State of Washington through the HIDTA Program, which fights drug-trafficking rings.

In 2016 alone, the Seattle-based Northwest High Intensity Drug Trafficking Area helped to disrupt and dismantle 81 different drug-trafficking organizations.

This support and help for our law enforcement and our sheriffs to keep doing their job is incredibly important. I have heard from our sheriffs who played great roles in this. Sheriff Pastor in Pierce County, the King County Sheriff, and our Snohomish County Sheriff have all done great work on this very important legislation.

This legislation also includes stiffer penalties for those who illegally distribute opioids that have been flooding our communities. We have talked to so many people about this problem. I joined with our attorney general, Bob Ferguson, and 39 other State attorneys general in pushing legislation that I and Senator HARRIS of California authored that basically said we are not doing a good enough job in tracking the distribution of these opioids, and we need to have stiffer fines and pen-

alties for those who don't do their job in tracking the distribution of this drug.

Our communities have been flooded, and those attorneys general said: Please ensure that effective penalties hold manufacturers accountable and help stem the diversion of this product.

How did we get here? When Congress passed the Controlled Substances Act in 1970 to regulate highly addictive drugs, including prescriptions for opioids, they did so because they were so addictive; yet Congress said you must follow a network of laws to track these controlled substances. You need to know exactly where the manufacturers are distributing these drugs, to whom, and how much.

Why did they want that? Because they knew they were so addictive that, if they got on the streets and flooded communities and marketplaces, we would have a devastating impact.

Well, because the fines and penalties were so small, these manufacturers paid no mind to this provision of the law. Despite the requirements, large quantities of opioids flooded into communities. Because law enforcement didn't understand how much they were flooding their communities and didn't have the records, there was little to track. So you had excessive shipments from manufacturers.

In one example, a physician in Everett, WA, wrote more than 10,000 prescriptions for opioids. This number of prescriptions was 26 times higher than the average prescriber in Everett. I know that sounds suspicious, but the drug manufacturer didn't even report the activity. The DEA didn't have the information. Instead, the physician continued, and the manufacturer continued to distribute to them.

Why did this lack of reporting continue? It is because the fines currently in place for failing to track distribution were so small. They did not feel they were a threat, given the other aspects of the business. Current fines for failing to follow the Federal law just weren't enough. That is why we put new standards in place.

I traveled throughout our State to talk about this and to talk about how our communities have been flooded with this drug. Every time, law enforcement and local communities said: We need new tools—tools to stop the distribution, tools to help our law enforcement break up rings and track the drugs, and new tools to help those who have been impacted by opioids.

That is why we are bumping these fines up to \$500,000 per criminal violation. These penalties increase the chances that opioid manufacturers will think twice about not reporting this distribution. In the case of Everett, that manufacturer could have been fined \$900 million because of their activities. I guarantee you that this is a deterrent if a manufacturer thinks they are going to receive hundreds of millions of dollars in fines.

I hope they will take this seriously. This legislation is needed and will go

to the President's desk. It is so important for our communities to have tools.

I also want to commend my colleague the Senator from Ohio for putting in language to increase the tools for U.S. mail inspections. We know we are seeing product being shipped into the United States and that we haven't had all of the tools we have needed to make sure we are checking the U.S. mail for this product. The STOP Act, hopefully, will help us catch and stop more of the illegal distribution of this product through the U.S. mail.

There will be longer coverage for beds to help with treatment, more tools for our sheriffs and police forces, better ways to penalize manufacturers, which is the key to helping us stop the diversion of drugs into communities, and better inspections of those who are using our mail system.

These are all great tools to give to law enforcement. I am glad our colleagues could come together on this, and it is so needed in the State of Washington. I thank the law enforcement throughout our State and thank the providers for helping us work together to get this legislation passed.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. GARDNER). Without objection, it is so ordered.

#### NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, across the country, women and survivors are angry; they are energized; and they are making their voices heard. They are inspired by Dr. Ford, and they are sharing stories of their own, often of the worst moments of their lives—some for the first time ever with their families, with their friends, and their Senators. There are too many to share in one speech on the Senate floor, but I want to touch on just a few.

I heard from a woman in Sequim, in Washington State, who wrote to me.

She writes:

There have been rare moments in my life when I have felt compelled to speak out. This is one.

She told me, when she was in junior high school, she dated a boy she thought was "one of the nicest guys ever." Then, one day, she went to his house while his parents were at church, and he assaulted her—he tried to rape her. She only barely managed to escape and run from his house. She said she never told anyone about this because she didn't know who would believe her. She was worried that people would think it was her fault. She told me that after Dr. Ford found the courage to come forward with her experience, she found the courage to share her own.

Another woman from Everett, WA, reached out to me to share that she

was sexually assaulted in a hotel elevator in the early 1970s. She didn't tell a soul for 40 years—until just a few days ago. She said that since that day all those years ago, she has avoided getting into an elevator alone with another man if she possibly could, taking the stairs instead. She told me: "It happened a long time ago, but it still matters," that she was inspired by the women who had so bravely spoken out about Judge Kavanaugh, and that she shared her story with me in the hopes that I could make sure her voice and the other voices of so many women were heard.

I heard from another woman who lives on the Olympic Peninsula in my home State of Washington. She told me that when she was in college, she was raped by a man with whom she was out on a date. She remembered his name, but because she believes she was drugged, there were a whole lot of details she didn't remember. She didn't tell anyone about her experience for years. She reached out to tell me that she understood why Dr. Ford didn't come forward and to express her anger that people continue to attack survivors, doubt them, and say they are "just mixed up."

There are so many more. I have received tens of thousands of letters and calls on this nomination with hundreds and hundreds of personal stories that my staff and I are still working to get through. They are heartbreaking, they are real, and they are just one small slice of the experiences being shared, the stories that are being told, and the voices that are bravely speaking up.

While these women and survivors are so bravely sharing experiences and while so many of us in the Senate are making it clear we do believe them and support them, others are going in a very different direction.

Last night, the President of the United States stood on a stage and openly mocked Dr. Ford for not remembering some details of what she has described as the most traumatic moment of her life. It was disgusting. Some of my colleagues in the Senate are doing everything they can to undermine the women sharing their experiences, saying they are "mixed up." They say that the Senate is going to "plow right through this."

The word coming out from the White House is that they are doing everything they can to limit and rush the FBI investigation that they assured Democrats and Republicans would be full and thorough.

I come to the floor today to ask three questions.

When this is all said and done, will the Senate—the U.S. Senate—be a place where women are heard, where their voices are respected, or still a place where women are ignored, undermined, and attacked?

Will the Senate do its job—truly do its job—to properly vet and investigate the President's nominee for a lifetime position on our Nation's highest Court,

including pushing for a full FBI investigation where at least Dr. Ford and Judge Kavanaugh are interviewed, making sure all relevant witnesses are heard and all relevant information is brought forward, or will we allow politics and partisanship to take over and rush this through before our job is complete?

Finally, will the Senate make sure we don't put someone on the Bench who has repeatedly had problems with the truth under oath, who has displayed truly serious temperament issues, who has not demonstrated the judicial independence that we expect for a nominee to the Supreme Court, and who has displayed a shocking lack of fitness for that role?

Those are the questions I believe we need to be asking today, and there is a lot of work that needs to be done before we can answer them.

There have been a whole lot of distractions in the past few weeks—from yelling and screaming and outrage, real and feigned, to the finger-pointing, to the partisanship, to the spin and the kicking up of mud—but if you cut through all of that and focus on what is real and what is important, there are some things we do know.

First and foremost, we all saw Dr. Ford testify under oath. I can't imagine anyone watching her and not being moved by her honesty, how real she was, her pain, and her commitment to what she described as her "civic duty." I believe her, and I know so many others watching that day here in the Senate and across the country did as well.

Then we had Judge Kavanaugh. He came into that hearing angry, defensive, and aggrieved. He clearly acted as if he is owed a seat on the Supreme Court and didn't understand why the U.S. Senators had the audacity to question him.

Even worse than his rage, even worse than his condescension and arrogant entitlement, and even worse than the raw partisan bitterness from someone who would be entrusted to make impartial decisions regarding the biggest issues facing our Nation were the serious challenges he had with the truth under oath, in public, to the U.S. Senate, from his small, seemingly unnecessary mistruths about what words used in his yearbook meant—words I will not repeat on the Senate floor, but the people who went to school with him don't understand why he would say what he said; to those about his connections to Dr. Ford, such as claiming he and Dr. Ford didn't "travel in the same social circles," when we know that is just not true; to claiming that he never attended a gathering like the one Dr. Ford described, when there is one very similar to that on the calendar that he himself released; to those my colleagues have talked through before, such as those involving his level of involvement in the confirmation of President Bush's judges, which we learned about as emails to and from him were uncovered and released; to

those involving emails stolen from my Senate colleagues that he denied knowing he had received, when, again, his emails show that wasn't the case; to another we just recently learned about—his claim that the first time he heard about Ms. Ramirez's allegations against him was when he read about them in the press, although we have now heard from people who have seen text messages showing Judge Kavanaugh personally working to coordinate a defense against the allegations before that story was ever published; to his denials over and over in different ways that he drank to extreme excess in high school and college, that he never "blacked out" or had memory lapses from drinking, when we know from so many people who have now come forward to share stories of his high school and college days that his version simply doesn't align with reality.

The Washington Post laid this out yesterday. I will read a few of the quotes from their reporting.

One friend of his from college said that Judge Kavanaugh was "a frequent drinker and a heavy drinker."

Another classmate of his in college said, "Brett was a sloppy drunk, and I know because I drank with him" and "It's not credible for him to say that he has had no memory lapses in the nights that he drank to excess."

Another classmate said: "There is no doubt in my mind that while at Yale, he was a big partyer, often drank to excess. And there had to be a number of nights where he does not remember."

I could go on and on. I have other, numerous stories from classmates that you can find yourself in the Washington Post.

It is not disqualifying to drink in college. It is not disqualifying to drink too much in college. But it is absolutely disqualifying to not tell Senators the truth under oath about doing those things. It speaks to the kind of person Judge Kavanaugh is, and it speaks to the kind of Supreme Court Justice he would be if he were to be confirmed—someone who thinks they are above the law, above the truth, and above the oath they have raised their hand and sworn by. That should absolutely be disqualifying.

Those are just a few of the honesty and credibility issues that we know about. There are many more I am sure my colleagues will discuss, and I am sure there are others that can be uncovered in a full investigation. That is the most important point. As I said before, we don't know everything just yet, but we do know some things, and everyone should agree that what we know is enough to want to dig deeper and get more information. That is why it is so telling that Judge Kavanaugh and his Republican defenders and protectors so clearly did not want any further investigation.

We had Dr. Ford willing to share her story, take a polygraph, and open herself up to any questions and further in-

vestigations to help to get to the truth. Then we had Judge Kavanaugh doing everything possible to sweep this under the rug, move through it as quickly as possible, and prevent any information from coming out. That tells us a lot.

I am so glad a few of my Republican colleagues have done the right thing and slowed down this nomination to allow further investigation. There should have been more of them speaking up, and doing our jobs shouldn't be such a brave act. But in this moment in the Republican Party, it is, and I do commend them.

Here is the bottom line: Any of my colleagues can yell and scream until they are blue in the face about how aggrieved they are about this process. They can point fingers, push conspiracy theories, call it a sham, and say that this has gone on for longer than anyone wanted it to. They can do all that. I think they are wrong, and a lot of what they are complaining about is the ranking member of the committee respecting the wishes of Dr. Ford herself. Sure, they can do that, but at the end of the day, we are talking about a lifetime seat on the highest Court in the land, the Court making final decisions about our laws, our rights, and our freedoms. Surely we should take the time to do this right. Surely we should all want to make sure we don't put someone on the Court who sexually assaulted someone. Surely we should want to take the full amount of time promised to fully investigate credible allegations and determine whether Judge Kavanaugh told us the truth under oath. That is common sense, and it happens to be our job.

My Republican colleagues held a seat open on the Supreme Court for more than a year for no reason at all other than to prevent President Obama's nominee from getting on the Court—more than a year. Now, all of a sudden, these same colleagues are in a rush? It is absurd.

We need to do this right. What does that mean? What is doing it right? First of all, it means making sure the FBI thoroughly investigates right now, that it is not limited in scope or pressured to not follow leads wherever they go.

As my colleague, the Senator from Arizona, said, "We certainly want the FBI to do a real investigation. It does no good to have an investigation that just gives us cover."

Even President Trump said, "I think the FBI should do what they have to do to get to the answer. I want them to do a very comprehensive investigation."

I completely agree.

I am very concerned by some of the reporting coming out of the FBI investigation—especially hearing about the witnesses who have not yet been contacted. I am hoping they are allowed to do their jobs, and I am hoping the White House fulfills its commitment to the Democrats and Republicans focused on getting this done right.

Secondly, as we learn more, we should take that information into ac-

count. We should make sure all relevant witnesses are heard from, that all relevant information comes out—nothing swept under the rug—because there is one other thing we can be pretty sure of: Whether the information comes out now or comes out later, it will come out. We can either make sure we stop someone from getting on the Court who shouldn't be on the Court, or we can find out later that we—the Senate—didn't do our job.

This started as a look into whether Judge Kavanaugh assaulted women and whether the U.S. Senate would listen to women sharing their experiences. It is still about that—very much so—but now it is about even more than that. It is about Judge Kavanaugh's temperament, his anger, his rage, and his entitlement. It is about his telling the truth or not to the public and to us here in the Senate.

So I say to my colleagues, as we learn more from this investigation and as more and more people come out to share their stories, even if you don't think you can determine conclusively that Judge Kavanaugh committed sexual assault, do we want someone on the highest Court in the land with this kind of relationship with the truth, and do we want someone with that much rage and bitterness and entitlement? I think the answer is clear right now, and I think there is a reason Judge Kavanaugh was so desperate to stop the full investigation.

I hope we don't allow corners to be cut and a nominee jammed onto the Supreme Court without truly doing our jobs. I hope we take seriously the anger, the pain, the voices, and the experiences of women across the country today. I hope we do this right.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at the conclusion of my remarks, Senator MERKLEY be recognized for associated remarks, followed by a brief colloquy between the two of us.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am grateful to be joined by my wonderful colleague from Oregon, Senator MERKLEY, for my 222nd "Time to Wake Up" climate speech. Although there are thousands of miles between us—on the west and east coasts—Oregon and Rhode Island share a common connection; that is, our oceans. Fisheries and coastal tourism are major drivers of our economies. Our coastlines are vibrant with homes, families, and businesses. We are ocean States.

So we are here to talk about the challenges of human-driven climate change for our oceans and coasts: sea level rise, ocean acidification, deoxygenation, warming, and increased storm surge. Our local agencies and officials and our coastal residents understand the changes that are coming at

them. Not all States are prepared, however, and in the aftermath of severe storms like Hurricane Florence and last year's hurricanes, powered up by higher seas and superheated ocean water, we are seeing the consequences of this failure.

Last month was the 80th anniversary of the Great Hurricane of 1938. The storm barreled through southern New England, destroying roads and ports and businesses and homes. This is a photograph of downtown Providence. That is the roof of a car, and they built cars pretty tall back in 1938. Over 560 people lost their lives in this storm. The National Weather Service now estimates that Providence experienced a storm surge of around 20 feet, which put it 14 feet under water in the downtown area and sustained winds above 100 miles per hour—not gusts, sustained winds. If this storm were to hit Rhode Island now, it would carry ashore at least an additional 10 inches of ocean, thanks to sea level rise since the 1930s. It would probably carry ashore a lot more than that because that 10 inches of water would pile up in the storm surge as it hit.

If we continue to do nothing to slow climate change, by the end of the century, sea level rise will be on the scale of additional feet, not inches.

Hurricane Florence just brought feet of rain, high winds, and massive storm surge to the Carolinas. At around 500 miles wide, it was bigger than Hurricane Katrina, and it dumped more rain than Hurricane Harvey. Sadly, nearly 50 people have lost their lives from the effects of Hurricane Florence, and flooding recovery is still ongoing. The condolences of Rhode Islanders go out to the Carolinas and Virginia.

As Hurricane Florence was building strength and making its approach, researchers were connecting its power to climate change. A team of researchers estimated climate change made Florence's rainfall 50 percent worse than it would have been without the known effects of humankind on the climate. Hurricanes are powered by warmer oceans. One of the study's authors estimated that for every degree Celsius of ocean temperature increase, "extreme precipitation events can increase by over 60 percent."

The oceans are warmer. Oceans have absorbed more than 90 percent of the excess heat trapped by our greenhouse gas emissions. It is several nuclear explosions worth of heat per second that the oceans are absorbing. By doing that, they spare our land from worse climate catastrophe, but it wreaks havoc in our oceans. Marine heat waves are a new phenomenon—so new that they were first identified and characterized in 2011, but they have already left a permanent scar in our oceans.

Starting in 2014, the northeast Pacific Ocean has experienced inordinately warm temperatures—"the Blob," it was called—a mass of warm water around the size of Canada. As the Blob spread toward Alaska, a trail of

millions of dead sea birds followed. The warm water drove their prey to cooler waters; unable to adapt to the sudden shift, the birds starved. Starving sea lion pups and toxic algae blooms that poisoned whales were also attributed to the Blob of warm water.

The recent massive coral die-off in the Great Barrier Reef that left half the reef dead was driven by abnormal water temperatures. Dr. Terry Hughes, one of the world's leading coral reef researchers, was quoted in *The Atlantic* as saying the Great Barrier Reef ecosystem "has collapsed . . . transformed into a completely new system that looks differently, and behaves differently, and functions differently, than how it was three years ago."

Marine heat waves are becoming warmer and more frequent, to the point that there is a movement now within the scientific community to start naming and categorizing Marine heat waves much as we do hurricanes.

Warming seas rise, and this will hit coastal properties.

The Union of Concerned Scientists recently released a report that estimated by 2100, "nearly 2.5 million residential and commercial properties, collectively valued at [over \$1] trillion today, will be at risk of chronic flooding." These numbers are based on sea level rise alone; storm surge and rain-driven flooding only amplify these risks.

Long before your house is actually flooded, long before you are walking through your kitchen in rubber boots, the value of your house can crash if the house becomes uninsurable or un-mortgageable for the next buyer. Freddie Mac has warned of this property value crash in America's coastal regions. Here is what Freddie Mac said: "The economic losses and social disruption may happen gradually, but they are likely to be greater in total than those experienced in the housing crisis and Great Recession."

The insurance industry trade publication Risk & Insurance had this to say: "Continually rising seas will damage coastal residential and commercial property values to the point that property owners will flee those markets in droves, thus precipitating a mortgage value collapse that could equal or exceed the mortgage crisis that rocked the global economy in 2008."

Despite this warning, the Federal Government has failed to prepare for these coming changes and build coastal resiliency. Congress is used to investing in our coasts only after a disaster. We have let our National Flood Insurance Program fall into billions of dollars of debt. We have let FEMA provide inaccurate and incomplete flood risk maps. And the Trump administration is purposefully blind to climate science, ocean changes, and flood mitigation requirements that would help us get ahead of the changes coming along our coasts.

We are not out of time yet. We still have a chance to avoid the worst con-

sequences of climate change and prepare America's coastal infrastructure for the rising tides. But we have to move past futile and false denial and into action.

It is time, Republicans and Democrats alike, west coasters and east coasters together, to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to be here with my colleague from Rhode Island. This is a coast-to-coast presentation, from the Atlantic to the Pacific, and on around the world, because our oceans are in deep trouble from climate chaos.

It is indeed time to wake up, and this week is my colleague's 222nd speech addressing that fact. It is so important not just that we speak but that the world act.

Driving these factors—whether we are talking about the impacts on the land or the impacts on the ocean—is carbon dioxide and carbon dioxide pollution. It is facts on the ground everywhere that people can pay attention to, but I think every now and then it is good to return to the basic science. So I am just going to share this chart which shows, with this red line, rising carbon dioxide levels. This chart ends a little bit early, but we are now well over 400 parts per million.

When I was born, we were at about 314 parts per million, and we are approaching 414. This generation over the last 62 years is the first generation to experience a 100-point climb in human history on this planet, the first one to experience this dramatic growth in carbon dioxide.

If it were just growth in carbon dioxide, if it were just a matter of changing the air chemistry a little with no impact, we wouldn't be here talking today, but now we have this set of black dots representing temperature changes. We can see, essentially, as the carbon dioxide levels rise, the temperature of the planet is rising as well. The heat that is being trapped has been well understood for a long time. It goes back more than a century.

In more recent times, in 1959, there was a scientist, Edward Teller, who was quite famous for his work on nuclear issues. He gave a speech to the 100-year anniversary of the petroleum. He said: This energy that you are pulling out of the ground—oil and coal and gas—is pretty powerful in helping humans transform the world and it can do a lot of good, but then he went on to say, it has two problems. The first problem is, there is a limited supply in the ground. It turns out there is a lot more carbon stored in the ground than Edward Teller had any idea about in 1959, but, he said, the second problem you have is that when you burn this resource, you create carbon dioxide and carbon dioxide traps heat and you are going to have a dramatic impact on the planet. He focused specifically on the issue of rising sea levels and the fact



that most people around the world live next to the sea.

That is a proper introduction to us recognizing that this issue has been understood scientifically for a long time, but in terms of our politics, individuals are reluctant to embrace that challenge because it requires action, and that action is sometimes hard to come by to shift the status quo to address this rising threat. In the 10 years I have been in the Senate, we have seen dramatic, dramatic impacts, and I will focus on the oceans today.

Oceans absorb 90 percent of the heat. I didn't know this statistic until my colleague from Rhode Island questioned a scientist who was being nominated for a key position in the administration and asked her that question, thinking it was just basic knowledge. I said to myself, actually, I wasn't sure how much the oceans absorb. I knew the open blue waters—non-ice-covered waters—absorb a lot of sunlight energy. I know they cover three-quarters of the Earth, but I didn't know that statistic that 90 percent of the energy is trapped by the ocean. So we see impacts around the world. We see coral reefs dying at an unprecedented rate, both from the warming of the ocean and from the increasing acidity of the ocean.

You may wonder why I raise the question of acidity. What does that possibly have to do with that? As that rising carbon dioxide level that was on the chart I just put up lifts, waves incorporate more of that carbon dioxide into the ocean, and it becomes carbonic acid. Essentially, we are pouring incredible amounts of acid into our oceans via carbon dioxide pollution.

When I stand on the shore on the coastline of Oregon and I look out to sea and see that ocean, I find it hard to imagine that we as humans could have changed the basic chemistry, but there was a rude-awakening fact that occurred when I came to the Senate back in 2008, when I was elected, and in 2009. That fact was the baby oysters being hatched in the Oregon State hatchery, the Oregon hatchery on the coast, started dying. They all started dying. So the hatchery rushed in experts from Oregon State University. They thought they would find a bacterium, they thought they would find a virus and they didn't and they were mystified. What is the answer? Why are they dying? It turned out it was simply the increasing acidity of the Pacific Ocean, the ocean having increased 30 percent over the time that humans have been burning fossil fuels for energy. When those baby oysters try to pull the molecules out of the ocean to form their shell, it is so much harder when it is a higher acidity, and they die. So now we have to artificially buffer the water in which the baby oysters are hatched in order for them to live. We lost a billion baby oysters.

Then, of course, we have the impact, and we have climate chaos in the form of hurricanes. Boy, have we received

that message through storm after storm in 2017 and 2018.

Hurricane Harvey came rolling in, September of 2017. The storm formed and dissipated between August and September. The numbers are ones you really can't get your hands around: Twenty-seven trillion gallons of water dumped in Louisiana and Texas; 34,000 people displaced; 13,000 had to be rescued from rising floodwaters. The estimated damage: about \$125 billion from that one storm, second only to Katrina.

Then, a few weeks later, here comes Hurricane Maria, devastating Puerto Rico, devastating the Virgin Islands. It knocked out the power grid in Puerto Rico for almost a year. I went there about 8 or 9 months after the storm to check it out, and I saw an island where thousands of families still had blue tarps over their roofs—a testament to the amount of destruction they had experienced, also a testament to how unprepared FEMA was to respond to that: an estimated \$90 billion in damage; an estimate of roughly 3,000 deaths coming from the storm and the aftermath, many of them affected by the knocked-out healthcare services and the heat that followed.

Together, 2017 broke the record for the cost of the hurricane season, 16 major billion-dollar weather events costing over \$300 billion. Why are these hurricanes more devastating because of climate chaos, because of carbon dioxide pollution? The energy comes from the temperature in the ocean. The warmer the ocean, the more energy, the more powerful the storms. A short explanation is that the warmer oceans produce more evaporation, more water vapor in the atmosphere. It increases approximately 7 percent for every 1.8 degrees of temperature rise. Then the storm as a whole moves across the ocean and across the land more slowly, which means not only do we have a more powerful storm, but it is more likely to hover over a given area for a longer period of time.

Between 1949 and 2016, it is estimated that hurricanes slowed down at sea by about 10 percent and by about 20 percent once they make landfall. The result: a lot more rain and a lot more wind hits any given area, a recipe for disaster.

If 2017 wasn't enough, we have already experienced Hurricane Florence this year. Again, unusually warm ocean temperatures. It is estimated that by previous understanding, this was a once-in-a-thousand-year event; that is, we go through 1,000 years, we would see something like this once, but we didn't just see Florence. We saw in the previous year Maria, Irma, and Harvey. In other words, these 1,000-year-events are becoming far more common as a result, setting record rainfalls, doing record damage. It is more deaths, more damage, and now we have thousands still in shelters as a result of Hurricane Florence and an estimated some \$38 billion in damage.

There are other effects we should realize from these massive storms. One is that when the rivers flood up over the land, they tend to flood areas that were never intended to be flooded; things like, for example, leftover waste dumps from the ash from coal-burning powerplants. That ash can turn a river into a gray pudding, and you can see it from space. That ash contains arsenic, boron, copper, lead, and mercury, and giant ponds of coal ash throughout North Carolina were flooded. It has happened before.

In 2014, there was a catastrophic event at a Duke Energy plant that spilled some 39,000 tons into the Dan River. That spill urged more regulations to strengthen those coal ash deposits to prevent them from escaping during floods, but what happened last year? Well, President Trump's EPA and the North Carolina legislature weakened those regulations. Then, last month, two other Duke Energy ponds flooded in Hurricane Florence and released tons of coal ash into rivers and onto private property. Imagine that toxic sludge flooding across your land. How would you feel about that? Imagine that toxic sludge going into the river your city takes its water from. How would you like that? I know you wouldn't.

Another source of pollution: hog waste. North Carolina has roughly 3,000 unlined, open air pits containing millions of gallons of hog waste. The hurricane's flooding released a lot of that waste into the rivers. Again, how do you imagine the impact of that hog waste spreading across your flooded property or through the river you take your water out of? Not a pretty sight.

We are in the situation where so many legislatures want to put their hands over their ears and eyes and not acknowledge the basic science that is resulting in a warmer planet, warmer oceans, and all of the effects—the coral reefs; the Pacific blob and the impact it had on sea birds; the dying oysters; the pine beetles that live through the winter because the winter is warmer and kill the pine trees; the ticks that live through the winter in New Hampshire, New England, and kill the moose; the ticks that live through the winter and spread disease that humans get—devastating disease.

We have to stop and be honest about this impact on our planet. We used to talk about computer models, and many mocked those models saying that is just some ivory tower estimate; it is not really going to happen. Now the facts are on the ground, and what we are seeing is damage to our forests and to our fishing and to our farming.

This is not an urban issue or a rural issue. It is both an urban issue and a rural issue: urban cities getting flooded, rural areas having their farming and fishing and forestry profoundly affected. So let us come together. Whether we come from an urban area or a rural area, whether we come from a Republican State or we come from a

Democratic State, this threat doesn't discriminate, nor should we make it a partisan issue. We have a responsibility to this generation, yes, but the impacts are accelerating. We have a responsibility for the next generation and the generation after that and 70 more generations that will all ask: When the facts were before you in such an obvious and dramatic way, why didn't you act?

Acting means we have to drive through massive transition from gaining energy from fossil fuels to producing energy without fossil fuels—producing energy with winds and tides and currents, producing energy with solar power.

We have this massive fusion reactor called the Sun, and it distributes energy on Earth through the wind and the sunshine. Let's harvest that for the benefit of human kind. I am pleased to be able to come to the floor to help celebrate the 222nd speech by my colleague on the Atlantic coast and to share a little bit on the perspective from the Pacific coast, but this is an issue that affects all points in between and around the globe.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I will be happy to.

Mr. WHITEHOUSE. One of the touching features of the Senator's presentation was the summary of the effects on God's creatures—the sea lion pups, the fish, the sea birds, just from this particular episode. You may not have a big heart for an oyster spat, but these are all God's creatures. It is frustrating when people who wear their Christianity on their sleeve show so little interest for the protection of God's creatures.

The other angle on that is that we are taught in the Bible to look out for the least among us. One thing I have noticed is that climate change harms don't fall evenly across the population, that storms and floods are harder for some than for others, and that wealth and poverty dramatically affect the experience of climate change by different people.

I wonder if the Senator would comment on that from his experience.

Mr. MERKLEY. It is a great question or a great point because when you have resources, you can respond to the impact far more easily. You can take and say: My house has been devastated, but I have the resources to go buy another house in a safer area, in a drier area.

Take, for example, the flooding of New Orleans. When New Orleans was flooded after Katrina, we saw that affluent families moved, and poor families had two options: One was to leave everything behind, leave the State, and start over but start over with no assets, which meant they were in extremely difficult circumstances, or stay and hope to rebuild. It was extremely difficult for low-income individuals to be able to do so.

As we look at the disparate impacts around the world, we can look within

the United States and realize, for example, the impact on the Native American populations of Alaska are being significantly impacted by the shoreline eroding, by the ice disappearing, and with that, the traditional way of life is disappearing. Various groups have, therefore, had to appeal for help to be able to move their villages, as a result.

There is very little to be done to address the very changing nature of the commerce they have carried on with the sea. Their fishing or their hunting, which has gone on for thousands of years, now is being dramatically impacted. We do see a hugely disparate impact.

If we broaden this discussion to look at countries such as Syria, we find that when climate change affected the farmers and they had drought year after year, they had to abandon their farmlands and flee to the city, and they had no resources. It created competition for resources. It helped to launch the civil war and Syria has been in deep, massive conflict ever since, just as an example.

Mr. WHITEHOUSE. I believe it was Tom Friedman, the very well-known author, who first wrote comprehensively about the connection between the unprecedented drought in Syria driving farmers and herdsmen away from their former farms and herds—the farms dried up and the herds died off—and into the city, into that conflict, and into that crucible that led to the initial conflict and now to the complete collapse of Syrian society and into an international boxing match of forces.

I yield my time.

I thank Senator MERKLEY for joining me and for the longstanding passion that he has exhibited for the oceans, the coasts, the forests, and the well-being of the people of Oregon. We are very proud of our State of Rhode Island, but Oregon has a great deal in terms of natural assets to be proud of, and there is no stronger voice for them than the Senator from Oregon.

I yield.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### BIPARTISANSHIP

Mr. SULLIVAN. Mr. President, the Senate is debating right now, obviously, a really important issue. It is the confirmation of Judge Kavanaugh. It is a very serious and important debate. It is a contentious debate. There are a lot of emotions out there, and it is going to continue to be that way, but I want to talk about something that is not actually related to that. In some ways, it is actually related to something very different.

I heard in the news this morning—actually, I hear this in the news all the time. I say to our friends in the media, this speech that I am going to give has a little bit about something I want you to focus on and to try a little harder in certain ways to report. There is a conventional wisdom out there that the Senate is the most contentious it has ever been—that there is hyperpartisanship, that nobody talks to each other, and that nobody likes each other. I have heard people talk about 1850, the Civil War, and that nothing gets done.

Now, I am not a media basher. I walk out, and I do my interviews. I am very open. Back home in the great State of Alaska, I am open to the media all the time. I am respectful. I don't see the media as the enemy of the people or anything like that. They certainly have their biases, but I will say that I believe, to some degree, this narrative of "hey, this place is so partisan; I haven't seen this since the 1850s; nothing gets done here" is driven by the media.

Conflict sells. We know that. Senators fighting and bashing each other is kind of interesting to sell newspapers or to have a place on social media, but bipartisan, hard work—the good work for the Nation—let's just admit, can be a bit boring. It can be a bit boring.

People say: Wow, these guys are working together. These men and women are working together.

That is a little boring in the media space. So it doesn't get written about nationally and, certainly, a lot of times, locally in some of our home States. I think this is a shame. I think it is a shame.

Of course, the media can write about the contentious issues. We are seeing a really important one right now, and it deserves a lot of print and a lot of press. It is getting it. That is for sure. It is a shame because this can be a bit dispiriting, not only for the Members of this body but much more importantly for the people we represent, for the Alaskans I represent.

They see this when they read the newspaper, and they think: Jeez, is this the only thing going on there?

So tonight what I want to do is something that is a bit of a shocker to some watching back home, and we still have people in the Galleries. It is going to be a bit of a shocker, and I am almost sure no one is going to write about it or do a story about it, but, nonetheless, the Alaskans I represent and the American people whom we all represent need to hear about it.

In the past few weeks—heck, in the past few hours—this body right here, the U.S. Senate, has gotten some important, bipartisan work done for America. You might not read about it back home, but that doesn't mean it didn't happen.

Some of these bills are big, important bills. Some of them are smaller, maybe less important bills, but they

all have something in common: hard work, good work, serious work, and bipartisan—actually, very bipartisan—work that will help America to address challenges and take advantage of opportunities. Yes, it is being done right here, today, and in the last 2, 3, or 4 weeks.

What might some of these accomplishments be just in the past few weeks? Maybe our friends in the media will write about it. I hope they do. Let's get started. Let's get started and talk about some of these.

Mr. President, as you know, we just had a bill that overwhelmingly passed the Senate dealing with the opioid crisis. This is going to the President's desk, and he is going to sign this. This is a huge issue for all of us. It is a really important issue in my State, the great State of Alaska.

The numbers are staggering—staggering. There are 72,000 Americans—rich, poor, Black, White, Native, non-Native, young, old, but, actually, mostly young—who have died of drug overdoses last year. This is hard to comprehend. In my view, this body is finally waking up to this challenge.

I am not going to go through each one of these bills, but there is going to be significant funding—billions of dollars—in this bill we just passed. This bill has the STOP Act, which is the bill of my good friend from Ohio, Senator PORTMAN. He has been such a leader on this. I was an early cosponsor of the bill. The bill focuses on stopping the killer drug fentanyl, which is coming from China and Mexico and killing all of our people. That is the STOP Act.

This bill has a provision that I authored that gets 5 percent of the funding to Native health organizations. Some of the Native organizations in the lower 48 and in Alaska have really strong and far-reaching access to some of our rural citizens. So these organizations are going to see a lot more funding.

There is a hugely important amount of good policy. We are not going to get there and we are not going to fix this opioid-heroin addiction problem for years, but at least we are focused on it. It is good legislation, and it was very bipartisan legislation that just passed the Senate and is going to go to the President's desk for his signature. That happened today. That is newsworthy.

If you are going through recovery, like so many good people I know in Alaska are, this is encouraging news. Hopefully, someone is going to write about it. This is encouraging news.

OK, what else happened today? The FAA reauthorization happened. Some people will say: Well, that sounds like a yawner. But this is basic infrastructure. This is basic aviation security infrastructure and improvements in weather reporting systems. For my State, the great State of Alaska, this bill is enormously important—enormously important.

I am not going to read all of the provisions in there that are going to ben-

efit Alaska, such as essential air service, like more funding for airport infrastructure, and improvement programs such as streamlining permitting, so you can actually build airport infrastructure. This is a bill that is going to really help the whole country.

Again, we are starting to get work done. From 2008 to 2012, there were 23 extensions of the FAA bill, or the Federal Aviation Administration Reauthorization Act—23 extensions. What does that mean? Well, essentially, it means the Senate wasn't doing its job.

This is a 5-year extension. People back home in Alaska and other places can now plan for 5 years on infrastructure for airports. There are no more of these extensions. There were 23 in 5 years. That is the Senate not doing its job. We did that today.

For some people, this is a really big deal. I hope the media will report on it. I am not holding my breath. What about this very bipartisan legislation and a lot of hard, important work to keep America at the cutting edge of drum technology and of aviation technology?

We are the home and the most innovative place in the world for aviation and aircraft. This will help us to stay that way. That happened today also. That is going to go to the President's desk for his signature. It is a bipartisan bill, important for the country.

Related to that—and I know the Presiding Officer has been a leader on this issue on our budget and appropriations process—with the enactment of the Department of Defense appropriations bill, this Senate has had more spending bills enacted on time since at any time since 1997—20 years. I know a lot of people are like: Well, that is really boring. And isn't that what you are supposed to do, pass appropriations bills and get them to the President's desk so you don't have these giant omnibuses? That is Washington speak for a bill that is \$1.5 trillion, 2,400 pages that nobody reads because nobody knows what is in it. I don't vote for those, by the way. That system was broken. A lot of us ran on that in 2014 because the system was so broken. So we are going to start to work on it, and we are doing it—success.

We have a long way to go, and, again, you are watching, and the American people are saying: Well, big deal, you are funding the government the way you are supposed to. They have a really good point, but we hadn't been doing that for almost two decades, and we are starting to do it in a serious way. By the way, it has to be bipartisan here in the Senate because we need 60 votes for these appropriations bills to pass.

So the Appropriations Committee has passed out every bill, as I mentioned, at a pace that we haven't seen since 1998. Almost 90 percent of the discretionary spending that runs our Federal Government is done through the regular order—the process by which most Americans think we should be doing things, but we haven't been. We

are starting to do it now. Bipartisan, important, get our budgeting process back in order—we are doing that. That is good news. You are probably not going to hear about it in the media, but that is good news.

Let me tell you about another one that is related that we did about 5 weeks ago—a little bit further back—the National Defense Authorization Act, the NDAA. I sit on the Armed Services Committee with the Presiding Officer. This is a really important bill. The President signed it about a month ago. It rebuilds our military, which the vast majority of Americans—certainly the vast majority of Alaskans—support.

People forget that from 2010 to 2016, the budget of the Department of Defense was cut by almost 25 percent. Despite serious national security challenges all over the world, we were cutting defense spending dramatically. Readiness plummeted.

This bill the President just signed significantly rebuilds our military and implements the national defense strategy of the Pentagon, written by Secretary Mattis. That is a whole new strategy for America. Yes, we still have the threat from al-Qaida and international terrorism from 9/11, but this strategy starts to focus on our big challenges, such as the rise of great power rivalries like China and Russia. We need to focus on them primarily, and that is what we are doing.

Guess how many Senators voted for that—a hugely important piece of legislation. Eighty-five. It was very bipartisan—one of the most important things this body does. I check most major newspapers; they didn't even write about it when the President signed it. That is really important. It is bipartisan, rebuilding the military, new strategy, so that is good news. In my State, that is really good news. The vast majority of Alaskans love our military, support our military. We have a lot of military bases. They think this is great news.

So I hope our friends in the media will write about that. I know it is about 4 weeks late, but I didn't see any articles on it. That is important.

Let me give a few other examples. They are not like the NDAA—huge in terms of their importance or the size of the bill—but they are important. They are bills that I authored, so I like to highlight those; when you get a bill that you work on with your colleagues here on both sides of the aisle, you pass it, you get it over to the President, and he signs it.

This week, the bill Senator WHITEHOUSE, a Democrat from Rhode Island, and I have been working on for, gosh, almost 2 years—the Save Our Seas bill is all about addressing the challenge that we have not only in America but globally, with ocean debris, ocean pollution, ocean plastics littering our oceans, hurting our wonderful, sustainable fisheries, potentially posing health risks to humans. That bill

passed this week. It is going to be signed by the President, hopefully this week or next week.

I want to thank Senator WHITEHOUSE and Senator BOOKER. It is a very bipartisan bill. It passed here, passed the House—a really important issue.

By the way, the Trump administration is doing a good job on this issue. Even the U.S.-Mexico-Canada NAFTA agreement has a provision, and we are pressing for that, on this ocean debris problem. This bill is going to do a lot to help with this challenge. It passed. A bipartisan group of Senators strongly supported that. It passed this week and is being signed into law here soon by the President. That is good news.

I am pretty sure no one wrote about it, but if you look at global challenges for the environment—the ocean pollution, plastics, ocean debris challenge is a big one.

Again, I want to thank Senator WHITEHOUSE, in particular—great leadership on this issue. We are taking important strides on this. He and I are already working on SOS 2.0, and I guarantee that is going to pass.

That is a bipartisan achievement, protecting our oceans, getting the world to clean up plastics, ocean debris. That is not bad for 1 week in the Senate, right? Hopefully someone will write about that. It was very bipartisan, that is for sure.

Another one that was signed into law 3 weeks ago is a bill that is really important to me, and it is one of the first bills I introduced as a Senator when I came here 3½ years ago, called the Pro bono Work to Empower and Represent Act—the POWER Act. That is what it is called, the POWER Act.

This is a bill that I worked on very closely with Senator HETTKAMP, a Democrat from North Dakota. She and I worked on this bill for over 2 years. It passed the Senate and finally passed the House and came back, had a couple more elements to it. We got it passed again, and the President signed it 3 weeks ago.

What does the POWER Act do? Well, we all know America has big challenges with regard to sexual assault and domestic violence. My State has huge problems with this horrible, horrendous issue. The POWER Act, through getting lawyers to step up and help victims and survivors of domestic violence, is going to provide more legal resources and services to victims of domestic violence and sexual assault. That is a pretty important topic, a pretty important issue for America.

Think about this: If you are an accuser—if you are someone who is a perpetrator of one of these horrendous crimes, a sexual assault crime—you get a Sixth Amendment right to counsel. That is under the Constitution. If you are the victim, you get nothing—nothing. Well, our bill, which is now the law of the land, is going to help change that. We envision an army of lawyers all over the country helping these survivors. So that passed. It is bipartisan.

It passed 3 weeks ago. It is an important issue, certainly, for Alaska but also for the country. We all know that we can do much better in this area, so that is going to help. I think it is going to help thousands of survivors personally as we work to implement it. That is good news. It is bipartisan.

What else? NAFTA. This isn't in the Senate yet, but it will be coming our way. The President and his team announced that they have reached agreement with Mexico and Canada on an updated NAFTA agreement. I think most Americans think that is very important. We will see if it is bipartisan. I certainly have been one who has been encouraging the President and his team. I am working hard on making sure we get there and address some of our other economic challenges and trade challenges. But that was announced a couple of days ago. That is good news.

We have to get to the details of it. We will debate it here on the Senate floor. It is important for the country, for our allies, for the American worker and American families. That is positive.

Then, related to NAFTA, of course, is bipartisan good news that should make every American smile; that is, finally we are once again unleashing the might of the U.S. economy—something I know the Presiding Officer cares a lot about, and certainly it is a bipartisan issue. We would rather have 4.2 percent GDP growth like we had last quarter than 1.5 GDP growth, which was the average over the last 10 years. There is a debate here—it is a healthy debate—on what is causing this robust economic growth. I think it is tax reform and regulatory reform and unleashing the promise and power of American energy. So there is a debate here, but there is no debate on the fact that everybody in this body, I hope, thinks that 4.2 percent GDP growth, thinks having the lowest unemployment rate in almost 50 years, thinks having wages finally start to go up after being stagnant for 20 is good news. It is good news, and everybody here should have bipartisan agreement on that. We will debate how we sustain it, how we keep it going, but nobody debates that it is bipartisan good news.

So I am just going to ask my friends in the media—it is not 1850; sorry, I know conflict sells. We are not on the verge of civil war. We don't all hate each other; we actually like each other. We work together. I certainly respect my colleagues here. Yes, we have our tough debates; we are having one right now. But for my friends in the media, it is OK to report on bipartisan successes. I just gave examples of a number of bipartisan initiatives that occurred over the last 4 to 5 weeks that are actually really good for the American people. They are good for the people I represent back in Alaska.

But even if you are not going to read about this or see it on TV, for anyone watching, for the people in the gallery,

for my constituents back home, there is a lot going on here that is bipartisan, that is significant, that helps us address challenges like opioids, helps us take advantage of industries like the aviation industry which, for Alaska, is so important. So keep the faith.

Again, to my friends in the media, it is OK to report on bipartisan successes. The American people care about them. You might not care about them, but the American people do. So let's work together and try to make sure everybody is understanding that there is some important work being done here, and a lot of it is going to help the people we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

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#### UNANIMOUS CONSENT AGREEMENT

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate engage in its routine legislative wrapup as in morning business during today's session of the Senate.

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

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#### FAA REAUTHORIZATION ACT

Mr. WYDEN. Mr. President, today the Senate passed a preconference Federal Aviation Authority bill without amendment offered or accepted by myself or my colleagues. I voted against this bill primarily for three reasons.

First, this FAA reauthorization does not include a critical and necessary consumer protection bill, the FAIR Fees Act. The FAIR Fees Act would have limited the amount that airlines could gouge consumers when they wanted to change flights. Now, without this provision, working Oregonians will still have to pay absurd prices, such as \$200, to change a simple \$80 flight.

Second, Senator MERKLEY and I had introduced legislation to qualify the Crater Lake-Klamath Regional Airport to receive Essential Air Service funding, and despite our attempts to include it to this 5-year FAA authorization, the legislation was excluded. The airport near Klamath Falls is currently without commercial air service, and Essential Air Service funding would help them recruit an airline to return commercial air service to the region. I was disappointed this important provision was not included by either the House or the Senate because it would have increased economic development and tourism for the Klamath region. I will continue to pursue any and all avenues to help restore commercial air service to the Crater Lake-Klamath Regional Airport, a must for quality of life and economic development in the Klamath Falls area.

Third, this bill includes the Preventing Emerging Threats Act, legislation aimed at empowering Federal agents to prevent drone-based crime.

This legislation confronts a clear need and represents careful—but incomplete—efforts to create a narrow program with appropriate congressional oversight. Specifically, this bill allows for broad carveouts to the Wiretap Act, and it is not clear this broad authority is necessary. Additionally, the privacy protections could be interpreted as applying only to information gathered between the drone and the drone operator and not applying to additional information gathered, collected, stored, or analyzed while initially detecting drones. Interpreted this way, the bill represents a massive expansion of the government's warrantless wiretapping authority.

I have received assurances from the Department of Homeland Security, the Department of Justice, and my colleagues from the Homeland Security and Governmental Affairs Committee to work together to address my concerns. Despite that, I voted against this bill while looking forward to remedying this quickly in perfecting legislation. Similarly, I am looking forward to published guidance from the Department of Justice and the Department of Homeland Security making clear that all information gathered, stored, analyzed, or collected under this act are subject to the privacy protections.

#### SUPPORT FOR PATIENTS AND COMMUNITIES ACT

Mr. WYDEN. Mr. President, the Senate has just cleared the most sweeping package of bills to address the opioid epidemic to date. These fresh policies will make a difference on the ground. In my view, there are promising ideas dealing with some key important priorities: helping people steer clear of addiction from the get-go and knocking down barriers that prevent people from getting help when they need it.

These policies were crafted on a bipartisan basis in practically half of the committees in Congress. The Finance Committee passed its own bill in June with more than two dozen policies that at least one member from each side of the aisle sponsored.

For example, Senator BENNET led the way on a provision that will help root out fraud by requiring prescriptions to be sent electronically from doctors to pharmacies. It is too easy to fake a script on old-fashioned paper and get a bottle of pills, so this policy would make electronic prescriptions the norm in Medicare's drug program.

Senators BROWN and STABENOW have important provisions that will help make sure new mothers and infants have access to the care and treatment they need. Senator MENENDEZ and Senator SCOTT worked on provisions that will help parents get treatment and find smart, safe ways to reunify families.

Since homelessness and addiction often go hand-in-hand, Senator CARDIN and I have worked on a bipartisan provision that is about uncovering innova-

tive opportunities in Medicaid to provide housing-related supports and services to individuals struggling with substance use disorders including for those transitioning out of residential treatment and for those who are experiencing homelessness.

Senators WARNER, CARDIN, and THUNE have also brought forward an important provision that would expand access to telehealth services in Medicare for older Americans struggling with substance use disorders. That will expand this promising technology so seniors who don't live in rural areas can also remotely connect with their doctors to get substance use disorder treatment. When it comes to ensuring a substance use disorder is being correctly managed, frequent and convenient check-ups can make all the difference in the world.

These are only a few of the ideas the Finance Committee has been able to bring forward in this bipartisan package.

This legislation represents a measured but important step towards ensuring Federal and State policies are working towards a resolution of this crisis, not making it worse. I view this legislation as an early step in dealing with the epidemic. Nearly 70,000 Americans are dying every year due to drug overdoses. This is one of the most serious issues of our time, and the work will need to continue, especially when it comes to identifying how the crisis began in the first place and holding those responsible accountable.

Congress is going to keep at it until pain policy in this country is back on track. I think of how this has progressed as a "prescription pendulum." Years ago, when I was the director of the Oregon Grey Panthers, I would get calls from the families of older people coping with pain. They would say, "My dad is 93 years old, he's in agony, but he can't get a prescription because they say he'll get addicted."

More recently, the pendulum has swung too far in the other direction. If you broke a bone, came down with a bout of back pain, or had a root canal, getting a script for a bottle of opioids became routine. Millions of Americans got hooked. No community has been spared from the consequences—mothers, fathers, babies, sons, daughters, grandmothers, relatives, friends, co-workers—I would challenge any American to claim someone in their social network has not felt the effects that opioid addiction have had.

Congress has a responsibility to stay on this issue until no family is torn apart just because of a misused or inappropriate prescription after an accident, until no parent has to spend day after day wondering if they will receive a call that their child has overdosed again, until no baby has to spend days or even weeks after they are born recovering from opioid withdrawal. The bill before the Senate today will start to turn the tide, and I am proud so many of my colleagues supported it.

#### VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for the October 1, 2018, vote on motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 302, long-term FAA reauthorization. I would have voted yea.

#### PROTECTING RELIGIOUSLY AFFILIATED INSTITUTIONS ACT OF 2018

Mrs. FEINSTEIN. Mr. President, today I wish to speak on S. 994, the Protecting Religiously Affiliated Institutions Act of 2018.

First, I want to thank Senator HATCH and the other supporters of the bill. In particular, I would also like to thank the House sponsors of the bill, Representatives KUSTOFF and KILMER, for their work in shepherding it through that chamber.

I am glad to see this bill finally enacted into law.

Early last year, a string of bomb threats to synagogues, mosques, and other religious affiliated institutions, such as Jewish community centers, threatened this Nation and one of its core constitutional tenants: the free exercise of religion. In the wake of these threats, the Judiciary Committee held a hearing on religious hate crimes.

Just 1 month after that hearing, two Islamic centers in northern California were attacked during Ramadan. At the largest Sacramento mosque, a burned Quran was also filled with bacon and handcuffed to a fence. That mosque alone has been targeted multiple times.

Despicable acts like these have become far too common. The statistics are startling. According to the Federal Bureau of Investigation, from 2014 to 2016, anti-Muslim hate crimes increased 99.4 percent, from 154 reported incidents to 307 reported incidents. There has also been a rise in anti-Semitic incidents. The Anti-Defamation League reported 1,986 anti-Semitic incidents nationally in 2017, compared to 942 in 2015, an increase of 110 percent. We heard testimony in the Judiciary Committee that this increase came after the dangerous rhetoric that was used during the 2016 election cycle.

Unfortunately, this sort of persistent hateful rhetoric continues to plague our Nation and our political discourse. This was made manifest during a white supremacist rally in Charlottesville last summer that culminated in a young woman losing her life.

The clear lesson is that all of us must strongly condemn hateful acts and state in no uncertain terms that they have no place in our country. This legislation is one way for us to do that. This bill updates the Church Arson Prevention Act of 1996 to specifically prohibit threats of force made against religious real property, including the property of religiously affiliated institutions.

This update is critical because, while the current law prohibits the destruction of religious real property, it did not previously specify that threats against religious real property, such as threats of violence against Jewish community centers, are also hate crimes.

Finally, while this bill addresses religious hate crimes, we must remember that the motivations behind hate crimes extend far beyond religion. It does not matter if it is a crime based on one's religion, race, ethnicity, sexual orientation, gender, or any other element of our shared humanity.

I am hopeful that the Judiciary Committee can continue to work together to protect all victims of hate, regardless of whom they are, whom they love, where they worship, or where they are from. Thank you.

#### HARD RELEASES OF WILDERNESS STUDY AREA

Mr. WYDEN. Mr. President, through the Wilderness Act of 1965, Congress reserves the authority to designate as Wilderness Areas certain Federal lands with remarkable natural and ecological values. Over the last 53 years, the Wilderness Act has been referred to as the gold standard of conservation, providing the highest level of protections for some of America's most treasured public lands. In addition to congressionally designated Wilderness Areas, the Wilderness Act gave the Secretary of the Interior and the Secretary of Agriculture the authority to study and evaluate the wilderness characteristics of public lands under their respective jurisdictions. Once identified, the Forest Service manages lands with wilderness potential as an "inventoried roadless area," and the Bureau of Land Management manages lands with wilderness potential as "wilderness study areas." These designations are not always without controversy but are critical in providing a measure of interim protection for wilderness-quality lands while Congress deliberates on further, permanent protections.

The Crooked River Ranch Fire Protection Act, which the Senate Energy and Natural Resources Committee reported yesterday, adjusts the boundaries of the Deschutes Canyon-Steelhead Falls Wilderness Study Area in Central Oregon, removing over 600 acres of land from interim protection under the Wilderness Act. The Deschutes Canyon-Steelhead Falls Wilderness Study Areas contains cultural and historical artifacts, provides drinking water for thousands of Oregonians, and provides critical habitat for fish and wildlife species, some of which are threatened or endangered.

Proponents of this legislation argue that the release of the acres from interim protection under the wilderness study area designation is necessary. According to the proponents, the "release" language was necessary to allow Federal land managers greater flexibility in conducting hazardous fuels re-

duction projects to better protect the adjacent community, Crooked River Ranch, from the threat of wildfires. In truth, hazardous fuels reduction projects technically could have taken place under existing land designations.

Adding insult to injury, the Crooked River Fire Protection Act originally gave no direction on how the BLM should manage the released lands. In addition, the original bill fell short in addressing the wildfire concerns while allowing for the release of wilderness study area acreage from interim protection without any corresponding lands protections. This is just a lost opportunity for compromise and comity. In an attempt to provide local landowners some measure of certainty over how the released lands will be managed, I worked to clarify that the released lands will be managed in a way that improves fire resiliency and forest health, while preventing off-road recreational vehicle use, which could actually increase the risk of wildfires.

While these changes do not address the future management of the entire Deschutes Canyon-Steelhead Falls Wilderness Study Area, it does provide management direction for the released lands and pushes the BLM to meet the goals of the legislation: to promote fire resiliency and forest health. I am committed to finding a path forward for a solution for the entire wilderness study area in line with the traditions of compromise and doing things the Oregon way.

#### HONORING OFFICERS JAMES WHITE, WALTER MOAK AND JOSH SMITH

Mrs. HYDE-SMITH. Mr. President, flags in Mississippi are flying at half-staff as my State mourns the loss of hometown heroes. The Mississippi Highway Patrol Honor Guard stands vigil over three fallen comrades, who swore to protect and serve their communities.

Mississippi law enforcement lost three officers in 2 days.

Early Saturday morning in Brookhaven, Officer James Kevin White of Sontag and Corporal Walter Zachery Marshall Moak of Brookhaven gave their lives in the line of duty.

On Sunday, off-duty Mississippi Highway Patrol Trooper Kenneth Joshlin "Josh" Smith of Walnut was fatally shot near the Tippah and Alcorn county line.

James was 35. Zach was 31. Josh was 32. They leave behind children, wives, parents, and siblings, but they will be remembered not only by their families, but by grateful communities. I know this because I live in Brookhaven. These men protected my family and my neighbors, and I am so thankful for their service.

Local media in Brookhaven and Corinth have published tributes to these men, their service, and those they have left behind.

Mr. President, I ask unanimous consent that a September 29, 2018, article

from Brookhaven Daily Leader, titled, "Officers Remembered as Men of Service," be printed in the RECORD.

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

#### OFFICERS REMEMBERED AS MEN OF SERVICE

(By Adam Northam)

James Kevin White wasn't about to give up the fight.

He was serving with the Mississippi National Guard in Iraq when his convoy rolled over a roadside bomb, flinging shrapnel into his knee and tearing at his face. The wounds were serious, and the Army gave Lincoln County's White a chance to go home.

"He said, 'No,'" said White's sister, Lisa White of Vicksburg. "He was still able to walk and fight, and that's what he was gonna do. He wasn't going to give up, or take an easy way out. He stayed, throughout his tour."

White, 35, came home from the war and went straight into law enforcement, and he served the community in that role for the rest of his life, until his death in the line of duty in Brookhaven Saturday morning. He'd been in the Guard since he was 17, following in the footsteps of his grandfather, the late J.C. White Jr., a military veteran, and serving the law was just the next step.

"He just wanted things to be right. He wanted to make a difference," his sister said. "He lived and breathed law enforcement—he'd have given me a ticket for going 5 miles over the speed limit I wasn't safe. Nobody was."

White got into law enforcement through communications, working as a dispatcher for the Mississippi Highway Patrol. He went to the academy, but the knee injury from Iraq forced him to drop out. He started a family—his boys, 8-year-old J.C. and 7-year-old Lee, go to school at Enterprise Attendance Center, their father's alma mater—and put law enforcement on hold as long as he could.

But service brought him back. He worked as a deputy for the Lawrence County Sheriff's Office from 2016–2018.

"He was a good officer, and he loved law enforcement," said Lawrence County Sheriff Lessie Butler. He remembers White's attention to detail. "His uniform had to be just about perfect," he said.

Cpl. Brandon Fortenberry with the Mississippi Highway Patrol knew White about 10 years, and the two talked often when both were out on the patrol, even when they were no longer working in the same agency.

"He was always a go-getter. He was not one to turn back, he always had a leader's mindset," Fortenberry said. "He was always the one I could trust to come back me up on those late-night shifts. I could depend on him being there for me."

White's sister said he loved his boys, loved her own children. His passing has left an emptiness in the hearts of his family, who are coming together from across the South to mourn him.

"I don't know how I feel," she said. "I don't know what I think. I just don't know."

The other Brookhaven officer lost Saturday was also raised with a heart of service.

"When Zach was growing up, we told him, 'Whatever you want to do—do whatever makes you happy,'" said Janie Stogner, owner of Janie's Pastry Shop. "We told him, 'That's what you go for.'"

What made Lincoln County's Zach Moak, 31, happy was service.

So, he went for it.

Stogner's nephew became a law enforcement officer, serving as a reserve deputy

with the Lincoln County Sheriff's Department, a part-time policeman with the Wesson Police Department and finally going full time with the Brookhaven Police Department. He was a servant of the law, and a servant of men, and he was carrying out that service when he died in the line of duty shortly before 5 a.m. Saturday.

"He's died a hero, trying to protect and take care of our town, and people need to know that," Stogner said. "He put everybody first—everybody came before him. He never done for himself. We've lost somebody real special."

Moak was a 2006 graduate of Enterprise Attendance Center, a capable football player who helped the Yellow Jackets make the playoffs. Former principal Shannon Eubanks said his entire class was full of service-minded youth.

"One of those graduates is in the U.S. Marines, several became teachers, others were in nursing—Zach was in a close-knit group in a service class," he said. "He was a very likable guy, just a good guy—a quiet kid, didn't cause any problems. He's going to be greatly missed by the community."

Lincoln County Sheriff Steve Rushing said Moak got his start in law enforcement by going through the law enforcement academy and serving in the reserve deputy program.

"He was a super-nice guy who loved working in law enforcement. Dedicated to his job," Rushing said. "You could always depend on him to work the details. He loved his job."

Moak moved on to Wesson, where his boss was chief Chad O'Quinn.

"We enjoyed him being a part of our family in Wesson," O'Quinn said. "I was happy for him when he was able to pursue a full-time career in law enforcement. He will be dearly missed by us all."

Pike County Sheriff's Deputy Jason Blake went through training with Moak, whom he regarded as a brother.

"Best man I ever knew," Blake said. "He treated everybody with respect, no matter who you were or what your background was. That didn't change him. When we got into law enforcement together, we both decided we'd give people the chance to change. Whoever steps up on the BPD midnight shift has some massive shoes to fill."

Moak's father is Marshall Moak, and his mother is Vicki Nations Moak, who runs the Enterprise Drive Inn. His brother, Christopher Moak, lives in Natchez.

Vicki Moak said her son got started in law enforcement as an auxiliary officer working security at football games. He signed up for police academy and was accepted—before he told his mother.

"I think he thought I'd try to talk him out of it," she said. "I just said, 'Is this where your heart is? You'll have a lot coming at you, and I just want you to be prepared.' He said, 'I know, mamma,' and he loved every minute of it. When he was able to help someone, he felt good about it."

Vicki Moak, her face dried from a Saturday long with tears, recalled her son's baptism.

"I know where he's at right now, and that gives me peace," she said.

Mrs. HYDE-SMITH. Mr. President, I also ask unanimous consent that excerpts from an October 1, 2018, article from *Corinth Today*, titled, "Residents React to Hatchie Bottom Tragedy," pertaining to Patrolman Josh Smith be printed in the RECORD.

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

[From the *Corinth Today*, Oct. 1, 2018]

RESIDENTS REACT TO HATCHIE BOTTOM TRAGEDY

(By Josh Mitchell)

The circumstances that led to an off-duty Mississippi Highway Patrol trooper being shot and killed remain unclear.

Josh Smith, 32, was pronounced deceased in Hatchie Bottom near the Alcorn/Tippah County line at around 12:45 a.m. Sunday.

Retired Mississippi Highway Patrolman Freddie Corbin said "all troopers are like family" and that Smith was a "good person" who would always help people.

Corbin added that Smith was a husband and father and loved being part of the highway patrol.

Smith had recently had foot surgery and was assigned to light duty helping out at the driver's license office in Corinth, Corbin noted.

Smith worked the Tippah County area while Corbin was assigned to Prentiss County, but both were part of the same Troop F, based in New Albany. Corbin said some people joked that they were the "F Troop."

Corbin also said Smith was part of the MHP SWAT team and was a member of the motorcycle unit.

Corbin works security in the same place where Smith was helping with the driver's license office. Smith had a quiet demeanor, and Corbin said he saw him last Wednesday.

For the past two days all he has thought about is Smith getting killed.

"He was an outstanding guy," Corbin added.

Mrs. HYDE-SMITH. Mr. President, hearts are broken in Mississippi as families and friends mourn. Please keep these families and communities in your prayers as they face the difficult times ahead. I hope they will find comfort in knowing these fallen law enforcement officers will be remembered with deep appreciation and gratitude.

HONORING LIEUTENANT COMMANDER JAMES J. CONNELL

Mr. CARPER. Mr. President, along with Senator CHRIS COONS and Congresswoman LISA BLUNT ROCHESTER of Delaware, I would like to take this opportunity to reflect on the life of LCDR James J. Connell, of Wilmington, DE. J.J. passed away on January 14, 1971, at the age of 32, at the hands of Vietnamese guards during the Vietnam war after being held as a POW. In life and death, J.J. epitomized the best of the country's selfless citizens who put their lives on the line during the Vietnam war. His service exemplifies the unwavering courage, devotion to duty, and honor that he had and reminds us all of how good we can be.

J.J. Connell was born on May 6, 1939, in Wilmington, DE, attending Salesianum High School until 1957. Following this, he graduated from the U.S. Naval Academy on June 7, 1961, after having spent some time in Congress as a page. By 1962, he was designated as a naval aviator. After additional training, he was assigned as a flight instructor at NAAS Whiting Field, FL. He then served with Attack Squadron 55 aboard the USS *Ticonderoga*, then at NAS Lemoore, CA,

until deploying on the USS *Ranger* on December 1964. After 7 months of combat, he was shot down over North Vietnam on July 15, 1966. Though he only sustained minor injuries, rescue efforts were impossible in the high-threat area he landed in, and consequently, he was captured.

J.J. was captured by the North Vietnamese at a time when U.S. prisoners were declared as criminals and subjected to brutal conditions such as isolation, beatings, starvation, and other means of torture. Despite the heinous means of brutal force the Vietnamese used, J.J. refused to fold under pressure, demonstrating courage and determination beyond his years. He was in captivity for 1,645 days before his death, with his remains returning to the United States on March 6, 1974. He left behind two children who would never know their father and a wife who had previously waited years hoping that J.J. would return home alive.

Though it seems that time may have forgotten J.J. Connell, it is imperative that we remember the hard work and dedication he put into protecting our country and keeping it safe. Posthumously, he was awarded with the Navy Cross, the second highest award for valor after the Medal of Honor and the highest award of valor presented to any Delawarean during the Vietnam war. J.J. was a true hero, and is an inspiration to us all even today.

Along with Senator CHRIS COONS and Congresswoman LISA BLUNT ROCHESTER, I wish to commemorate J.J., to celebrate his life, and to offer his family our deepest sympathy on their tragic loss.

TRIBUTE TO FRANCES H. ARNOLD, GEORGE P. SMITH, AND GREGORY P. WINTER

Mrs. FEINSTEIN. Mr. President, today the Royal Swedish Academy of Sciences announced the awarding of the Nobel Prize in chemistry to three outstanding scientists, Frances H. Arnold, George P. Smith, and Gregory P. Winter, for using evolutionary principles to create new enzymes. Their work marks a remarkable leap forward in human knowledge and technology, and I salute these scientists on their honor.

The use of evolutionary techniques to create enzymes has led to new developments in numerous fields, from health to biofuel technology. Through the use of directed evolution, scientists and researchers have been able to speed up the processes of nature and to tackle some of our most challenging problems. These achievements would not have been possible without the leadership of Dr. Arnold, Dr. Smith, and Sir Gregory Winter.

Dr. Arnold hails from my home State of California and has worked as a professor at the California Institute of Technology. I am proud of the role that Caltech played in making this discovery possible. Dr. Arnold received

her Ph.D. from the University California, Berkeley, and I thank her for her contributions to the study of bioengineering and biochemistry.

On behalf of all Californians, I commend these three recipients on a well-deserved honor and for all that they have done to advance human knowledge of the power of evolutionary technology and bioengineering. Let us hope that this discovery will continue to expand the horizon of human knowledge and lead to new efforts in humanity's never-ending quest for enlightenment.

Again, I congratulate these three distinguished scientists and their families on this remarkable discovery and prestigious award.

#### 200TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF RUSSELLVILLE

Mr. PAUL. Mr. President, today I wish to recognize the members and leadership of First Baptist Church of Russellville in celebration of the 200th anniversary of their first meeting in Logan County, KY. At a time when the United States was comprised of only 20 States, a small group of people, including 10 members and three elders, formed a church which held its first meeting on November 24, 1818.

For 200 years, the church has worked to meet the needs of its community and to reach far beyond the boundaries of Logan County to minister to the needs of others. The dedicated congregation at First Baptist Church of Russellville has planted three other churches and commissioned several members into full-time overseas missions, including Rev. and Mrs. Sheldon Trimble to Nigeria in 1865; Mary Nell Lynne to China in 1918; Robert and Mavis Hardy to Japan in 1958; Cathy Sue Smith to the Philippines in 1982; and Robert and Julie Johnson to Taiwan in 1992.

Furthermore, First Baptist Church of Russellville has given over \$3,000,000 to the Cooperative Program of the Southern Baptist Convention, which supports missionaries and trains pastors worldwide. Today, the men, women, and students of First Baptist Church of Russellville continue to play a vital role in the life of their community.

I congratulate Pastor Joe Ball and all the members of First Baptist on this truly exceptional milestone. I thank them for all they have done and continue to do through their many generations of service.

#### ADDITIONAL STATEMENTS

#### 50TH ANNIVERSARY OF BIDDEFORD REGIONAL CENTER OF TECHNOLOGY

• Mr. KING. Mr. President, today I wish to recognize Biddeford Regional Center of Technology, which is celebrating its 50th anniversary. BRCOT offers unique hands-on programs and

follows rigid national standards to help prepare its students for academic success and future careers. BRCOT offers a variety of programs to local high school students and integrates academic study with firsthand career and technical education. Students work closely with instructors who stress "learning by doing."

BRCOT began in 1967 when the Biddeford School Board and the Biddeford City Council voted to build an addition on to the high school specifically dedicated to technical training. This addition opened for the 1968 school year, and though, over the past 50 years focus on career and technical training ebbed and flowed, today there is a resurgence of interest and support for students to develop the skills and practical knowledge gained through career and technical education. BRCOT is one of 27 career and technical schools in Maine and serves students from Biddeford, Dayton, Saco, Old Orchard Beach, and surrounding communities. Students can focus on 16 different career pathways, including auto technology, legal studies, early childhood education, machine tool technology, and welding and metal fabrication.

BRCOT ensures that students are fully prepared to work in their chosen field by collaborating with the local business community to develop updated and current programs based on industry standards. All coursework is approved by the State of Maine and includes a heavy emphasis on safety and "habits of work," with BRCOT providing job shadow and internship opportunities that give students real world experience. BRCOT also boasts an active student leadership council, representing students from each program. The leadership council is involved in community projects, fundraising, advising fellow students on BRCOT policies, and special events, such as the annual awards banquet.

The 2018 school year has a full complement of 345 students in 16 programs. BRCOT boasts a 90 percent graduating rate, with 40 percents of those students earning technical credentials, making them ready to transition to full-time careers. Nearly two-thirds of graduates choose to attend postsecondary schools, including Maine Maritime Academy, Maine College of Art, the University of Maine, as well as choosing to serve in the U.S. Army and the Marine Corps.

I am proud to recognize the work of the Biddeford Regional Center of Technology. For 50 years, they have served thousands of students in the Biddeford area, increasing their skills and preparing them to continue their education or enter the workforce. I want to thank all of those involved in the work of BRCOT, from the students to the teachers and faculty, and I look forward to seeing their continued success for many more years to come.●

#### REMEMBERING WISTER "PUG" EDWIN WILLIAMS

• Mr. SULLIVAN. Mr. President, I would like to honor the memory of Wister "Pug" Edwin Williams—a patriot, an Alaskan pioneer, a loving husband, father, grandfather, great-grandfather, and a role model to so many. Pug passed away on September 25, 2018, at the age of 92 in Anchorage, AK.

A member of the Greatest Generation, Pug was born on October 28, 1925, in Baltimore, MD, and grew up in Daytona Beach, FL. He enlisted in the Army Air Force when he was 17 years old and served in the World War II Pacific Theatre in New Guinea and the Philippines. He was awarded a Purple Heart.

After recovering from his injuries, in 1946—13 years before Alaska became a State—he headed to Alaska and got to work building a State that he loved. He worked for the Alaska Railroad until he could get on with the Federal Road Commission, building the then non-existent highways Alaskans drive on today.

After the road commission, he field-apprenticed into becoming an engineer with the Corps of Engineers, again instrumental in building Alaska's infrastructure where none had existed. He worked at the Corps of Engineers for 25 years, including during the disaster recovery of the 1964 earthquake. At the time of his retirement, he was chief executive assistant at the Corps of Engineers, the highest civilian position at the Corps.

Pug met his wife Yvonne O'Brien early on in his life in Alaska. They enjoyed 42 years of marriage until her death. Together, they had 8 children, 22 grandchildren, and 13 great-grandchildren. They were the love of each other's lives, and that love is reflected in the values passed on to multiple generations of Alaskans.

Pug was in awe of Alaska and worked all across the State, including in rural Alaska. His door was always open to rural Alaskans who did not have a place to stay when they came to Anchorage.

He loved to hunt and fish, a passion he passed down to his children and grandchildren. Pug also loved listening to the opera, playing piano, and listening to people's stories. He was funny, kind, and generous, particularly to those in need. His faith in God never wavered.

Pug lived a good, long life. He helped build and shape the character of our great State, and he served our country valiantly. For this, we celebrate his life, honor his memory, and will keep his family in our thoughts and prayers.●

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 3:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker pro tempore



(Mr. MCHENRY) has signed the following enrolled bills:

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

H.R. 302. An act to provide protections for certain sports medicine professionals, to reauthorize Federal aviation programs, to improve aircraft safety certification processes, and for other purposes.

H.R. 4921. An act to require the Surface Transportation Board to implement certain recommendations of the Inspector General of the Department of Transportation.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

#### 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-6741. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13694 of April 1, 2015, with respect to significant malicious cyber-enabled activities; to the Committee on Banking, Housing, and Urban Affairs.

EC-6742. A communication from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Records and Information" (RIN3170-AA63) received in the Office of the President of the Senate on October 2, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-6743. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of construction and operations of the mixed oxide fuel fabrication facility (MOX facility) at the Department of Energy's Savannah River Site in South Carolina; to the Committee on Energy and Natural Resources.

EC-6744. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Guidance Under Section 965" (Notice 2018-78) received in the Office of the President of the Senate on October 2, 2018; to the Committee on Finance.

EC-6745. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought" (Notice 2018-79) received in the Office of the President of the Senate on October 2, 2018; to the Committee on Finance.

EC-6746. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bronze Level Coverage Monthly National Average Premium" (Rev. Proc. 2018-43) received in the Office of the President of the Senate on October 2, 2018; to the Committee on Finance.

EC-6747. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Regarding

the Special Per Diem Rates for 2018-2019" (Notice 2018-77) received in the Office of the President of the Senate on October 2, 2018; to the Committee on Finance.

EC-6748. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2018-26) received in the Office of the President of the Senate on October 2, 2018; to the Committee on Finance.

EC-6749. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Plans Compliance Resolution System ("EPCRS") Update" (Rev. Proc. 2018-52) received in the Office of the President of the Senate on October 2, 2018; to the Committee on Finance.

EC-6750. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's Congressional Budget Justification for fiscal year 2020; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 1677. A bill to halt the wholesale slaughter of the Syrian people, encourage a negotiated political settlement, and hold Syrian human rights abusers accountable for their crimes.

S. 2736. A bill to develop a long-term strategic vision and a comprehensive, multifaceted, and principled United States policy for the Indo-Pacific region, and for other purposes.

S. 3233. A bill to impose sanctions with respect to persons responsible for violence and human rights abuses in Nicaragua, and for other purposes.

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.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

S. 3476. A bill to extend certain authorities relating to United States efforts to combat HIV/AIDS, tuberculosis, and malaria globally, and for other purposes.

#### 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. SHAHEEN (for herself, Mrs. McCASKILL, Ms. BALDWIN, and Ms. HASSAN):

S. 3541. A bill to amend the Public Health Service Act to establish limitations on cost-sharing for out-of-network services, to prohibit balance billing for such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 3542. A bill to break up large financial entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. UDALL (for himself, Ms. WARREN, Ms. HEITKAMP, Ms. KLOBUCHAR,

Ms. CORTEZ MASTO, Ms. SMITH, Ms. HARRIS, Mrs. FEINSTEIN, Mr. VAN HOLLEN, Mr. TESTER, Mr. BOOKER, Mr. HEINRICH, and Ms. HIRONO):

S. 3543. A bill to protect the voting rights of Native American and Alaska Native voters; to the Committee on the Judiciary.

By Mr. TESTER:

S. 3544. A bill to amend the Internal Revenue Code of 1986 to modify the rate of tax on corporations participating in labor lockouts and to prohibit deductions and credits for wages and benefits paid to temporary workers during labor lockouts; to the Committee on Finance.

By Ms. COLLINS (for herself, Ms. STABENOW, and Mr. NELSON):

S. 3545. A bill to amend title XVIII of the Social Security Act to improve home health payment reforms under the Medicare program; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 108

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 569

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 569, a bill to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

S. 637

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 637, a bill to amend titles XI and XVIII of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers.

S. 845

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 845, a bill to protect sensitive community locations from harmful immigration enforcement action, and for other purposes.

S. 935

At the request of Mr. PAUL, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 935, a bill to amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species, to amend the Migratory Bird Treaty Act to permit the taking of certain black vultures and ravens, and for other purposes.

S. 1290

At the request of Mr. LEE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1290, a bill to help individuals receiving assistance under means-tested welfare programs obtain self-sufficiency, to provide information on total

spending on means-tested welfare programs, to provide an overall spending limit on means-tested welfare programs, and for other purposes.

S. 1418

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1418, a bill to establish protections for passengers in air transportation, and for other purposes.

S. 1774

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 1774, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1903

At the request of Ms. DUCKWORTH, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1903, a bill to assist communities affected by stranded nuclear waste, and for other purposes.

S. 2463

At the request of Mr. CORKER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2463, a bill to establish the United States International Development Finance Corporation, and for other purposes.

S. 2568

At the request of Mr. PORTMAN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2568, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate, and for other purposes.

S. 2784

At the request of Mr. HELLER, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Florida (Mr. RUBIO), the Senator from North Carolina (Mr. TILLIS), the Senator from New York (Mrs. GILLIBRAND) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2784, a bill to reauthorize the Family Violence Prevention and Services Act.

S. 2852

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2852, a bill to reauthorize certain programs under the Pandemic and All-Hazards Preparedness Reauthorization Act.

S. 2957

At the request of Mr. CRAPO, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2957, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 3063

At the request of Mr. BARRASSO, the name of the Senator from South Caro-

lina (Mr. SCOTT) was added as a cosponsor of S. 3063, a bill to delay the reimposition of the annual fee on health insurance providers until after 2020.

S. 3136

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3136, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the "Hello Girls".

S. 3172

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. KAINE) 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.

S. 3177

At the request of Mr. SCOTT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3177, a bill to amend the Financial Stability Act of 2010 to include the State insurance commissioner as a voting member of the Financial Stability Oversight Council, and for other purposes.

S. 3257

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

S. 3321

At the request of Mr. COONS, the name of the Senator from Ohio (Mr. BROWN) 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. 3363

At the request of Ms. HARRIS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3363, a bill to support States in their work to end preventable morbidity and mortality in maternity care by using evidence-based quality improvement to protect the health of mothers during pregnancy, childbirth, and in the postpartum period and to reduce neonatal and infant mortality, to eliminate racial disparities in maternal health outcomes, and for other purposes.

S. 3424

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3424, a bill to amend title 5,

United States Code, to provide for an investment option under the Thrift Savings Plan that does not include investment in any fossil fuel companies.

S. 3438

At the request of Mr. PORTMAN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 3438, a bill to require the Director of the Government Publishing Office to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes.

S. 3476

At the request of Mr. CORKER, the names of the Senator from Delaware (Mr. COONS), the Senator from Alaska (Mr. SULLIVAN), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 3476, a bill to extend certain authorities relating to United States efforts to combat HIV/AIDS, tuberculosis, and malaria globally, and for other purposes.

S. 3483

At the request of Mr. COONS, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 3483, a bill 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 conduct a 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 authority of the United States Patent and Trademark Office to set the amounts for the fees that the Office charges, and for other purposes.

S. 3517

At the request of Mr. UDALL, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 3517, a bill to limit the use of funds for kinetic military operations in or against Iran.

S. RES. 611

At the request of Mr. CASSIDY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 611, a resolution opposing the targeted harassment of U.S. Immigration and Customs Enforcement officers and employees and reaffirming the fundamental principle that public safety services should be provided without discrimination.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Ms. STABENOW, and Mr. NELSON):

S. 3545. A bill to amend title XVIII of the Social Security Act to improve home health payment reforms under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to urge my colleagues to support

the Home Health Payment Innovation Act, which I have introduced with Senator STABENOW and Senator NELSON. Our legislation would help preserve access to existing home health services under the Medicare program while also providing a pathway for innovative approaches to utilizing these services moving forward. This bipartisan legislation is endorsed by the National Association of Homecare and Hospice as well as the Partnership for Quality Home Healthcare.

I have been a strong supporter of home care since my very first home visit during my second year of Senate service. This experience gave me the opportunity to meet and visit with home health patients, where I saw first-hand what a difference highly skilled and caring visiting nurses make to the lives of patients and their families. I have been a passionate advocate for home care ever since. Last year, I was delighted to be recognized with the Ruby Slipper award from the Maine Home Care and Hospice Alliance—appropriately named because as Dorothy said in *The Wizard of Oz*, “There’s no place like home.”

The highly skilled and compassionate care that home health agencies provide in Maine and across the country has helped to keep families together and enabled millions of our most frail and vulnerable individuals to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. In fact, in 2014, AARP found that nearly 87 percent of adults over 65 years old want to stay in their current home and community as they age. Furthermore, 85 percent of home health patients live with three or more chronic conditions.

The legislation I am introducing today ensures the viability of home health services now and in the future. First, the Home Health Care Payment Innovation Act provides two key adjustments to the Bipartisan Budget Act of 2018 home health payment reform provisions. These changes would prevent premature payment rate cuts by basing any behavioral adjustment on observed evidence. It also provides a phase-in for any necessary rate increases or decreases to limit the risk of disruption in care. This phase-in is critical for home health providers as CMS has already proposed cutting Medicare payment rates in 2020 by more than \$1 billion in the first year alone, based purely on assumptions of changes in behavior.

Second, the legislation provides a pathway to expanded use of home health care in Medicare without increasing program spending by providing flexibility on waiving the “homebound” requirement for home health services when a plan or innovative care delivery models such as an ACO determines that providing care in the home would improve patient outcomes and reduce spending on patient care.

By helping patients to avoid more costly hospital visits and nursing

homes, we already know that home health saves Medicare, Medicaid and private insurers millions of dollars each year. Moving forward, as plans and providers continue to experiment with innovative ways to deliver care and improve value in Medicare spending, allowing them the flexibility to waive this limitation will help advance the goals of ensuring that care is delivered at the right time, at the right place, and at the right cost. The legislation I introduced today provides the pathway to do just that—promote innovation in home health. I urge my colleagues to support this legislation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4042. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; which was ordered to lie on the table.

SA 4043. Mr. SULLIVAN (for Mr. JOHNSON (for himself and Mrs. MCCASKILL)) proposed an amendment to the bill H.R. 3359, to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

SA 4044. Mr. SULLIVAN (for Ms. MURKOWSKI) proposed an amendment to amendment SA 4043 proposed by Mr. SULLIVAN (for Mr. JOHNSON (for himself and Mrs. MCCASKILL)) to the bill H.R. 3359, *supra*.

#### TEXT OF AMENDMENTS

**SA 4042.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; which was ordered to lie on the table; as follows:

On page 886, beginning on line 14, strike “: Provided further, That such amount is designated by the Congress” and all that follows through “transmits such designation to the Congress” on line 23.

**SA 4043.** Mr. SULLIVAN (for Mr. JOHNSON (for himself and Mrs. MCCASKILL)) proposed an amendment to the bill H.R. 3359, to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Cybersecurity and Infrastructure Security Agency Act of 2018”.

##### SEC. 2. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

#### “TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY “Subtitle A—Cybersecurity and Infrastructure Security

##### “SEC. 2201. DEFINITIONS.

“In this subtitle:

“(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term ‘critical infrastructure information’ has the meaning given the term in section 2222.

“(2) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ has the meaning given the term in section 2209.

“(3) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ has the meaning given the term in section 102(5) of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501)).

“(4) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term ‘national cybersecurity asset response activities’ means—

“(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

“(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

“(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

“(D) facilitating information sharing and operational coordination with threat response; and

“(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

“(5) SECTOR-SPECIFIC AGENCY.—The term ‘Sector-Specific Agency’ means a Federal department or agency, designated by law or presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

“(6) SHARING.—The term ‘sharing’ has the meaning given the term in section 2209.

##### “SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

“(a) REDESIGNATION.—

“(1) IN GENERAL.—The National Protection and Programs Directorate of the Department shall, on and after the date of the enactment of this subtitle, be known as the ‘Cybersecurity and Infrastructure Security Agency’ (in this subtitle referred to as the ‘Agency’).

“(2) REFERENCES.—Any reference to the National Protection and Programs Directorate of the Department in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Cybersecurity and Infrastructure Security Agency of the Department.

“(b) DIRECTOR.—

“(1) IN GENERAL.—The Agency shall be headed by a Director of Cybersecurity and Infrastructure Security (in this subtitle referred to as the ‘Director’), who shall report to the Secretary.

“(2) REFERENCE.—Any reference to an Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and any other related program of the Department as described in section 103(a)(1)(H) as in effect on the day before the date of enactment of this subtitle in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Director of Cybersecurity and Infrastructure Security of the Department.

“(c) RESPONSIBILITIES.—The Director shall—

“(1) lead cybersecurity and critical infrastructure security programs, operations, and

associated policy for the Agency, including national cybersecurity asset response activities;

“(2) coordinate with Federal entities, including Sector-Specific Agencies, and non-Federal entities, including international entities, to carry out the cybersecurity and critical infrastructure activities of the Agency, as appropriate;

“(3) carry out the responsibilities of the Secretary to secure Federal information and information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113));

“(4) coordinate a national effort to secure and protect against critical infrastructure risks, consistent with subsection (e)(1)(E);

“(5) upon request, provide analyses, expertise, and other technical assistance to critical infrastructure owners and operators and, where appropriate, provide those analyses, expertise, and other technical assistance in coordination with Sector-Specific Agencies and other Federal departments and agencies;

“(6) develop and utilize mechanisms for active and frequent collaboration between the Agency and Sector-Specific Agencies to ensure appropriate coordination, situational awareness, and communications with Sector-Specific Agencies;

“(7) maintain and utilize mechanisms for the regular and ongoing consultation and collaboration among the Divisions of the Agency to further operational coordination, integrated situational awareness, and improved integration across the Agency in accordance with this Act;

“(8) develop, coordinate, and implement—  
“(A) comprehensive strategic plans for the activities of the Agency; and

“(B) risk assessments by and for the Agency;

“(9) carry out emergency communications responsibilities, in accordance with title XVIII;

“(10) carry out cybersecurity, infrastructure security, and emergency communications stakeholder outreach and engagement and coordinate that outreach and engagement with critical infrastructure Sector-Specific Agencies, as appropriate; and

“(11) carry out such other duties and powers prescribed by law or delegated by the Secretary.

“(d) DEPUTY DIRECTOR.—There shall be in the Agency a Deputy Director of Cybersecurity and Infrastructure Security who shall—

“(1) assist the Director in the management of the Agency; and

“(2) report to the Director.

“(e) CYBERSECURITY AND INFRASTRUCTURE SECURITY AUTHORITIES OF THE SECRETARY.—

“(1) IN GENERAL.—The responsibilities of the Secretary relating to cybersecurity and infrastructure security shall include the following:

“(A) To access, receive, and analyze law enforcement information, intelligence information, and other information from Federal Government agencies, State, local, tribal, and territorial government agencies, including law enforcement agencies, and private sector entities, and to integrate that information, in support of the mission responsibilities of the Department, in order to—

“(i) identify and assess the nature and scope of terrorist threats to the homeland;

“(ii) detect and identify threats of terrorism against the United States; and

“(iii) understand those threats in light of actual and potential vulnerabilities of the homeland.

“(B) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the

United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States, including an assessment of the probability of success of those attacks and the feasibility and potential efficacy of various countermeasures to those attacks. At the discretion of the Secretary, such assessments may be carried out in coordination with Sector-Specific Agencies.

“(C) To integrate relevant information, analysis, and vulnerability assessments, regardless of whether the information, analysis, or assessments are provided or produced by the Department, in order to make recommendations, including prioritization, for protective and support measures by the Department, other Federal Government agencies, State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities regarding terrorist and other threats to homeland security.

“(D) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this title, including obtaining that information from other Federal Government agencies.

“(E) To develop, in coordination with the Sector-Specific Agencies with available expertise, a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency communications systems, and the physical and technological assets that support those systems.

“(F) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other Federal Government agencies, including Sector-Specific Agencies, and in cooperation with State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities.

“(G) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information relating to homeland security within the Federal Government and between Federal Government agencies and State, local, tribal, and territorial government agencies and authorities.

“(H) To disseminate, as appropriate, information analyzed by the Department within the Department to other Federal Government agencies with responsibilities relating to homeland security and to State, local, tribal, and territorial government agencies and private sector entities with those responsibilities in order to assist in the deterrence, prevention, or preemption of, or response to, terrorist attacks against the United States.

“(I) To consult with State, local, tribal, and territorial government agencies and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to threats of terrorism against the United States.

“(J) To ensure that any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties.

“(K) To request additional information from other Federal Government agencies, State, local, tribal, and territorial government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including

the entry into cooperative agreements through the Secretary to obtain such information.

“(L) To establish and utilize, in conjunction with the Chief Information Officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

“(M) To coordinate training and other support to the elements and personnel of the Department, other Federal Government agencies, and State, local, tribal, and territorial government agencies that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

“(N) To coordinate with Federal, State, local, tribal, and territorial law enforcement agencies, and the private sector, as appropriate.

“(O) To exercise the authorities and oversight of the functions, personnel, assets, and liabilities of those components transferred to the Department pursuant to section 201(g).

“(P) To carry out the functions of the national cybersecurity and communications integration center under section 2209.

“(Q) To carry out the requirements of the Chemical Facility Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium nitrate program established under subtitle J of title VIII, or any successor programs.

“(2) REALLOCATION.—The Secretary may reallocate within the Agency the functions specified in sections 2203(b) and 2204(b), consistent with the responsibilities provided in paragraph (1), upon certifying to and briefing the appropriate congressional committees, and making available to the public, at least 60 days prior to the reallocation that the reallocation is necessary for carrying out the activities of the Agency.

“(3) STAFF.—

“(A) IN GENERAL.—The Secretary shall provide the Agency with a staff of analysts having appropriate expertise and experience to assist the Agency in discharging the responsibilities of the Agency under this section.

“(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

“(C) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

“(4) DETAIL OF PERSONNEL.—

“(A) IN GENERAL.—In order to assist the Agency in discharging the responsibilities of the Agency under this section, personnel of the Federal agencies described in subparagraph (B) may be detailed to the Agency for the performance of analytic functions and related duties.

“(B) AGENCIES.—The Federal agencies described in this subparagraph are—

“(i) the Department of State;

“(ii) the Central Intelligence Agency;

“(iii) the Federal Bureau of Investigation;

“(iv) the National Security Agency;

“(v) the National Geospatial-Intelligence Agency;

“(vi) the Defense Intelligence Agency;

“(vii) Sector-Specific Agencies; and

“(viii) any other agency of the Federal Government that the President considers appropriate.

“(C) INTERAGENCY AGREEMENTS.—The Secretary and the head of a Federal agency described in subparagraph (B) may enter into agreements for the purpose of detailing personnel under this paragraph.

“(D) BASIS.—The detail of personnel under this paragraph may be on a reimbursable or non-reimbursable basis.

“(f) COMPOSITION.—The Agency shall be composed of the following divisions:

“(1) The Cybersecurity Division, headed by an Assistant Director.

“(2) The Infrastructure Security Division, headed by an Assistant Director.

“(3) The Emergency Communications Division under title XVIII, headed by an Assistant Director.

“(g) CO-LOCATION.—

“(1) IN GENERAL.—To the maximum extent practicable, the Director shall examine the establishment of central locations in geographical regions with a significant Agency presence.

“(2) COORDINATION.—When establishing the central locations described in paragraph (1), the Director shall coordinate with component heads and the Under Secretary for Management to co-locate or partner on any new real property leases, renewing any occupancy agreements for existing leases, or agreeing to extend or newly occupy any Federal space or new construction.

“(h) PRIVACY.—

“(1) IN GENERAL.—There shall be a Privacy Officer of the Agency with primary responsibility for privacy policy and compliance for the Agency.

“(2) RESPONSIBILITIES.—The responsibilities of the Privacy Officer of the Agency shall include—

“(A) assuring that the use of technologies by the Agency sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

“(B) assuring that personal information contained in systems of records of the Agency is handled in full compliance as specified in section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’);

“(C) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Agency; and

“(D) conducting a privacy impact assessment of proposed rules of the Agency on the privacy of personal information, including the type of personal information collected and the number of people affected.

“(i) SAVINGS.—Nothing in this title may be construed as affecting in any manner the authority, existing on the day before the date of enactment of this title, of any other component of the Department or any other Federal department or agency.

**“SEC. 2203. CYBERSECURITY DIVISION.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Agency a Cybersecurity Division.

“(2) ASSISTANT DIRECTOR.—The Cybersecurity Division shall be headed by an Assistant Director for Cybersecurity (in this section referred to as the ‘Assistant Director’), who shall—

“(A) be at the level of Assistant Secretary within the Department;

“(B) be appointed by the President without the advice and consent of the Senate; and

“(C) report to the Director.

“(3) REFERENCE.—Any reference to the Assistant Secretary for Cybersecurity and Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Cybersecurity.

“(b) FUNCTIONS.—The Assistant Director shall—

“(1) direct the cybersecurity efforts of the Agency;

“(2) carry out activities, at the direction of the Director, related to the security of Federal information and Federal information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113));

“(3) fully participate in the mechanisms required under section 2202(c)(7); and

“(4) carry out such other duties and powers as prescribed by the Director.

**“SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Agency an Infrastructure Security Division.

“(2) ASSISTANT DIRECTOR.—The Infrastructure Security Division shall be headed by an Assistant Director for Infrastructure Security (in this section referred to as the ‘Assistant Director’), who shall—

“(A) be at the level of Assistant Secretary within the Department;

“(B) be appointed by the President without the advice and consent of the Senate; and

“(C) report to the Director.

“(3) REFERENCE.—Any reference to the Assistant Secretary for Infrastructure Protection in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Infrastructure Security.

“(b) FUNCTIONS.—The Assistant Director shall—

“(1) direct the critical infrastructure security efforts of the Agency;

“(2) carry out, at the direction of the Director, the Chemical Facilities Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium nitrate program established under subtitle J of title VIII, or any successor programs;

“(3) fully participate in the mechanisms required under section 2202(c)(7); and

“(4) carry out such other duties and powers as prescribed by the Director.”

(b) TREATMENT OF CERTAIN POSITIONS.—

(1) UNDER SECRETARY.—The individual serving as the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Director of Cybersecurity and Infrastructure Security of the Department on and after such date.

(2) DIRECTOR FOR EMERGENCY COMMUNICATIONS.—The individual serving as the Director for Emergency Communications of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Emergency Communications of the Department on and after such date.

(3) ASSISTANT SECRETARY FOR CYBERSECURITY AND COMMUNICATIONS.—The individual serving as the Assistant Secretary for Cybersecurity and Communications on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Cybersecurity on and after such date.

(4) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—The individual serving as the Assistant Secretary for Infrastructure Protection on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Infrastructure Security on and after such date.

(c) REFERENCE.—Any reference to—

(1) the Office of Emergency Communications in any law, regulation, map, document,

record, or other paper of the United States shall be deemed to be a reference to the Emergency Communications Division; and

(2) the Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Emergency Communications.

(d) OVERSIGHT.—The Director of Cybersecurity and Infrastructure Security of the Department of Homeland Security shall provide to Congress, in accordance with the deadlines specified in paragraphs (1) through (6), information on the following:

(1) Not later than 60 days after the date of enactment of this Act, a briefing on the activities of the Agency relating to the development and use of the mechanisms required pursuant to section 2202(c)(6) of the Homeland Security Act of 2002 (as added by subsection (a)).

(2) Not later than 1 year after the date of the enactment of this Act, a briefing on the activities of the Agency relating to the use and improvement by the Agency of the mechanisms required pursuant to section 2202(c)(6) of the Homeland Security Act of 2002 and how such activities have impacted coordination, situational awareness, and communications with Sector-Specific Agencies.

(3) Not later than 90 days after the date of the enactment of this Act, information on the mechanisms of the Agency for regular and ongoing consultation and collaboration, as required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002 (as added by subsection (a)).

(4) Not later than 1 year after the date of the enactment of this Act, information on the activities of the consultation and collaboration mechanisms of the Agency as required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002, and how such mechanisms have impacted operational coordination, situational awareness, and integration across the Agency.

(5) Not later than 180 days after the date of enactment of this Act, information, which shall be made publicly available and updated as appropriate, on the mechanisms and structures of the Agency responsible for stakeholder outreach and engagement, as required under section 2202(c)(10) of the Homeland Security Act of 2002 (as added by subsection (a)).

(e) CYBER WORKFORCE.—Not later than 90 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in coordination with the Director of the Office of Personnel Management, shall submit to Congress a report detailing how the Agency is meeting legislative requirements under the Cybersecurity Workforce Assessment Act (Public Law 113-246; 128 Stat. 2880) and the Homeland Security Cybersecurity Workforce Assessment Act (enacted as section 4 of the Border Patrol Agent Pay Reform Act of 2014; Public Law 113-277) to address cyber workforce needs.

(f) FACILITY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall report to Congress on the most efficient and effective methods of consolidating Agency facilities, personnel, and programs to most effectively carry out the Agency’s mission.

(g) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 103(a)(1)(H) (6 U.S.C. 113(a)(1)(H)) to read as follows:

“(H) A Director of the Cybersecurity and Infrastructure Security Agency.”;

(2) in title II (6 U.S.C. 121 et seq.)—

(A) in the title heading, by striking “**AND INFRASTRUCTURE PROTECTION**”;

(B) in the subtitle A heading, by striking “**and Infrastructure Protection**”;

(C) in section 201 (6 U.S.C. 121)—

(i) in the section heading, by striking “**AND INFRASTRUCTURE PROTECTION**”;

(ii) in subsection (a)—

(I) in the subsection heading, by striking “**AND INFRASTRUCTURE PROTECTION**”; and

(II) by striking “and an Office of Infrastructure Protection”;

(iii) in subsection (b)—

(I) in the subsection heading, by striking “**AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION**”; and

(II) by striking paragraph (3);

(iv) in subsection (c)—

(I) by striking “and infrastructure protection”; and

(II) by striking “or the Assistant Secretary for Infrastructure Protection, as appropriate”;

(v) in subsection (d)—

(I) in the subsection heading, by striking “**AND INFRASTRUCTURE PROTECTION**”;

(II) in the matter preceding paragraph (1), by striking “and infrastructure protection”;

(III) by striking paragraphs (5), (6), and (25);

(IV) by redesignating paragraphs (7) through (24) as paragraphs (5) through (22), respectively;

(V) by redesignating paragraph (26) as paragraph (23); and

(VI) in paragraph (23)(B)(i), as so redesignated, by striking “section 319” and inserting “section 320”;

(vii) in subsection (e)(1), by striking “and the Office of Infrastructure Protection”; and

(viii) in subsection (f)(1), by striking “and the Office of Infrastructure Protection”;

(D) in section 202 (6 U.S.C. 122)—

(i) in subsection (c), in the matter preceding paragraph (1), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(ii) in subsection (d)(2), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(E) in section 204 (6 U.S.C. 124a)—

(i) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”; and

(ii) in subsection (d)(1), in the matter preceding subparagraph (A), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(F) in section 210A(c)(2)(B) (6 U.S.C. 124h(c)(2)(B)), by striking “Office of Infrastructure Protection” and inserting “Cybersecurity and Infrastructure Security Agency”;

(G) by redesignating section 210E (6 U.S.C. 124i) as section 2214 and transferring such section to appear after section 2213 (as redesignated by subparagraph (I));

(H) in subtitle B, by redesignating sections 211 through 215 (6 U.S.C. 101 note, and 131 through 134) as sections 2221 through 2225, respectively, and transferring such subtitle, including the enumerator and heading of subtitle B and such sections, to appear after section 2214 (as redesignated by subparagraph (G));

(I) by redesignating sections 223 through 230 (6 U.S.C. 143 through 151) as sections 2205 through 2213, respectively, and transferring such sections to appear after section 2204, as added by this Act;

(J) by redesignating section 210F as section 210E; and

(K) by redesignating subtitles C and D as subtitles B and C, respectively;

(3) in title III (6 U.S.C. 181 et seq.)—

(A) in section 302 (6 U.S.C. 182)—

(i) by striking “biological,” each place that term appears and inserting “biological.”; and

(ii) in paragraph (3), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(B) by redesignating the second section 319 (6 U.S.C. 195f) (relating to EMP and GMD mitigation research and development) as section 320; and

(C) in section 320(c)(1), as so redesignated, by striking “Section 214” and inserting “Section 2224”;

(4) in title V (6 U.S.C. 311 et seq.)—

(A) in section 508(d)(2)(D) (6 U.S.C. 318(d)(2)(D)), by striking “The Director of the Office of Emergency Communications of the Department of Homeland Security” and inserting “The Assistant Director for Emergency Communications”;

(B) in section 514 (6 U.S.C. 321c)—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b); and

(C) in section 523 (6 U.S.C. 321)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(ii) in subsection (c), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of Cybersecurity and Infrastructure Security”;

(5) in title VIII (6 U.S.C. 361 et seq.)—

(A) in section 384(d)(4)(A)(ii) (6 U.S.C. 464(d)(4)(A)(ii)), by striking “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(B) in section 399B(a) (6 U.S.C. 488a(a)), by adding at the end the following: “Such regulations shall be carried out by the Cybersecurity and Infrastructure Security Agency.”;

(6) in title XVIII (6 U.S.C. 571 et seq.)—

(A) in section 1801 (6 U.S.C. 571)—

(i) in the section heading, by striking “**OFFICE OF EMERGENCY COMMUNICATIONS**” and inserting “**EMERGENCY COMMUNICATIONS DIVISION**”;

(ii) in subsection (a)—

(I) by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; and

(II) by adding at the end the following: “The Division shall be located in the Cybersecurity and Infrastructure Security Agency.”;

(iii) by amending subsection (b) to read as follows:

“(b) ASSISTANT DIRECTOR.—The head of the Division shall be the Assistant Director for Emergency Communications. The Assistant Director shall report to the Director of Cybersecurity and Infrastructure Security. All decisions of the Assistant Director that entail the exercise of significant authority shall be subject to the approval of the Director of Cybersecurity and Infrastructure Security.”;

(iv) in subsection (c)—

(I) in the matter preceding paragraph (1), by inserting “Assistant” before “Director”;

(II) in paragraph (14), by striking “and” at the end;

(III) in paragraph (15), by striking the period at the end and inserting “; and”; and

(IV) by inserting after paragraph (15) the following:

“(16) fully participate in the mechanisms required under section 2202(c)(7).”;

(v) in subsection (d), in the matter preceding paragraph (1), by inserting “Assistant” before “Director”; and

(vi) in subsection (e), in the matter preceding paragraph (1), by inserting “Assistant” before “Director”;

(B) in sections 1802 through 1805 (6 U.S.C. 572 through 575), by striking “Director for Emergency Communications” each place that term appears and inserting “Assistant Director for Emergency Communications”;

(C) in section 1809 (6 U.S.C. 579)—

(i) by striking “Director of Emergency Communications” each place that term appears and inserting “Assistant Director for Emergency Communications”;

(ii) in subsection (b)—

(I) by striking “Director for Emergency Communications” and inserting “Assistant Director for Emergency Communications”; and

(II) by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”;

(iii) in subsection (e)(3), by striking “the Director” and inserting “the Assistant Director”; and

(iv) in subsection (m)(1)—

(I) by striking “The Director” and inserting “The Assistant Director”;

(II) by striking “the Director determines” and inserting “the Assistant Director determines”; and

(III) by striking “Office of Emergency Communications” and inserting “Cybersecurity and Infrastructure Security Agency”;

(D) in section 1810 (6 U.S.C. 580)—

(i) in subsection (a)(1), by striking “Director of the Office of Emergency Communications (referred to in this section as the ‘Director’)” and inserting “Assistant Director for Emergency Communications (referred to in this section as the ‘Assistant Director’)”;

(ii) in subsection (c), by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; and

(iii) by striking “Director” each place that term appears and inserting “Assistant Director”;

(7) in title XX (6 U.S.C. 601 et seq.)—

(A) in paragraph (4)(A)(iii)(II) of section 2001 (6 U.S.C. 601), by striking “section 210E(a)(2)” and inserting “section 2214(a)(2)”;

(B) in section 2008(a)(3) (6 U.S.C. 609(a)(3)), by striking “section 210E(a)(2)” and inserting “section 2214(a)(2)”;

(C) in section 2021 (6 U.S.C. 611)—

(i) by striking subsection (c); and

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

(8) in title XXI (6 U.S.C. 621 et seq.)—

(A) in section 2102(a)(1) (6 U.S.C. 622(a)(1)), by inserting “, which shall be located in the Cybersecurity and Infrastructure Security Agency” before the period at the end; and

(B) in section 2104(c)(2) (6 U.S.C. 624(c)(2)), by striking “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department appointed under section 103(a)(1)(H)” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(9) in title XXII, as added by this Act—

(A) in subtitle A—

(i) in section 2205, as so redesignated—

(I) in the matter preceding paragraph (1)—

(aa) by striking “section 201” and inserting “section 2202”; and

(bb) by striking “Under Secretary appointed under section 103(a)(1)(H)” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(II) in paragraph (1)(B), by striking “and” at the end;

(ii) in section 2206, as so redesignated, by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of Cybersecurity and Infrastructure Security”;

(iii) in section 2209, as so redesignated—  
(I) by striking “Under Secretary appointed under section 103(a)(1)(H)” each place that term appears and inserting “Director”;

(II) in subsection (a)(4), by striking “section 212(5)” and inserting “section 222(5)”;

(III) in subsection (b), by adding at the end the following: “The Center shall be located in the Cybersecurity and Infrastructure Security Agency. The head of the Center shall report to the Assistant Director for Cybersecurity.”; and

(IV) in subsection (c)(11), by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”;

(iv) in section 2210, as so redesignated—  
(I) by striking “section 227” each place that term appears and inserting “section 2209”; and

(II) in subsection (c)—  
(aa) by striking “Under Secretary appointed under section 103(a)(1)(H)” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(bb) by striking “section 212(5)” and inserting “section 222(5)”;

(v) in section 2211(b)(2)(A), as so redesignated, by striking “the section 227” and inserting “section 2209”;

(vi) in section 2212, as so redesignated, by striking “section 212(5)” and inserting “section 222(5)”;

(vii) in section 2213(a), as so redesignated—  
(I) in paragraph (3), by striking “section 228” and inserting “section 2210”; and

(II) in paragraph (4), by striking “section 227” and inserting “section 2209”; and

(viii) in section 2214, as so redesignated—  
(I) by striking subsection (e); and

(II) by redesignating subsection (f) as subsection (e); and

(B) in subtitle B—  
(i) in section 222(3), as so redesignated, by striking “section 227” and inserting “section 2209”; and

(ii) in section 2224(h), as so redesignated, by striking “section 213” and inserting “section 2223”;

(h) TECHNICAL AND CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) CYBERSECURITY ACT OF 2015.—The Cybersecurity Act of 2015 (6 U.S.C. 1501 et seq.) is amended—

(A) in section 202(2) (6 U.S.C. 131 note)—  
(i) by striking “section 227” and inserting “section 2209”; and

(ii) by striking “, as so redesignated by section 223(a)(3) of this division”;

(B) in section 207(2) (Public Law 114–113; 129 Stat. 2962)—

(i) by striking “section 227” and inserting “section 2209”; and

(ii) by striking “, as redesignated by section 223(a) of this division.”;

(C) in section 208 (Public Law 114–113; 129 Stat. 2962), by striking “Under Secretary appointed under section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))” and inserting “Director of Cybersecurity and Infrastructure Security of the Department”;

(D) in section 222 (6 U.S.C. 1521)—  
(i) in paragraph (2)—

(I) by striking “section 228” and inserting “section 2210”; and

(II) by striking “, as added by section 223(a)(4) of this division”; and

(ii) in paragraph (4)—  
(I) by striking “section 227” and inserting “section 2209”; and

(II) by striking “, as so redesignated by section 223(a)(3) of this division”;

(E) in section 223(b) (6 U.S.C. 151 note)—

(i) by striking “section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a)” each place that term appears and inserting “section 2213(b)(1) of the Homeland Security Act of 2002”; and

(ii) in paragraph (1)(B), by striking “section 230(b)(2) of the Homeland Security Act of 2002, as added by subsection (a)” and inserting “section 2213(b)(2) of the Homeland Security Act of 2002”;

(F) in section 226 (6 U.S.C. 1524)—  
(i) in subsection (a)—

(I) in paragraph (1)—  
(aa) by striking “section 230” and inserting “section 2213”; and

(bb) by striking “, as added by section 223(a)(6) of this division”;

(II) in paragraph (4)—  
(aa) by striking “section 228(b)(1)” and inserting “section 2210(b)(1)”;

(bb) by striking “, as added by section 223(a)(4) of this division”; and

(III) in paragraph (5)—  
(aa) by striking “section 230(b)” and inserting “section 2213(b)”;

(bb) by striking “, as added by section 223(a)(6) of this division”; and

(ii) in subsection (c)(1)(A)(vi)—  
(I) by striking “section 230(c)(5)” and inserting “section 2213(c)(5)”;

(II) by striking “, as added by section 223(a)(6) of this division”;

(G) in section 227 (6 U.S.C. 1525)—  
(i) in subsection (a)—

(I) by striking “section 230” and inserting “section 2213”; and

(II) by striking “, as added by section 223(a)(6) of this division.”;

(ii) in subsection (b)—  
(I) by striking “section 230(d)(2)” and inserting “section 2213(d)(2)”;

(II) by striking “, as added by section 223(a)(6) of this division.”;

(H) in section 404 (6 U.S.C. 1532)—  
(i) by striking “Director for Emergency Communications” each place that term appears and inserting “Assistant Director for Emergency Communications”; and

(ii) in subsection (a)—  
(I) by striking “section 227” and inserting “section 2209”; and

(II) by striking “, as redesignated by section 223(a)(3) of this division.”;

(2) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking “section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a))” and inserting “section 2209(a) of the Homeland Security Act of 2002”.

(3) TITLE 5.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(A) in section 5314, by inserting after “Under Secretaries, Department of Homeland Security.” the following:

“Director, Cybersecurity and Infrastructure Security Agency.”; and

(B) in section 5315, by inserting after “Assistant Secretaries, Department of Homeland Security.” the following:

“Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.”

(4) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by striking the item relating to title II and inserting the following:

“TITLE II—INFORMATION ANALYSIS”;

(2) by striking the item relating to subtitle A of title II and inserting the following:

“Subtitle A—Information and Analysis; Access to Information”;

(3) by striking the item relating to section 201 and inserting the following:

“Sec. 201. Information and analysis.”;

(4) by striking the items relating to sections 210E and 210F and inserting the following:

“Sec. 210E. Classified Information Advisory Officer.”;

(5) by striking the items relating to subtitle B of title II and sections 211 through 215;

(6) by striking the items relating to section 223 through section 230;

(7) by striking the item relating to subtitle C and inserting the following:

“Subtitle B—Information Security”;

(8) by striking the item relating to subtitle D and inserting the following:

“Subtitle C—Office of Science and Technology”;

(9) by striking the items relating to sections 317, 319, 318, and 319 and inserting the following:

“Sec. 317. Promoting antiterrorism through international cooperation program.”

“Sec. 318. Social media working group.”

“Sec. 319. Transparency in research and development.”

“Sec. 320. EMP and GMD mitigation research and development.”;

(10) by striking the item relating to section 1801 and inserting the following:

“Sec. 1801. Emergency Communications Division.”; and

(11) by adding at the end the following:

“TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

“Subtitle A—Cybersecurity and Infrastructure Security

“Sec. 2201. Definitions.

“Sec. 2202. Cybersecurity and Infrastructure Security Agency.

“Sec. 2203. Cybersecurity Division.

“Sec. 2204. Infrastructure Security Division.

“Sec. 2205. Enhancement of Federal and non-Federal cybersecurity.

“Sec. 2206. Net guard.

“Sec. 2207. Cyber Security Enhancement Act of 2002.

“Sec. 2208. Cybersecurity recruitment and retention.

“Sec. 2209. National cybersecurity and communications integration center.

“Sec. 2210. Cybersecurity plans.

“Sec. 2211. Cybersecurity strategy.

“Sec. 2212. Clearances.

“Sec. 2213. Federal intrusion detection and prevention system.

“Sec. 2214. National Asset Database.

“Subtitle B—Critical Infrastructure Information

“Sec. 2221. Short title.

“Sec. 2222. Definitions.

“Sec. 2223. Designation of critical infrastructure protection program.

“Sec. 2224. Protection of voluntarily shared critical infrastructure information.

“Sec. 2225. No private right of action.”.

**SEC. 3. TRANSFER OF OTHER ENTITIES.**

(a) OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—The Office of Biometric Identity Management of the Department of Homeland Security located in the National Protection and Programs Directorate of the Department of Homeland Security on the day before the date of enactment of this Act is hereby transferred to the Management Directorate of the Department.

(b) FEDERAL PROTECTIVE SERVICE.—  
(1) IN GENERAL.—Not later than 90 days after the completion of the Government Accountability Office review of the organizational placement of the Federal Protective

Service (authorized under section 1315 of title 40, United States Code), the Secretary of Homeland Security shall determine the appropriate placement of the Service within the Department of Homeland Security and commence the transfer of the Service to such component, directorate, or other office of the Department that the Secretary so determines appropriate.

(2) EXCEPTION.—If the Secretary of Homeland Security determines pursuant to paragraph (1) that no component, directorate, or other office of the Department of Homeland Security is an appropriate placement for the Federal Protective Service, the Secretary shall—

(A) provide to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and the Office of Management and Budget a detailed explanation, in writing, of the reason for such determination that includes—

(i) information on how the Department considered the Government Accountability Office review described in such paragraph;

(ii) a list of the components, directorates, or other offices of the Department that were considered for such placement; and

(iii) information on why each such component, directorate, or other office of the Department was determined to not be an appropriate placement for the Service;

(B) not later than 120 days after the completion of the Government Accountability Office review described in such paragraph, develop and submit to the committees specified in subparagraph (A) and the Office of Management and Budget a plan to coordinate with other appropriate Federal agencies, including the General Services Administration, to determine a more appropriate placement for the Service; and

(C) not later than 180 days after the completion of such Government Accountability Office review, submit to such committees and the Office of Management and Budget a recommendation regarding the appropriate placement of the Service within the executive branch of the Federal Government.

#### SEC. 4. DHS REPORT ON CLOUD-BASED CYBERSECURITY.

(a) DEFINITION.—In this section, the term “Department” means the Department of Homeland Security.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Homeland Security of the House of Representatives a report on the leadership role of the Department in cloud-based cybersecurity deployments for civilian Federal departments and agencies, which shall include—

(1) information on the plan of the Department for ensuring access to a security operations center as a service capability in accordance with the December 19, 2017 Report to the President on Federal IT Modernization issued by the American Technology Council;

(2) information on what service capabilities under paragraph (1) the Department will prioritize, including—

(A) criteria the Department will use to evaluate capabilities offered by the private sector; and

(B) how Federal government- and private sector-provided capabilities will be integrated to enable visibility and consistency of

such capabilities across all cloud and on premise environments, as called for in the report described in paragraph (1); and

(3) information on how the Department will adapt the current capabilities of, and future enhancements to, the intrusion detection and prevention system of the Department and the Continuous Diagnostics and Mitigation Program of the Department to secure civilian Federal government networks in a cloud environment.

#### SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act may be construed as—

(1) conferring new authorities to the Secretary of Homeland Security, including programmatic, regulatory, or enforcement authorities, outside of the authorities in existence on the day before the date of enactment of this Act;

(2) reducing or limiting the programmatic, regulatory, or enforcement authority vested in any other Federal agency by statute; or

(3) affecting in any manner the authority, existing on the day before the date of enactment of this Act, of any other Federal agency or component of the Department of Homeland Security.

#### SEC. 6. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act. This Act and the amendments made by this Act shall be carried out using amounts otherwise authorized.

**SA 4044.** Mr. SULLIVAN (for Ms. MURKOWSKI) proposed an amendment to amendment SA 4043 proposed by Mr. SULLIVAN (for Mr. JOHNSON (for himself and Mrs. McCASKILL)) to the bill H.R. 3359, to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes; as follows:

On page 17, line 16, insert “, including the authority provided to the Sector-Specific Agency specified in section 61003(c) of division F of the Fixing America’s Surface Transportation Act (6 U.S.C. 121 note; Public Law 114-94)” after “agency”.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have 10 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, October 3, 2018, at 10 a.m., to conduct a hearing entitled “Implementation of Positive Train Control.”

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, October 3, 2018,

at 2:30 p.m., to conduct a hearing entitled “Rare Diseases: Expediting Treatments for Patients.”

#### 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, October 3, 2018, at 10 a.m., to conduct a hearing on the following nominations: Steven Dillingham, of Virginia, to be Director of the Census, and Michael Kubayanda, of Ohio, to be a Commissioner of the Postal Regulatory Commission.

#### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, October 3, 2018, at 2:30 p.m., to conduct a hearing entitled “GAO Reports Relating to Broadband Internet Availability on Tribal Lands.”

#### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, October 3, 2018, at 2:30 p.m., to conduct a business meeting.

#### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, October 3, 2018, at 2:30 p.m., to conduct a hearing entitled “Expanding Opportunities for Small Business Through the Tax Code.”

#### SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, October 3, 2018, at 9:30 a.m., to conduct a hearing entitled “Patient-Focused Care: A prescription to Reduce Health Care Cost.”

#### SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY

The Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, October 3, 2018, at 2:30 p.m., to conduct a hearing entitled “Protecting U.S. Amateur Athletes: Examining Abuse Prevention Efforts Across the Olympic Movement.”

#### SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

The Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, October 3, 2018, at 2:15 p.m., to conduct a hearing entitled “Oversight of the Environmental Protection Agency’s Implementation of Sound and Transparent Science in Regulation.”

#### SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the



session of the Senate on Wednesday, October 3, 2018, at 2:30 p.m., to conduct a hearing entitled “Oversight of the Enforcement of the Antitrust Laws.”

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Berenice Vargas-Sierra be granted privileges of the floor for the balance of the day.

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

#### CYBERSECURITY AND INFRA-STRUCTURE SECURITY AGENCY ACT OF 2017

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 3359 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3359) to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

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

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Murkowski amendment at the desk be agreed to; that the Johnson substitute amendment, as amended, be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 4044) was agreed to, as follows:

(Purpose: To improve the amendment)

On page 17, line 16, insert “, including the authority provided to the Sector-Specific Agency specified in section 61003(c) of division F of the Fixing America’s Surface Transportation Act (6 U.S.C. 121 note; Public Law 114-94)” after “agency”.

The amendment (No. 4043) in the nature of a substitute, as amended, was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3359), as amended, was passed.

EXPRESSING THE SENSE OF THE SENATE THAT THE 85TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932–1933, KNOWN AS THE HOLODOMOR, SHOULD SERVE AS A REMINDER OF REPRESSIVE SOVIET POLICIES AGAINST THE PEOPLE OF UKRAINE

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 608, S. Res. 435.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 435) expressing the sense of the Senate that the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor, should serve as a reminder of repressive Soviet policies against the people of Ukraine.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations, without amendment, and with amendments to the preamble.

Mr. SULLIVAN. Mr. President, I ask further that the resolution be agreed to; that the committee-reported amendments to the preamble be agreed to; that the preamble, as amended, be agreed to; and that 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. 435) was agreed to.

The committee-reported amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution with its preamble, as amended, reads as follows:

S. RES. 435

Whereas 2017–2018 marks the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor;

Whereas, in 1932 and 1933, millions of Ukrainian people perished at the will of the totalitarian Stalinist government of the former Soviet Union, which perpetrated a premeditated famine in Ukraine in an effort to break the nation’s resistance to collectivization and communist occupation;

Whereas the Soviet government deliberately confiscated grain harvests and starved millions of Ukrainian men, women, and children by a policy of forced collectivization that sought to destroy the nationally conscious movement for independence;

Whereas Soviet dictator Joseph Stalin ordered the borders of Ukraine sealed to prevent anyone from escaping the manmade starvation and to prevent the delivery of any international food aid that would provide relief to the starving;

Whereas numerous scholars worldwide have worked to uncover the scale of the famine, including Canadian wheat expert Andrew Cairns, who visited Ukraine in 1932 and was told that there was no grain “because the government had collected so much grain and exported it to England and Italy,” while Joseph Stalin simultaneously denied food aid to the people of Ukraine;

Whereas nearly a quarter of Ukraine’s rural population perished or were forced into exile due to the induced starvation, and the entire nation suffered from the consequences of the prolonged famine;

Whereas noted correspondents of the time were refuted for their courage in depicting and reporting on the forced famine in Ukraine, including Gareth Jones, William Henry Chamberlin, and Malcolm Muggeridge, who wrote, “They [the peasants] will tell you that many have already died of famine and that many are dying every day; that thousands have been shot by the Government and hundreds of thousands exiled . . .”;

Whereas title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1986 (Public Law 99–180; 99 Stat. 1157), signed into law on December 13, 1985, established the Commission on the Ukraine Famine to “conduct a study of the Ukrainian Famine of 1932–1933 in order to expand the world’s knowledge of the famine and provide the American public with a better understanding of the Soviet system by revealing the Soviet role” in it;

Whereas, with the dissolution of the Soviet Union, archival documents became available that confirmed the deliberate and premeditated deadly nature of the famine, and that exposed the atrocities committed by the Soviet government against the Ukrainian people;

Whereas Raphael Lemkin, who devoted his life to the development of legal concepts and norms for containing mass atrocities and whose tireless advocacy swayed the United Nations in 1948 to adopt the Convention on the Prevention and Punishment of the Crime of Genocide, authored an essay in 1953 entitled, “Soviet Genocide in [the] Ukraine,” which highlighted the “classic example of Soviet genocide,” characterizing it “not simply a case of mass murder [ , but as] a case of genocide, of destruction, not of individuals only, but of a culture and a nation”;

Whereas Ukraine’s law N 376-V “About the 1932–1933 Holodomor in Ukraine” of November 28, 2006, gave official recognition to the Holodomor as an act of genocide against the Ukrainian people;

Whereas President George W. Bush signed into law Public Law 109–340 on October 13, 2006, authorizing the Government of Ukraine “to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932–1933,” which was officially dedicated in November 2015;

Whereas the Government of Ukraine and the Ukrainian communities in the United States and worldwide continue their efforts to secure greater international awareness and understanding of the 1932–1933 tragedy; and

Whereas victims of the Holodomor of 1932–1933 will be commemorated by Ukrainian communities around the globe, and in Ukraine, through November 2018: Now, therefore, be it

*Resolved*, That the Senate—

(1) solemnly remembers the 85th anniversary of the Holodomor of 1932–1933 and extends its deepest sympathies to the victims, survivors, and families of this tragedy;

(2) condemns the systematic violations of human rights, including the freedom of self-determination and freedom of speech, of the Ukrainian people by the Soviet government;

(3) recognizes the findings of the Commission on the Ukraine Famine as submitted to Congress on April 22, 1988, including that “Joseph Stalin and those around him committed genocide against the Ukrainians in 1932–1933”;

(4) encourages dissemination of information regarding the Holodomor of 1932–1933 in order to expand the world’s knowledge of this manmade tragedy; and

(5) supports the continuing efforts of the people of Ukraine to work toward ensuring democratic principles, a free-market economy, and full respect for human rights, in order to enable Ukraine to achieve its potential as an important strategic partner of the United States in that region of the world, and to reflect the will of its people.

**EXPRESSING THE SENSE OF THE SENATE REGARDING THE 6888TH CENTRAL POSTAL DIRECTORY BATTALION AND CELEBRATING BLACK HISTORY MONTH**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration and the Senate now proceed to S. Res. 412.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 412) expressing the sense of the Senate regarding the 6888th Central Postal Directory Battalion and celebrating Black History Month.

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

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 412) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 15, 2018 under “Submitted Resolutions.”)

Mr. SULLIVAN. Mr. President, I suggest the absence of a quorum.

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

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

(Mr. GARDNER assumed the chair.)

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Nebraska.

Mr. SASSE. Mr. 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. SASSE. Mr. President, I rise to say in public today what I have been discussing with many individual Nebraskans over the last 17 days about the “me too.” movement, the important “me too.” movement, about a nation that is accelerating our descent into tribalism and about our continuing decline here in the Senate as a deliberative body—or as a Nebraska woman put it a little more bluntly to

me 2 nights ago: What the hell is happening in my country?

One part of the answer to her urgent question is that the Senate is being swallowed whole by 24/7 cable news, and that inclination—that temptation—probably just can’t be reconciled with being a great deliberative body. Doing reality TV and wrestling with big, hard, complicated, long-term problems are just fundamentally different things.

I am not here tonight to talk about the Supreme Court confirmation votes that we will probably be taking this weekend. I am here to talk about the nasty process we have been navigating over the past 86 days and about the false choices some people are claiming stand before us and about where we in the Senate will go next week, next month, and next year after that vote.

I am not here to talk about how fundamentally broken the Senate Judiciary Committee is or how absurd it is to think that the problems in our committee structures are going to be solved by preening and grandstanding Senators looking for sound bites, although both of those things are obviously true.

No, I am here to talk tonight about the false choice that is being repeated hour after hour after hour on television that this confirmation vote about one vacant seat on the Supreme Court—in that vote we are somehow going to be making a giant binary choice about the much broader issue of whether we do or don’t care about women. That is simply not true. That is not what we are doing this weekend.

Fortunately, many Nebraskans the last 2 weekends when I have been home have been much more nuanced than the kind of screaming we hear on battling cable news channels.

A Supreme Court confirmation vote isn’t a grand choice about whether we love our daughters or whether we trust our sons. That is not the choice before us. This is a consent decision about one person for one seat.

Again, I am not here to talk tonight about the particular vote. There is lots of lobbying going on around this body right now. I am not here to talk about that particular vote. But I will say that I have spent more than 150 hours at this point reviewing documents and in hearings and consulting investigators and experts related to this confirmation.

Moreover, I will also say that although I have said many complimentary things about Judge Brett Kavanaugh and his distinguished record of 12 years of service on the DC Circuit Court, I will say that I urged the President back in June and early July to make a different choice before he announced this nomination. I urged him to nominate a different individual. I urged the President to nominate a woman.

Part of my argument then was that the very important “me too.” movement was also very new and that this

Senate is not at all well prepared to handle potential allegations of sexual harassment and assault that might have come forward, absent knowing a particular nominee.

Let me be clear. There is some academic literature that suggests that very few allegations of sexual assault in the broader culture are fabricated. Or stated conversely, the hefty majority of allegations of sexual assault in our broader culture are probably true.

But in politics, in this city, a place filled with politicians who constantly believe that the end justifies the means, that situation might well have been different, I argued in June. So in the interest of cautious prudence, I urged a different path than the one that was chosen. But so what?

Once the decision was made, once the President made his nomination, that meant that the work the Senate needed to do was to evaluate the specific evidence and claims about the specific individual who was on the floor before us.

But we are being told now that our vote isn’t about a specific individual, a specific seat, or specific evidence; rather, we are being told that the choice before us in this confirmation is a much broader choice about whether we do or don’t care about women.

If you turn on cable news or if you open up social media—and I highly recommend against both of those things in times like this; for the last 2½ weeks I have stayed clear almost entirely of those two ugly places, and it is been good for my soul. But what you hear if you turn on cable or if you look at social media is this: Pick a side. It is good versus evil. Everything is immediate. Everything is certain. There is no doubt. There is no gray. There are only tribes of Hatfields and McCoys, Israelis and Palestinians—a world of generational hatred without end. There is no listening, no understanding, no empathy, no possibility that perhaps, just maybe in a broken world, violence, pain, and shame are all too real. Perhaps trying to make angels and devils out of your fellow countrymen and women is not the most useful way for us to try to make sense of the world. Everything might not be black-and-white simple.

We regularly seem—in this body and in the politicized culture that we are trying to serve on cable news—to lack any awareness of the possibility that maybe, just maybe, constant, instant certainty about political battle lines might not be a good way to go forward. We might be undermining rather than building a better world for our kids.

Well, I don’t believe this is what most Americans want. I don’t believe most Americans are political addicts. I don’t believe most Americans trust us in this institution. I don’t believe most Americans want our political class to be our leaders right now. I don’t believe most Americans want to see each and every question, each and every sphere of life, each and every institution across the land politicized.

I think most Americans are a lot more like my wife, who called me last week from Nebraska sobbing after both opening statements on Thursday. What we saw and heard during last Thursday's eight grotesquely public hours were two different families hurting badly—two families. The Ford family and the Kavanaugh family, both of them homes with children, have been the recipients of constant death threats, and for what? For one seat on the Supreme Court? We know this isn't about that when people are threatening death. This is about tribe.

One of the two families can't let their girls go out alone now. The other family has been forced to move from their home. In both Northern California and suburban Maryland, there are extra folks being hired in the important work of protection and security detail, a part of our economy that we don't want to grow and that is indisputably growing in our time. This isn't right.

We saw people having to grapple with the brokenness and the sinfulness of a fallen world. But they were not just grappling with it. They were grappling with the nastiness East of Eden in realtime on television as a kind of politainment art.

No one really thinks that our body politic is going to get any healthier by giving more oxygen to the one-man clown show that is Michael Avenatti. But do you know what? Not being down with the circus is not the same thing as being indifferent to the complexities of the "me too." movement. I believe we have a widespread legacy of sexual assault in this country. I believe we don't have much of a shared sexual ethic right now, and we haven't for quite some time, and I think that horrible stuff has happened and continues to happen.

I have wept with the victims of sexual assault, and I believe the advocacy groups' data that between one-fifth and one-third of American women have been sexually assaulted at some point in their lives. Given that most women have many other important women in their lives—a mom, and a daughter, sisters, and a couple of close friends—it means the overwhelming majority of American women have been deeply affected, deeply hurt by the tragedy of sexual violence.

I have had two dear, dear friends who have been raped, and it is an act from the pit of hell. People, men and women, are created in the image of God—Imago Dei, we say in Christianity. Sexuality is a deep and precious gift. It is an intimacy; it is a oneness that is to be shared and given—never taken. Sex is big, not small, and you don't get to decide it for someone else.

The "me too." movement is a complicated movement, but it has been a very good thing. Far too often, many girls and women have been told that they are meat. They have been told this in word and in deed—that they are parts to be consumed rather than God's

children to be cherished and respected and partnered with.

Caitlin Flanagan of *The Atlantic*, one of the most profound writers on sexuality in our time, wrote recently about a horrible experience she endured during her senior year of high school on Long Island. She was the victim of an attempted date rape, and she contemplated suicide in its aftermath. She struggled in school, and she doubted her worth and value.

After she struggled against this boy trying to violently force himself on her for many scary minutes, he finally gave up and just decided to restart the car. They drove away from that deserted beach in silence.

Listen to her words. She writes:

I told no one. In my mind, this was not an example of male aggression used against a girl to extract sex from her. In my mind, this was an example of how undesirable I was. This was proof that I was not the kind of girl you took to parties, or the kind of girl you wanted to get to know. I was the kind of girl you took to a deserted parking lot and tried to make give you sex. Telling someone would not be revealing what he had done; it would be revealing how deserving I was of that kind of treatment.

Hear what she is saying here. This precious young girl was hearing in her sexual assault that there must be something wrong with her, that she is the kind of girl only worth being groped. She is not worth being taken to dinner or engaged in conversation as if she has a mind. If that doesn't make you cry, there is something wrong with you.

And now-adult Mrs. Flanagan continues:

My depression quickly escalated to a point where, if I had been evaluated by a psychiatrist, I would probably have been institutionalized as a danger to myself. I had plans for how I was going to kill myself. I managed to make a few friends, who introduced me to acid, which was no help with the depression. I sat in classes in a blank state except for English. ("To the girl about whom I will someday say, 'I knew her when,'" my English teacher wrote in that yearbook, words that stunned me when I first read them, and that I have never forgotten.)

What a blessing to have had that kind of teacher, someone who proclaimed to Flanagan her dignity and her worth, who shouted meaning into her soul.

Our culture has been living through an epidemic of sexual assaults, and these attacks on girls' worth, on women's worth, need to be grappled with. They need a reckoning. What we are dealing with here is horrible physically, but it is more than that. What we are dealing with—we are dealing with something that has a spiritual level as well.

My view is that the "me too." movement is going to make some mistakes. It is going to have some excesses. But overall, it has been an important and a needed development. A whole lot of brave women have stepped forward, and they have exposed their abusers who have been some of the most powerful men in Hollywood and media and cor-

porate America and elsewhere. These women did this at unthinkable professional and personal risk. They deserve our respect. They also deserve not to have their progress co-opted by the cynics who run this town. Their stories are not fodder for fundraising emails. The "me too." movement doesn't belong to the left or the right; the "me too." movement belongs to the women who have found in it an inspiration to step forward and confront the people who hurt them.

I have two daughters, and, God forbid, in the event that something ever happened to one of them, I want them to feel like they could come forward knowing that their accusations will be taken seriously, that they wouldn't be dismissed or vilified for speaking up, that they wouldn't be ashamed or blamed.

We all know that the President cannot lead us through this time. We know that he is dispositionally unable to restrain his impulse to divide us. His mockery of Dr. Ford last night in Mississippi was wrong, but it doesn't really surprise anyone. That is who he is.

Similarly, it was wrong last week when he said that "if the attack on Dr. Ford was as bad as she says, charges would have been immediately filed with local Law Enforcement Authorities." It is wrong when people insinuate that a woman bears blame for her sexual assault because she was drunk. This reinforces the stereotypes that have caused millions of women to bury their experiences of abuse and assault for decades. This kind of repugnant nonsense creates excuses for abusers. Just because a woman drinks or even if she drinks too much does not make her body or her sexuality any less her own, and I don't want anyone telling those poisonous lies to my daughters.

I also have a son, and in the event that, God forbid, he is accused of a crime, I hope that he is presumed innocent and that he is permitted to exercise his right to defend himself. I think there are a whole lot of parents out there who think the same thing. I don't just think this; I know this because I have taken the calls from Nebraska moms who say just this. We want this not because of our politics; we want this because we believe that girls and boys, women and men, daughters and sons are created with dignity and worth.

This is not about choosing between believing our daughters and protecting our sons. That choice is false. But do you know what my constituents back in Nebraska told me this weekend they think this is now about? They think it is about us. They think it is about all of us in this town being addicted to the circus. They don't think very many of us are interested in truth; they think we are interested in political instrumentality. They think we are interested in exploiting differences and divisions in America because we are addicted to short-term power in a city that isn't worthy of much respect.

In closing, let me read one more note from another Nebraska woman this week. This actually came in last Friday.

I was angry at yesterday's hearing—angry that something as important as a conversation about the victimization of a woman at the hands of a man became just another move in a game of partisan chess. But I'm also deeply troubled. Troubled that the painful memories shared by Dr. Ford in that hearing. Troubled by the painful memories it evoked in women across our country who have suffered sexual violence. Troubled by the fact that this violence comes at the hands of men. I'm deeply saddened by this violence committed at the hands of men. I just can't comprehend it. I weep for our sons and daughters that it exists in our fallen world.

To those victims for whom yesterday's hearing brought fresh pain, I am so sorry that a political circus opened these wounds anew. Sorry that this abomination of humanity was ever experienced at all.

She continues:

Senator, I want you to vote to confirm Brett Kavanaugh, but I also worry that vote might be heard as a reflection on the validity of other women's experience. I worry that pundits are going to tell women that. I am tired of women's stories just being used for politicians' ends. I'm tired of women being used and discarded. Women's pain isn't supposed to be a political football.

She is obviously right.

The "me too." movement doesn't belong to politicians. The "me too." movement has elevated our consciousness and awareness of sexual assault and sexual violence against women. We must not give back the important ground gained in this movement by authorizing this media circus to stand in for generations of stories of tragic pain. And no matter how much cable news screams this, it would be an egregious offense against the cause of women to call this one up-or-down vote a proxy for the validation and validity of claims of sexual violence. We can do better than that, and we must do better if we are actually going to care about women and if we are going to serve our constituents in this body.

Thank you, Mr. President.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, this evening, the Senate will receive the results of the FBI supplemental back-

ground investigation of Judge Brett Kavanaugh.

This is now the seventh time the FBI has looked into Judge Kavanaugh's background, and this information comes on top of what has already been one of the most thorough and exhaustive Senate reviews of any Supreme Court nominee in the entire history of our country: Five days of public hearings, 65 private meetings with Senators, more than 1,200 responses to written questions from Members, more than 500,000 pages of documents were reviewed—the most produced for any Supreme Court nomination in our history—and the 300-plus opinions Judge Kavanaugh has issued during his 12 years on the DC Circuit.

And now, Senators will have the evidence collected by this additional background investigation for their consideration as well.

Members will have the opportunity to review investigators' records, and as is the standard procedure, designated Judiciary Committee staff members with the required clearances will be authorized to brief Members.

There will be plenty of time for Members to review and be briefed on the supplemental material before a Friday cloture vote. So I am filing cloture on Judge Kavanaugh's nomination this evening so the process can move forward, as I indicated earlier this week.

Mr. McCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The nomination of Brett M. Kavanaugh to be an Associate Justice of the Supreme Court.

#### CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for the Kavanaugh nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the nomination.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.

Mitch McConnell, Orrin G. Hatch, Thom Tillis, Roger F. Wicker, Tim Scott, Deb Fischer, Roy Blunt, Cindy Hyde-Smith, John Cornyn, Johnny Isakson, Lamar Alexander, John Boozman, Joni Ernst, Mike Crapo, John Thune, John Barasso, Pat Roberts.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. McCONNELL. 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.

#### ORDERS FOR THURSDAY, OCTOBER 4, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, October 4; 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; finally, that following leader remarks, the Senate proceed to executive session to resume consideration of the Kavanaugh nomination.

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

#### ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. McCONNELL. 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 9:55 p.m., adjourned until Thursday, October 4, 2018, at 11 a.m.

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 4, 2018 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 10

- 8:30 a.m.  
Committee on Homeland Security and Governmental Affairs  
To hold hearings to examine threats to the homeland. SD-342
- 9:30 a.m.  
Committee on Armed Services  
Subcommittee on Readiness and Management Support  
To hold hearings to examine United States Air Force readiness. SR-222
- 10 a.m.  
Committee on Commerce, Science, and Transportation  
To hold hearings to examine consumer data privacy, focusing on lessons from the European Union's general data protection regulation and the California Consumer Privacy Act. SR-253
- Committee on Environment and Public Works  
To hold hearings to examine successful state conservation, recovery, and man-

agement of wildlife from Yellowstone's grizzly bear to the Chesapeake's Delmarva fox squirrel. SD-406

Committee on the Judiciary  
To hold hearings to examine pending nominations. SD-226

### OCTOBER 11

10 a.m.  
Committee on Banking, Housing, and Urban Affairs  
To hold hearings to examine the cryptocurrency and blockchain ecosystem. SD-538

### OCTOBER 17

3 p.m.  
Committee on Armed Services  
Subcommittee on Emerging Threats and Capabilities  
To hold hearings to examine implications of China's presence and investment in Africa. SR-222

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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# Daily Digest

## HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 302, FAA Reauthorization Act.

Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 6, SUPPORT for Patients and Communities Act.

## Senate

### Chamber Action

(Legislative Day of Friday, September 28, 2018)

**Routine Proceedings, pages S6455–S6506**

**Measures Introduced:** Five bills were introduced, as follows: S. 3541–3545. **Page S6495**

#### Measures Reported:

H.R. 1677, to halt the wholesale slaughter of the Syrian people, encourage a negotiated political settlement, and hold Syrian human rights abusers accountable for their crimes, with an amendment in the nature of a substitute.

S. 2736, to develop a long-term strategic vision and a comprehensive, multifaceted, and principled United States policy for the Indo-Pacific region, with an amendment in the nature of a substitute.

S. 3233, to impose sanctions with respect to persons responsible for violence and human rights abuses in Nicaragua, with an amendment in the nature of a substitute.

S. 3257, to impose sanctions on foreign persons responsible for serious violations of international law regarding the protection of civilians during armed conflict, with an amendment in the nature of a substitute.

S. 3476, to extend certain authorities relating to United States efforts to combat HIV/AIDS, tuberculosis, and malaria globally. **Page S6495**

#### Measures Passed:

**Cybersecurity and Infrastructure Security Agency Act:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3359, to amend the Homeland Security Act of 2002 to authorize the Cybersecurity

and Infrastructure Security Agency of the Department of Homeland Security, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Page S6503**

Sullivan (for Murkowski) Amendment No. 4044 (to the language proposed by Amendment No. 4043), of a perfecting nature. **Page S6503**

Sullivan (for Johnson/McCaskill) Amendment No. 4043, in the nature of a substitute. **Page S6503**

**85th Anniversary of the Ukrainian Famine:** Senate agreed to S. Res. 435, expressing the sense of the Senate that the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor, should serve as a reminder of repressive Soviet policies against the people of Ukraine. **Pages S6503–04**

**6888th Central Postal Directory Battalion:** Committee on Armed Services was discharged from further consideration of S. Res. 412, expressing the sense of the Senate regarding the 6888th Central Postal Directory Battalion and celebrating Black History Month, and the resolution was then agreed to. **Page S6504**

#### House Messages:

**FAA Reauthorization Act:** By 93 yeas to 6 nays (Vote No. 220), Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State, after taking action on the following motions and amendments proposed thereto: **Page S6467**

During consideration of this measure today, Senate also took the following action:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell Amendment No. 4026 (to the motion to concur in the amendment of the House to the amendment of the Senate), to change the enactment date, was rendered moot when McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill was agreed to. **Page S6467**

McConnell Amendment No. 4027 (to Amendment No. 4026), of a perfecting nature, fell when McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell Amendment No. 4026 (to the motion to concur in the amendment of the House to the amendment of the Senate) (listed above) was rendered moot. **Page S6467**

**SUPPORT for Patients and Communities Act:** By 98 yeas to 1 nay (Vote No. 221), Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 6, to provide for opioid use disorder prevention, recovery, and treatment. **Page S6483**

**Kavanaugh Nomination—Agreement:** Senate continued consideration of the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States. **Pages S6455–S6506**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, October 5, 2018. **Page S6503**

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 11 a.m., on Thursday, October 4, 2018. **Page S6506**

**Messages from the House:** **Pages S6494–95**

**Executive Communications:** **Page S6495**

**Additional Cosponsors:** **Pages S6495–96**

**Statements on Introduced Bills/Resolutions:** **Pages S9496–97**

**Additional Statements:** **Page S6494**

**Amendments Submitted:** **Pages S6497–S6502**

**Authorities for Committees to Meet:** **Pages S6502–03**

**Privileges of the Floor:** **Page S6503**

**Record Votes:** Two record votes were taken today. (Total—221) **Pages S6467, S6483**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 9:55 p.m., until 11 a.m. on Thursday, October 4, 2018. (For Senate’s program, see the re-

marks of the Majority Leader in today’s Record on Page S6506.)

## Committee Meetings

*(Committees not listed did not meet)*

### POSITIVE TRAIN CONTROL

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine implementation of positive train control, including passenger railroad extension requests and substantial work remaining beyond 2018, after receiving testimony from Ronald L. Batory, Administrator, Federal Railroad Administration, Department of Transportation; Susan Fleming, Director, Physical Infrastructure, Government Accountability Office; Kevin Corbett, NJ TRANSIT, Newark, New Jersey; and Scot Naparstek, Amtrak, Washington, D.C.

### OLYMPIC ABUSE PREVENTION EFFORTS

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security concluded a hearing to examine protecting United States amateur athletes, focusing on examining abuse prevention efforts across the Olympic movement, after receiving testimony from Phil Andrews, USA Weightlifting, Anne Cammett, U.S. Figure Skating, Timothy Hinchey III, USA Swimming, Darrin Steele, USA Bobsled and Skeleton, and Stephen McNally, USA Taekwondo, all of Colorado Springs, Colorado.

### REGULATORY OVERSIGHT

*Committee on Environment and Public Works:* Subcommittee on Superfund, Waste Management, and Regulatory Oversight concluded an oversight hearing to examine the Environmental Protection Agency’s implementation of sound and transparent science in regulation, after receiving testimony from former Representative Rush D. Holt; Edward J. Calabrese, University of Massachusetts School of Public Health Sciences, Amherst; and Robert Hahn, Oxford University Smith School, Washington, D.C.

### NOMINATIONS

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nominations of Steven Dillingham, of Virginia, to be Director of the Census, and Michael Kubayanda, of Ohio, to be a Commissioner of the Postal Regulatory Commission, after the nominees testified and answered questions in their own behalf.

### RARE DISEASES

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Children and Families concluded a

hearing to examine rare diseases, focusing on expediting treatments for patients, after receiving testimony from Mark Dant, EveryLife Foundation for Rare Diseases, Louisville, Kentucky; Marc C. Patterson, Mayo Clinic College of Medicine, Rochester, Minnesota; Michael Strupp, University of Munich, Munich, Germany; Lincoln Tsang, Arnold and Porter, London, United Kingdom; and Mallory Factor, IntraBio, Inc., Oxford, United Kingdom.

#### BUSINESS MEETING

*Committee on Indian Affairs:* Committee ordered favorably reported the following business items:

S. 664, to approve the settlement of the water rights claims of the Navajo in Utah, to authorize construction of projects in connection therewith, with an amendment in the nature of a substitute; and

H.R. 5317, to repeal section 2141 of the Revised Statutes to remove the prohibition on certain alcohol manufacturing on Indian lands.

#### BROADBAND INTERNET AVAILABILITY ON TRIBAL LANDS

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine Government Accountability Office reports relating to broadband internet availability on tribal lands, after receiving testimony from Mark Goldstein, Director, Physical Infrastructure Issues, Government Accountability Office; Patrick Webre, Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission; Godfrey Enjady, Mescalero Apache Telecommunications, Inc., Mescalero, New Mexico, on behalf of the National Tribal Telecommunications Association; and Geoffrey C. Blackwell, AMERIND Risk Management Corporation, Santa Ana Pueblo, New Mexico.

#### ANTITRUST LAW ENFORCEMENT OVERSIGHT

*Committee on the Judiciary:* Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded an oversight hearing to examine the enforcement of the antitrust laws, after receiving testimony from Makan Delrahim, Assistant Attorney General, Antitrust Division, Department of Justice; and Joe Simons, Chairman, Federal Trade Commission.

#### EXPANDING SMALL BUSINESS OPPORTUNITIES

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine expanding opportunities for small businesses through the tax code, including S. 293, to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones, and S. 3278, to amend the Internal Revenue Code of 1986 to provide additional protections to taxpayers, after receiving testimony from Christel Slaughter, U.S. Chamber of Commerce Small Business Council, Baton Rouge, Louisiana; and John W. Lettieri, Economic Innovation Group, John Arensmeyer, Small Business Majority, and Caroline Bruckner, American University Kogod School of Business Tax Policy Center, all of Washington, D.C.

#### PATIENT-FOCUSED CARE

*Special Committee on Aging:* Committee concluded a hearing to examine patient-focused care, focusing on a prescription to reduce health care costs, after receiving testimony from Sean Cavanaugh, Aledade, Bethesda, Maryland; David Howes, Martin's Point Health Care, Portland, Maine; Jeff Micklos, Health Care Transformation Task Force, Washington, D.C.; and Sally Jo Snyder, Consumer Health Coalition, Pittsburgh, Pennsylvania.

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## House of Representatives

### *Chamber Action*

The House was not in session today. The House is scheduled to meet in Pro Forma Session at 9:30 a.m. on Friday, October 5, 2018.

### *Committee Meetings*

No hearings were held.

### *Joint Meetings*

No joint committee meetings were held.



**COMMITTEE MEETINGS FOR THURSDAY,  
OCTOBER 4, 2018**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine combating money laundering and other forms of illicit finance, focusing on regulator and law enforcement perspectives on reform, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine broadband, focusing on opportunities and challenges in rural America, 11 a.m., SR-253.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Earle D. Litzenger, of California, to be Ambassador to the Republic of Azerbaijan, Eric George Nelson, of Texas, to be Ambassador to Bosnia and Herzegovina, Judith Gail Garber, of Virginia, to be Ambassador to the Republic of Cyprus, and Jeffrey Ross Gunter, of California, to be Ambassador to the Republic of Iceland, all of the Department of State, 10 a.m., SD-419.

*Select Committee on Intelligence:* to receive a closed briefing on certain intelligence matters, 2 p.m., SH-219.

**House**

No hearings are scheduled.

*Next Meeting of the SENATE*

11 a.m., Thursday, October 4

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9:30 a.m., Friday, October 5

## Senate Chamber

**Program for Thursday:** Senate will continue consideration of the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.

## House Chamber

**Program for Friday:** The House will meet in Pro Forma session at 9:30 a.m.



## Congressional Record

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