

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. LEE. 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 senior assistant legislative clerk proceeded to call the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—50

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

NAYS—50

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

The resolution (S.J. Res. 63) was rejected.

The PRESIDING OFFICER. The majority whip.

ORDER OF PROCEDURE

Mr. CORNYN. Madam President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to the Clark nomination occur at 2:15 p.m. today.

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

RECESS

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate stand in recess as if under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m., and was reassembled when called to order by the Presiding Officer (Mr. COTTON).

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant 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 Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General.

Mitch McConnell, James Lankford, John Hoeven, James M. Inhofe, Johnny Isakson, David Perdue, John Cornyn, Steve Daines, John Barrasso, Mike Rounds, Thom Tillis, Lamar Alexander, James E. Risch, Jeff Flake, Richard Burr, Roy Blunt, Deb Fischer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 227 Ex.]

YEAS—53

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

NAYS—44

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

NOT VOTING—3

| | | |
|----------|--------|-------|
| Heitkamp | Nelson | Wyden |
|----------|--------|-------|

The motion is agreed to.

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I seek recognition to speak at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

S. 3021

Mr. MARKEY. Mr. President, I rise to convey my strong support for the America's Water Infrastructure Act, which passed Congress earlier today.

With communities throughout Massachusetts and the country working to improve the quality of their drinking water, bracing for rising seas and more intense storms, and seeking to be more competitive in the global economy, this legislative package will provide welcome relief and support for critical infrastructure.

I have long focused on providing resources needed to improve the maritime linchpin of my State's economy: Boston Harbor. But this economic engine needs direct Federal funding to fire on all cylinders, especially as we transition to a new, supersized shipping era.

Two years ago, the Panama Canal completed an expansion project that allows bigger vessels, called post-Panamax ships, to pass through the canal. These ships, which are the length of aircraft carriers and can carry more than three times as much cargo as their competitors, are too large to dock at Boston Harbor today. That is why, in the 2014 Federal water resources bill, I fought to authorize \$216 million in Federal funding for the Boston Harbor improvement project, which will deepen the harbor to accommodate those post-Panamax ships. I am pleased that my provision dedicating an additional \$16 million to this crucial project was included in the 2016 water resources bill.

The Boston Harbor improvement project is projected to double the harbor's container volume, protect and grow 7,000 jobs, and generate \$4.6 billion in economic activity throughout the New England region. It is a simple formula: Larger ships mean more cargo, more cargo means more commerce, and more commerce means more jobs for Boston and the State of Massachusetts.

I am pleased that the Corps has to date allocated \$91 million of funding to this critical project thus far, but deepening the harbor alone does not ensure that the Port of Boston can accommodate these new, gargantuan giants of the seas. We must also deepen the berths, the area where the ships dock. That is why I am proud to secure a provision in this bill that will allow the port to construct more expansive berths, and I am pleased to help secure

a \$42 million Federal grant to expand these berths.

By no means is Boston Harbor the only coastal gem in Massachusetts. In 2020, we will be celebrating the 400th anniversary of the voyage of the *Mayflower* and the settlement at Plymouth, but the celebration won't be complete if the ships can't get into and out of Plymouth Harbor. Regrettably, Plymouth Harbor has filled up with so much sand that ships are having trouble navigating—including the centerpiece of the celebration, the newly restored *Mayflower II*. That is why I secured a provision in this bill requiring the Corps to dredge this important landmark for the 400th anniversary. Just a few months ago, I helped secure \$14.5 million needed to ensure that this hallmark of American history is swiftly deepened.

With this statutory requirement and funding, Plymouth Harbor will be able to host a great birthday party in 2020—one that Americans from all corners of the country and people from around the world are going to attend. But those Bay Staters living on Cape Cod will most likely experience a little traffic on the way to the event because Cape Cod is only accessible by two bridges, which span the Cape Cod Canal. If Cape Cod is the arm of Massachusetts, then these two bridges are the vital arteries delivering the island's lifeblood. The strength of those two bridges will determine the strength of the island's economy and health and well-being.

Regrettably, these two 80-year-old bridges, which are owned by the Army Corps, are structurally deficient. That is a problem for businesses that need an uninterrupted flow of commerce and residents who must have a safe means of evacuation in the event of an emergency. Imagine if there were an accident at the Pilgrim Nuclear Power Station or the equivalent of a Hurricane Maria. These two bridges are the only way for many Cape Cod residents to escape to safety.

I am proud that this bill includes my provision directing the Corps to replace these critical evacuation routes, helping preserve the very safety of island residents. In a time of emergency, Massachusetts residents shouldn't have to think twice about the best way to get their families to safety.

The bill also includes legislation that I have authored to help protect consumers from unjust and unreasonable increases in their electricity rates. Right now, if the Federal Energy Regulatory Commission has a vacancy—as is currently the case—and deadlocks 2 to 2 on whether to improve a rate increase, the increase goes forward. To make matters worse, the public can't even challenge a decision in this circumstance. That is exactly what happened in New England in 2014, leading to a \$2 billion increase for our region's consumers.

My legislation would fix that by allowing the public to bring a challenge

when FERC deadlocks, as they can for every other FERC decision. In sports, a tie isn't a loss, and the Fair Rates Act will ensure that a tie at FERC won't mean consumers lose with higher electricity rates. We must ensure that ratepayers are protected from unjust and unreasonable increases in energy prices. The legislation will help return the power to the people when it comes to energy prices by providing an outlet for consumers to challenge rate increases.

I thank Senators MURKOWSKI and CANTWELL for working with me to move this legislation forward, and I thank my great partner in the House of Representatives, Congressman KENNEDY, for his tireless work to address this issue and to protect consumers.

I am pleased that this legislation contains several other key provisions that increase the funding caps for three coastal protection programs, allowing the towns of Salisbury, Newbury, and Sandwich to implement larger beach-nourishment projects—pumping sand onto the beach—to protect their communities; reevaluate the Muddy River environmental restoration project to pave the way for reauthorizing this crucial project; permit the town of Sandwich to use sand pumped from the Federal Cape Cod Canal that otherwise would be dumped in the ocean to fortify their town from rising seas; ensure that the Corps takes on all the costs to repair the town of Sandwich's beaches, which experience severe erosion due to the jetties at the mouth of Cape Cod Canal; and require the EPA to appoint liaisons to minority, Tribal, and low-income communities so these disenfranchised groups can have better access to the resources and tools provided by the Federal Government to improve the quality of our Nation's drinking water.

From fortifying our communities, to dealing with the present-day impacts of climate change, to eradicating the environmental contaminants of the 20th century from our water infrastructure, this legislation package will provide the funding and direction needed to help modernize the Commonwealth's water infrastructure.

I thank Chairman BARRASSO and Ranking Member CARPER for working with me on this important legislation. I was proud to vote in favor of America's Water Infrastructure Act today. It is something that I think is going to work very successfully for the State of Massachusetts. It is something that, in my opinion, is the quintessential example of how bipartisanship should, in fact, animate the legislative process in this body.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

S.J. RES. 63

Ms. MURKOWSKI. Mr. President, just a little bit ago, a few hours ago, we had a matter before the Senate relating to S.J. Res. 63. This was a resolution of disapproval, which would have worked to disapprove of the rule that was issued jointly by the Treasury, Labor, and Health and Human Services regarding these short-term, limited duration insurance plans.

I had hoped, actually, to have an opportunity to speak to this prior to the vote but was not able to. I want to take just a couple of minutes this afternoon to weigh in on this issue from an Alaskan perspective. I think there have been some suggestions that with this rule in place, those of us who care about protecting those with pre-existing conditions, somehow or another, are taking these protections away.

I have weighed this carefully. In fairness, I think some of the arguments that have been made are, perhaps, not quite as clear cut as would be suggested and, perhaps, certainly, in a State like mine, where we still have the highest healthcare costs in the country and some of the highest costs for coverage in the country.

I think Members here in the Senate know full well that while I have opposed many aspects of the Affordable Care Act, I have supported and have strongly supported certain parts of it as well. Again, one of those things that I feel very strongly about is the need to ensure that we protect those who have preexisting conditions. That is a debate that, I think, is ongoing in other places as well. Yet I want to make clear that, certainly, my vote this morning is in no way meant to erode or undermine where I am coming from when it comes to preexisting conditions.

Back to the situation that we face in Alaska, as I mentioned, we are the highest in terms of the cost of care and the highest in terms of the cost of coverage, and we are still one of those States that has but one insurer on the exchange in Alaska. So our options are, really, pretty limited. As I am speaking to individuals about what they are hoping for when it comes to coverage, they are looking for additional options, but they are looking for affordable options as well.

It is true—it is absolutely true—that these short-term plans do not offer as much or, certainly, may not offer as much in the way of coverage as those plans that are offered on the individual exchanges. I understand that, but I have had to come down on this issue on the side of more choice for consumers and more options being a good thing for consumers.

In Alaska, our population, as one knows, is relatively small. We have about 720,000 people in the whole State, but we are talking about 18,000 people, give or take, who are enrolled on the individual exchanges each year. The

universe here is 18,000 people when we are talking about the exchanges. In the year 2016, which was the most recent year about which the IRS can give us information, there were about 15,000 people who chose to pay the individual mandate penalty rather than to buy the insurance. Think about what that means. They are weighing this, and they are saying: I would rather pay a fine, pay that penalty. It is not that I don't want the insurance, but I cannot afford it.

So you had 18,000 people on the individual exchanges, and 15,000 people chose to pay the individual mandate penalty rather than buy the insurance. That is because, if an Alaskan does not get the subsidy—and a pretty heavy subsidy—the exchange plans just aren't affordable. Even though you want to have that coverage—you want that insurance—wanting it doesn't necessarily get it to you if you cannot afford it.

The average premium for plan year 2018—this is according to CMS data—is \$804 per month. What am I getting from constituents, from folks who are writing in to me and calling me? They are telling me what they are paying for their plans. For a family of four, the premium was over \$2,000 a month, with a \$7,500 deductible. Think about what that actually means for this family, for folks with those kinds of bills, who, basically, only have catastrophic coverage, as it is. Again, you think about the number of folks on the individual exchanges, and you think about those who choose not to pay the fines. You look at the numbers of those who receive the subsidies in the State of Alaska, which is quite considerable.

We also have about 10,000 or so Alaskans—this is according to the State division of insurance—who have enrolled in healthcare sharing ministries. This is yet another option for people out there. A significant number has turned to these healthcare sharing ministries, and these folks have managed to avoid the penalty in prior years. In fairness, some of the ministry plans do not provide much in the way of coverage, but it is an indicator of what people feel they have to do in the face of just very, very high-cost plans.

I understand where those who oppose this rule are coming from, and I have had good, long conversations about this. I guess I would ask that they turn to the realities that we are facing in a State like Alaska and just appreciate where people are coming from when you think about the 15,000 Alaskans who have chosen not to buy insurance over these past few years because it has been too expensive, but they want to have something they can afford. These short-term plans, while not ideal—I am not suggesting that they are—are an option for them to consider.

What about the people who don't get subsidies and are paying over \$50,000 per year before their insurance covers anything? That too is a situation in which they are looking for alter-

natives. So perhaps these short-term plans could be a viable option. For the 10,000-some-odd people who are currently using a sharing ministry, again, these types of plans could be an alternative. For the people who may choose to drop off the individual exchanges next year, these plans could be a path forward for some having some level of coverage.

Again, I am not saying that this is perfect, and I am not saying that this is ideal. I am saying it offers a limited option in a place in which we have very few affordable options to turn to.

Another reason these shorter term plans are helpful for us and why I have heard from so many Alaskans on this is that we are a State in which our employment base is very, very seasonal.

You have a construction industry, but it is not like it is back here. Construction is, maybe, 6 months out of the year—longer in some parts of the State and shorter in other parts of the State. Yet you have a seasonal job.

Our fishing industry is a great example. If you are working in the processing end of fishing, it may be 3 months. If you are working as a crabber, it may be 2½ months. If you are working on a tender up in Bristol Bay, it may be a very truncated 2 months.

Then we have the tourist season. Again, we would like to think that we can entice you all to come up year round, but quite honestly, it too is very, very seasonal. So we need to have some level of flexibility for those many, many Alaskans who move between many of these seasonal employment opportunities.

Under the prior rule, a short-term insurance plan could only last for 3 months. That is not going to help out, say, those in the fishing or in the tourism industry or, again, in so many of these areas in which you need longer term coverage but you don't need a full year. So flexibility is something that people have been asking for as well. Where that sweet spot is, I am not sure. I am telling you that, for us, 3 months doesn't make it. Maybe 3 years is too long. Maybe we do need to look at that. I happen to think that we do, but that is an area that is open for review.

The last point I would make is that I think we have to have some trust in both our States as regulators and in individuals, the consumers. The rule that we were speaking about this morning really does allow States to have a great deal of leeway in regulating at the local level. We are seeing that among many of the States. I had a long conversation with our director of insurance up in the State of Alaska. We talked about where our State might take this and looked again at, perhaps, the length of these short-term, limited duration plans and how they might be regulated.

Also, there is the transparency side of this, and this is something that concerns me. Some of the things we have

heard are that people have bought these less expensive plans, these shorter term plans, and then, when they need them the most, they realize the coverage doesn't take care of them. That is also not a place we want anyone to be. Making sure that there is a level of transparency, that there is a level of disclosure that is real and not just the tiny boilerplate that nobody can understand—it has to be, again, transparent in that way.

I think this is one of those areas where trusting in our laboratories of democracy, which are our States, to tailor plans that fit a State well should not be an action that we here in the Senate are so unwilling to take.

As we look to how we do more in this Congress and how we do more to help those for whom healthcare—the cost of healthcare and access to healthcare—is still their No. 1 issue, still the No. 1 subject of discussion, I have come to speak on this particular issue today because there are maybe 25,000 people in my State who could see some benefit from these types of plans being available and also because I believe that trusting the regulators, certainly in my State, to handle the plans intelligently is an important part of how we move forward as well.

I wanted to put that on the record today following the discussion from earlier this morning and the vote at noon.

CONFIRMATION OF BRETT KAVANAUGH

Mr. President, I want to transition really quickly and just take a minute because last week, as we all know, was a very difficult time in the Senate as we processed the nomination of Judge Kavanaugh to serve on the U.S. Supreme Court.

That vote has concluded. Judge Kavanaugh is now Justice Kavanaugh, and I truly wish him all the best as he begins his new term on the highest Court in the land. But there is a residue—I don't know if it is a residue. I don't know how we make sure we are able to move forward after difficult votes that divide us all and work to come back together.

I am going to speak very directly about my friend who sits right here next to me on the Senate floor. She and I went through, probably, a similar deliberative process. It was probably the same as everybody else here on the floor, but we perhaps shared more discussion about it than I did with other colleagues. At the end of the day, we came down on different sides, but both of us—both of us—agonized over the decision and the process.

She is now enduring an active campaign against her. It is not just an active campaign against her, but there are protests at her home every weekend, and she cannot travel without a police escort.

I made comments as I prepared for the final vote last week. I said: We are better than this. We have to set the example here.

I am really touched that after I had taken a hard vote within my caucus,

there are some who are notably angry at me. But we are working together on the next issue of the day, and we are moving forward. We need to set that example in this body because if we don't set it here, I don't know how we can expect anyone on the outside to follow us.

There is a need for civility. It is a hard time for us, but I would urge us all to choose our words carefully. Don't be afraid to speak with kindness toward one another. Don't be afraid to call out the good in somebody else, even though you have voted against them. We are better than what we are seeing right now.

I am smiling only because I feel I should recommend that my colleagues watch a movie, a documentary. I don't do that often, but after the vote on Saturday, I just, by chance, picked up a DVD that had been sent to me. It is a documentary about the life and career of Fred Rogers—Mister Rogers—“Won't You Be My Neighbor?” I figured I needed something kind of calming for the night.

It is OK to be good to one another. It is OK to accept people for who they are. It is OK to just find the good.

With that, Mr. President, I thank you for allowing me to speak a little bit from the heart. I would ask us to be civil with one another now, not civil when the next election comes.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I will oppose the pending nomination of Jeffrey Clark to be the Assistant Attorney General in charge of the Justice Department's Environment and Natural Resources Division. This is the division that leads the Department of Justice's enforcement of environmental laws and regulations. Mr. Clark is not the right person for that job.

In 2014, he said the science of climate change is “contestable.” He represented British Petroleum in litigation over the Deepwater Horizon explosion and oil spill. He has represented the Chamber of Commerce and other industry groups in challenging EPA greenhouse gas regulations.

He is a favorite of the Federalist Society, having chaired that group's environmental law and practice group. But his nomination is strongly opposed by groups that care about protecting the environment.

The Sierra Club called him an “outspoken opponent of environmental and public health protection.” The Natural Resources Defense Council described him as an “enemy of the environment.” He is exactly the wrong person to be in this job of enforcing regulations to protect our environment.

Just during these last few days, the United Nations put out an alert to all of the members around the world. We are going to pay dearly for this current administration's decision to remove ourselves from the Paris Agreement, where literally every country on Earth agreed to try to do something to clean up the mess of our environment and leave our children a better place to live. We decided, under President Trump, to be the only Nation to step away from it. Why? What in the world were we thinking? Can you believe that things that are happening that are easily documented can be ignored? Do you see the flooding that is going on now in Florida on a regular basis? That is just 1 of 1,000 different examples.

If we don't accept responsibility in our generation to make this a better world, shame on us. We want to leave our kids a better world, but for goodness' sake, do we have the political courage to do it? Will we be able to say to the President: You are just wrong.

We have to work together with nations around the world. The United States should be a leader, not an apologist. The President said he wants to make America first. How about America first when it comes to cleaning up the environment? There is nothing wrong with that leadership. It is something we should be proud of.

This man, Jeffrey Clark, who is aspiring to be the Assistant Attorney General, just doesn't buy into what I just said, and I can't support him as a result.

S. 3021

Mr. President, the 2018 WRDA bill—the Water Resources Development Act—that we are considering on the floor this week is an important step in modernizing our Nation's water infrastructure and ensuring access to clean drinking water. It goes back to my earlier comment. If we are talking about the environment, one of the first things people say is, I want safe drinking water for myself and my family. Next to that, I want to be able to breathe in air that is not going to make me sick or hurt any member of my family.

Our Nation's infrastructure is aging and in need of significant investment. Last year, the American Society of Civil Engineers gave our Nation's levees, inland waterways, and drinking water infrastructure a D rating in terms of its infrastructure report card. They estimate that \$80 billion is needed over the next decade to improve our Nation's levees—\$80 billion. They also estimate that \$4.9 billion is needed over the next 2 years to maintain our inland waterways—\$4.9 billion—and \$1 trillion is needed over the next 25 years to expand our drinking water infrastructure. These are massive numbers, and they are going to require sustained and significant Federal investment if we are ever going to reach these goals.

This bill—the WRDA bill—is a step in the right direction. It authorizes \$6.1 billion in funding for the Army Corps

flood control, navigation, and ecosystem restoration projects around the country. These are critical projects in every State.

I just went down a few weeks ago with Senator MCCONNELL to the Ohio River. The Olmsted Locks and Dam that has been under construction for decades is finally completed. It is an amazing investment. It is the most expensive civil infrastructure project in our Nation's history, and it is an indication of the kind of investment that is necessary if we are going to try to tame rivers like the Ohio River.

There are critical projects like that in every State. They improve our inland waterways to help deliver \$600 million in goods and 60 percent of our grain imports each year.

If we want the United States to literally lead the world—if we want America first—for goodness' sake, we need to be first in investing in our infrastructure. These projects maintain levees and build reservoirs that protect millions of people and an estimated \$1.3 trillion in property, and they protect the environment, they restore wetlands, and they prevent the spread of invasive species.

I am especially proud that this bill includes an important cost share change for the future operations and maintenance costs at the Brandon Road Lock and Dam in my State of Illinois. I worked with Senator TAMMY DUCKWORTH on this project.

The Brandon Road project is integral to ensuring that invasive Asian carp never spread to the Great Lakes. Knock on wood. We have held up that carp from going into the Great Lakes and, in doing so, we have preserved an important part of the fisheries and the lake itself. I want to continue those efforts, if not redouble them.

While I am proud to support passage of this authorizing bill, I also implore my colleagues to remember that unless we are willing to work together—Republicans and Democrats—to provide these authorized projects with consistent and increased appropriations each year, then we are sending out press releases and not even getting the job half done.

Let me say it another way: It is not enough to go home and take credit for passing the WRDA bill, which is an authorization bill, if you aren't also willing to pass an appropriations bill that actually provides the money to break ground on these projects. An authorization bill is just that: It gives you permission to do a project, but then you need to go to the spending bill—the appropriations bill—to come up with the money to actually achieve it.

Listen to this number. I want to make this part of the record as we debate water resources and infrastructure. An analysis by the Roll Call newspaper from earlier this year found that while Congress has authorized more than \$25 billion toward Army Corps projects in the last decade—\$25 billion in the last decade—Congress has

only appropriated \$689 million. So \$25 billion authorized, \$689 million appropriated. What percentage of money have we actually come up with to finish these projects? We have come up with only \$689 million out of \$25 billion—2.7 percent.

We send out all of these press releases congratulating ourselves about projects that are never going to happen. We send out the releases and say: This is going to be great for future generations. We are not doing it. We are not investing in America.

Slow and inconsistent Federal funding for these projects results in years of added delay and millions in added costs. Instead of funding new projects, we have to spend more on ongoing projects because Congress just doesn't get its act together—Democrats and Republicans.

I am proud of the work of the Appropriations Committee on which I have been honored to serve. Both sides of the aisle do work to get their job done in record time and ensure the Corps has stable funding for the next fiscal year, but this year's appropriations process should not be unusual.

Unless we as a Congress commit every year to getting our budget work done and appropriating these Federal dollars, we will never get ahead on investing in our infrastructure. Our competitors like China and others around the world are making massive investments in infrastructure not just in their own country but in other countries that are teaming up with them, with an economic vision for the future.

What is our goal? What are we trying to achieve right here in the United States, and how are we working to build our economy and create good-paying jobs for the future?

Our Nation's water infrastructure is in need of significant investment. The good bill we are considering today is just a step in the right direction, but an authorization bill without appropriation is just an empty press release.

I hope we can work together to ensure funding gets appropriated each year to actually complete these important projects.

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.

Mr. CARDIN. 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.

REMEMBERING JOSEPH D. TYDINGS

Mr. CARDIN. Mr. President, I regret to inform our colleagues of the death of Joe Tydings, who died on Monday, succumbing to cancer at the age of 90. Senator Tydings was one of the most outspoken progressive Democrats in this body.

He was born to privilege. His father was a Democratic Senator from the

State of Maryland—a conservative Democratic Senator. His grandfather was one of our first Ambassadors to the Soviet Union. His paternal grandfather married Marjorie Merriweather Post, who built Mar-a-Lago, which most of us know is in Palm Beach. He came from a family of great privilege. Yet he was known in Maryland as a person of the people, representing the people of our State.

His first elected office was president of the Young Democrats of Maryland. From there, he became a member of the Maryland House of Delegates, where he fought the establishment, took on the network in Annapolis, and investigated the savings and loan situation in our State. He really shined a lot of light on what was happening in abuses in that industry.

He was chosen by then-Senator Kennedy to head up his campaign for President. Joe Tydings handled his campaign in Maryland for President and helped in other primaries around the Nation, leading to President Kennedy's election as President of the United States.

President Kennedy asked him to serve as the U.S. attorney for Maryland, and Senator Tydings served as the U.S. attorney. He was known for his independence at the U.S. Attorney's Office. He pursued white collar crime and political corruption. He indicted and convicted a former Member of the House of Representatives, as well as the speaker of the Maryland House of Delegates. He recruited young talent to his office in the U.S. Attorney's Office, including Ben Civiletti, who went on to become the Attorney General of the United States, and Stephen Sachs, who continued to become the attorney general for the State of Maryland.

In 1964 he ran and was elected to the U.S. Senate. He worked on progressive causes, including the Voting Rights Act, which he helped to get enacted under President Johnson, and also gun safety legislation.

After leaving the Senate after one term, he continued to be extremely active in our community. He was best known, I believe, for his work at the University of Maryland. He served three terms on the board of regents of the University of Maryland system, giving back to the school where he graduated from both undergraduate and law school, and he was known as one of the most aggressive people in the reform of our University of Maryland System and also in the independence of the university hospital.

On a personal note, let me tell you that he helped with my election to the U.S. Senate 12 years ago and gave me a great deal of support and friendship and was an adviser and role model for me. I remember his being here when I took the oath of office as a Senator, walking me down the aisle. I had a great deal of pride that he was with me.

He is going to be missed by all of us—just an incredible person, a person who

put his principles over practical politics. It may have cost him an election, but he did what he thought was right. I can tell you that we are all proud of his service to the people of Maryland and our Nation.

Mr. President, we will miss this man, who was determined to help bend the arc of the moral universe toward justice as fast as possible.

Joe Tydings was born as Joseph Davies Cheesborough in Asheville, NC, on May 4, 1928, to Eleanor Davies of Wauwatosa, WI, and Tom Cheesborough of Asheville. Tydings' sister, Eleanor Cheesborough, was born in 1932. In 1935, his parents divorced, and his mother married Millard Tydings, who was then serving his second of four terms as one of Maryland's U.S. Senators. Several years later, Millard Tydings formally adopted Joe and his sister, Eleanor.

Joe Tydings' illustrious family included his namesake grandfather, Joseph Davies, an early adviser to Woodrow Wilson, who later was appointed by President Franklin D. Roosevelt as America's second Ambassador to the Soviet Union. While Joe was still a boy, his maternal grandfather married one of the richest women in America, Marjorie Merriweather Post, who owned homes in New York City and Long Island, the Hillwood Estate here in Washington, DC, the Topridge Great Camp in the Adirondacks, and built Mar-a-Lago in Palm Beach. Joe sailed home from Europe aboard the *Sea Cloud*, Post's luxurious 322-foot, four-masted barque, the largest privately owned sea-going yacht in the world at the time.

Joe Tydings attended public schools in Aberdeen, MD, before entering the McDonough School in Baltimore County as a military cadet in 1938. After he graduated, he enlisted in the U.S. Army in 1946 and served in one of the Army's last horse platoons as part of the postwar occupation of Germany. When he returned to the United States in 1948, he entered the University of Maryland, where he played lacrosse and football and was student body president and then earned his law degree at the University of Maryland Law School in 1953.

Joe Tydings was surrounded by tremendous wealth and prestige and political power while he was growing up. The obituary that appeared in the Baltimore Sun notes that, despite the fact that Joe was born into a life of privilege, he was a frugal person and quotes his daughter, Mary Tydings, as saying, "He was a man of the people despite how he grew up." His adoptive father was also a Democrat but opposed some of the New Deal legislation because he was a fiscal conservative. Joe, on the other hand, was a progressive from the get-go and attributed his Wisconsin-born mother as the influence, but it is clear that his father, who was known for taking principled, if often controversial, stands on many issues, also shaped Joe's approach to politics and to life.

As I said earlier, Joe Tydings started his political career by serving as president of the Maryland Young Democrats. While he was president, he confronted a hotel owner in Ocean City who refused to let Black members of the organization stay at the hotel for an event being held there. In 1954, Joe was elected to represent Harford County in the Maryland House of Delegates. Once there, it was clear that he was willing to fight established powers. He started with the State's savings and loan, S&L, associations following a banking scandal. In "My Life in Progressive Politics: Against the Grain," an autobiography cowritten by former Baltimore Sun reporter John W. Frece published earlier this year, Joe reflected, "I was appalled no one was doing anything about it." The reason, he argued, was that many too many Maryland politicians were profiting from the schemes that led to the scandal.

While Joe Tydings had a famous last name in Maryland political circles, it was his early and enthusiastic association with Senator John F. Kennedy that pushed Joe onto the national stage. In 1960, Joe directed Kennedy's Presidential campaign in Maryland and then helped out in other primaries, at the party convention in Los Angeles, and throughout the fall election. After Kennedy won, Tydings was offered a post in the new administration, and he asked to be appointed U.S. attorney for Maryland. The Maryland Democratic Party establishment was wary of the young reformer; nearly every Democratic Congressman in the State opposed his appointment. President Kennedy questioned his brother, Attorney General Robert F. Kennedy about the opposition, saying "how can I appoint him with all these people opposed to him." Robert Kennedy replied, "That's exactly why you are going to appoint him."

As U.S. attorney, Joe Tydings assembled a staff of neophyte trial attorneys that included a future Attorney General of the United States, Benjamin R. Civiletti, and a future Attorney General of Maryland, Stephen H. Sachs, and many other lawyers who would become judges and successful attorneys with prominent law firms. He worked hard to establish the nonpartisan reputation of the U.S. attorney's office in Maryland and build a modern Federal prosecution force that has effectively targeted political corruption in Maryland up to the present day. Joe successfully prosecuted Representative Thomas Johnson, a fellow Democrat, for receiving illegal gratuities. He successfully prosecuted Maryland House Speaker A. Gordon Boone, another Democrat, for mail fraud connected with the S&L scandal.

In 1963, President Kennedy visited Oakington, the Tydings' 550-acre estate along the Chesapeake Bay in Harford County, to urge Joe to run for the Senate, which he agreed to do. On the November day that Tydings held his fare-

well luncheon with colleagues to prepare for his Senate run, he learned that President Kennedy had been assassinated in Dallas. Joe ran as a reformer and had to win a primary against the State's beloved comptroller, Louis L. Goldstein. Joe, whose campaign slogan was "Working for Maryland, Not the Machine," energized reformers within the State party, attracted an army of volunteers, and won. It was Louis Goldstein's only loss during six decades in public office. Joe then went on to defeat the incumbent Republican Senator, James Glenn Beall, Sr., in the general election.

As a Senator, Joe Tydings backed the Voting Rights Act of 1965 and the Fair Housing Act of 1968. He supported controversial decisions of the Warren Court, including the one-man, one-vote requirement for apportionment of State legislatures; the prohibition of prayer in public schools; and the guarantee of the rights of defendants to remain silent and to be represented by counsel. He was an early advocate for family planning and worried all his life about the detrimental health and environmental effects of worldwide overpopulation. He reached across the aisle to get things done, working with Republican colleagues such as then-Representative George H.W. Bush. He regularly decried the lack of bipartisanship in the Congress today.

Like many of his congressional peers, Joe Tydings came to office supporting American involvement in Vietnam, but as the war escalated, deaths mounted, and protests spread throughout the country, Tydings finally broke with President Lyndon B. Johnson and came out against the war.

Although Joe was ranked 100th in seniority when he arrived in the Senate, he authored legislation to make long overdue improvements to the Federal court system, many of which are still in place today. He helped to create the system of Federal magistrates to lighten the workload of Federal judges; improved jury selection so that Federal juries more fairly represent the make-up of their communities; and worked to keep unfit, unqualified, or mentally or physically incapacitated judges off the bench. Joe became an "enemy" of President Richard M. Nixon by helping to defeat two of the President's Supreme Court nominees, Clement F. Haynsworth, Jr., and G. Harrold Carswell.

Joe Tydings was an avid outdoorsman and hunter, but supported sensible gun safety laws, including the Firearms Registration and Licensing Act, which earned him the enmity of the gun lobby and the National Rifle Association.

By the time he stood for reelection in 1970, Joe later admitted, he had probably supported one liberal position too many. The country had changed, and Joe's progressive outlook had been supplanted by the backlash to new civil rights laws, fear over race riots in American cities, and a deep division

over Vietnam. Vice President Spiro Agnew, who had been Governor of Maryland, called Joe a "radical." Joe narrowly lost his reelection bid to John Glenn Beall, Jr., the son of the man he had defeated in 1964, 51 percent to 48 percent.

I mentioned that Joe was an avid outdoorsman. He was also a great horseman. One of the many causes to which he dedicated his energies after he returned to private life was the protection of Tennessee Walking Horses from the inhumane practice of "soring." He sought vigorous implementation of the Horse Protection Act of 1970, which he had authored while still in the Senate, and was honored by the U.S. Humane Society for his efforts.

After Joe left the Senate, he kept his hand in Maryland politics, supporting various reform candidates and pushing for legislation to protect his beloved Chesapeake Bay. He went on to serve as a member and later as chairman of the board of regents of his alma mater, the University of Maryland. He was appointed to three separate terms on the regents by three different Governors in three different decades. In 1977, Joe called for the board of regents of the University of Maryland to divest its endowment from companies doing business with the apartheid regime in South Africa. In September 2008, then-Maryland Governor Martin O'Malley appointed Joe to the board of the University of Maryland Medical System.

Joe Tydings was indefatigable. He built a national and international career in law, offering his legal services pro bono in cases challenging the death penalty. As the Baltimore Sun obituary noted, "At an age when his peers were considering retirement, Sen. Tydings worked as an attorney with the Washington law firm Blank Rome LLP. 'He didn't need to be here for the last 20 years of his life,' said Jim Kelly, chairman of Blank Rome's Washington office. But Sen. Tydings chose to continue to work toward causes he deemed important. 'It sounds a little trite, but he really was committed to basic notions of justice and fairness,' Kelly said. 'He was not afraid to wear that on his sleeve, and he was not afraid to stand up and be counted.'"

When I was sworn in as U.S. Senator for the first time in the 110th Congress, I was honored to have Joe Tydings join Senators Paul Sarbanes and Barbara Mikulski and escort me to the well to take the oath of office. One of his political slogans was "Joe Tydings doesn't duck the tough ones." So true. Joe's life of service serves as an example to so many people, including me, particularly in these difficult times. Former Vice President Joe Biden wrote in the forward to "My Life in Progressive Politics: Against the Grain," "In reading this memoir, you can't miss the salient parallels to challenges facing our nation today. The issues on which Joe staked his Senate career a half-century ago are the same ones that still require

our advocacy and attention. Protecting voting rights. Safeguarding our environment. Pushing back against the forces of inequality that are hollowing out the middle class. Standing up for common-sense gun safety laws.”

In the Gospel of Luke, there is the saying, “Every one to whom much is given, of him will much be required; and of him to whom men commit much they will demand the more,” Luke 12:48. Joe Tydings was given much; he gave back more.

I know my Senate colleagues will want to join me in sending our condolences to Joe Tydings’ family: his sister, Eleanor Tydings Russell of Monkton, MD; his four children from his first marriage, Mary Tydings Smith of Easton, MD, Millard Tydings of Skillman, NJ, Emlen Tydings Gaudino of Palm Beach, Australia, and Eleanor Tydings Gollob of McLean, VA; and Alexandra Tydings Luzzatto of Washington, DC, the daughter of his second marriage. He is also survived by nine grandchildren: Benjamin Tydings Smith, Jill Campbell Gollob, Sam Tydings Gollob, Margaret Campbell Tydings, Jay Davies Gollob, William Davies Tydings, Ruby Anne Luzzatto, Emerson Almeida Luzzatto, and Maeve Chaim Luzzatto.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

S. 3021

Ms. CANTWELL. Mr. President, I rise today to thank my colleagues for passing America’s Water Infrastructure Act of 2018 and to discuss the importance of it to the State of Washington. This legislation is going now to the President’s desk, and it is very needed to help make our ports more competitive, to protect thousands of jobs, and to help protect our salmon habitat in the State of Washington.

This legislation means the ports of Seattle and Tacoma will be able to deepen their harbors to allow them to meet the much larger cargo demands to compete with other ports on the west coast, specifically in Canada.

This legislation also improves the critical habitat for salmon and waterways like the Puget Sound and the Columbia River, and it also helps utilities make commonsense investments for the future and helps to protect our ratepayers and the environment.

I am proud to have worked on this legislation with our colleagues because we need to keep moving forward on investments that help make our region competitive.

Our ports are essential to our economic growth in the Northwest. I always say “ports are us” because we have so many along the Columbia River and on the west coast, and trade

is a cornerstone of our economy, with \$95 billion in exports and \$92 billion in imports each year.

The fact that this legislation helps us on important maintenance and operations for both large and small ports and for locks, dams, and waterways is so important to our future. It also helps us with the important alliance that Seattle and Tacoma formed together to help our marine cargo operations at the ports, which generate \$4.3 billion in economic activity and on which 48,000 jobs are dependent.

What happened is that as the world market changed and large container-ships could double in size the amount of products they were shipping, it was so important for our west coast ports to be competitive and to be able to serve these large ships. These megaships, which are twice the length of the space needle and wider than a football field, carry twice the number of containers compared to ships that typically call on west coast ports and need deeper waterways.

To maintain a top-grade lane through the Pacific Northwest and to compete with the Canadian ports, the Ports of Seattle and Tacoma have to deepen their ports and make the navigational changes to address the large container ships.

The Army Corps and the Northwest Seaport Alliance teamed up with the Seattle Harbor Navigational Improvement Project study, the Tacoma Harbor Navigational Improvement Project study, and many other partners to make sure we were making the right investments.

In this legislation, the Ports of Seattle and Tacoma are big economic winners. They are economic winners because we are authorizing over \$29 million to deepen the East and West Waterways in the Port of Seattle to 57 feet. When the project is completed, the Port of Seattle will be the deepest in the country. It will allow us to serve those megaships. Instead of having just 1,000 to 12,000 cargo containers, it will be 18,000 cargo containers or more. We are expecting to complete a feasibility study at the Port of Tacoma, which is currently at 51 feet.

These two projects are going to help us continue to build the reputation of the Ports of Seattle and Tacoma, moving our products throughout the United States to Asia quickly and reliably and reaching critical markets.

We don’t want our shippers to have to pay more because we haven’t made these infrastructure investments. Moving freight is what we do.

This bill is about making it in our waterways as well. Deepening the waterways in the Ports of Seattle and Tacoma will ensure they can compete with Canadian ports. It will help us to continue to grow our jobs in the maritime sector, and it will help us to continue to be a gateway from North America to Asia and around the world.

This legislation also helps us in restoring waters adjacent to Puget

Sound and helps us with our salmon recovery efforts. For the last 18 years, the Puget Sound Adjacent Waters Restoration Program has focused on protecting and restoring habitat within the Puget Sound Basin.

Using this program, the Army Corps was able to work with places like the city of Burien to remove a seawall on the Seahurst Park shoreline. Now that shoreline is a habitat for endangered salmon and the home to bald eagles and osprey, and it is attracting visitors to the park.

The Army Corps was also able to use the program to work with the Tulalip Tribe to restore critical habitat along the Snohomish River. That was lost in the early 20th century. The estuary now provides access to spawning, rearing, and feeding areas for salmon.

Puget Sound—the second largest estuary in the United States—is home to thousands of species that this bill will also help. Over a dozen of these species are listed as endangered or threatened, and our helping by making these improvements to clean up Puget Sound and restore habitat is so important to the viability of the Pacific Northwest.

The bill increases funding for the Puget Sound Adjacent Waters Restoration Program from \$40 million to \$60 million and the per-project funding from \$5 million to \$10 million.

These are just expanded numbers, but they mean everything to meet the goals of the projects around Puget Sound. We are returning to Puget Sound waterways that are unblocked and providing cleaner habitat for salmon—for threatened juvenile salmon—and opportunities in areas like Spencer Island in the Snohomish River estuary near Everett, WA.

Another project will restore tidal flows and create open coastline inlets at the creek originating near Joint Base Lewis-McChord, in South Puget Sound. This will help us to restore spawning habitats for forage fish, support salmon recovery, and improve those shoreline conditions that are so important.

These projects are an example of the diversity that our region uses when it helps our ecosystem, known as Puget Sound, and in helping salmon recovery.

This legislation also helps in making sure those who make great improvements to water infrastructure, particularly our hydrosystems, get rewarded for doing that and ensures that they don’t wait or hesitate to get that done. This legislation provides an early action provision for licensees on hydrosystems to make improvements and makes sure they will be recognized later. This provision would remove an impediment, and it encourages people to take corrective action sooner rather than later.

That is good for our environment, and it is good for taxpayers and helps us save on energy. Most importantly, it does not take away any regulatory oversight from the agency but simply rewards people earlier for doing the right thing.

I know that Chelan PUD is a good example of this and will take advantage of this as they plan to rehabilitate units at Rock Island hydro project—a significant investment of over \$500 million. This area needs to have these upgrades, and this provision will help them get them done sooner.

In this legislation, we are also helping with one of the most challenging things we see in our waterways, and that is protecting the physical infrastructure and waterways in our hydro system from invasive species. The highly invasive Quagga and Zebra mussels have invaded our waterways in 20 different States. If invasive mussel populations invade the Pacific Northwest, it is estimated that it could cost our region over \$500 million in annual costs. That would be devoting way more of our resources just to manage that infestation.

The Columbia Basin is the last major uninfected watershed in the United States, much of it to the credit of watercraft inspection stations on the Columbia River. The Columbia River inspection stations help inspect the boats that travel up and down the river for such invasive species, and an inspection of all watercrafts is required. I am pleased that this bill authorizes money specifically for the Columbia River inspection stations. This helps us because, as I said, with a river that hasn't seen these invasive species, the fact that we still do these inspections is critical.

Last year, over 9,000 boats were inspected throughout Washington, and because of the funding for the Columbia River, these invasive species were kept out of our waters. That means they were kept out not just in Washington but in other parts of the Pacific Northwest as well.

This legislation also continues the great downpayment on the Drinking Water State Revolving Fund, which was created in 1997 and has helped our State—millions of dollars in annual grants. This is so important. As we saw with the many problems in Flint, MI, and other places, many of our colleagues know that this Drinking Water State Revolving Fund is necessary for us to keep clean water in the United States.

These funds helped the city of Lynden replace its 1926 surface water treatment plant and ensured a reliable water supply to the Lynden community and surrounding area. The funds also helped the city of Prosser make improvements to its aging water system to ensure that communities have access to a clean water supply. At the end of this week, the city of Kelso will be celebrating the completion of the Minor Road Reservoir, which replaced two aging reservoirs that were leaking and that would have failed in the event of a natural disaster in the area. The city was able to complete the project with the help of the Drinking Water State Revolving Fund, and I am so glad that is going to help secure more resources for that part of our State.

This also provides States and communities with additional financial resources to make investments in their economies for the future, and it also helps to right wrongs from the past.

I am pleased that the bill also delivers on an 80-year-old promise from the Army Corps to complete the Tribal Village Development Plan for four Tribes who were displaced when the dams of the Columbia River were constructed. The Yakama, Nez Perce, Umatilla, and Warm Springs Tribes all signed treaties with the Federal Government in the 1850s, and these treaties reserved the right of the Tribes to fish, hunt, and gather at “all usual and accustomed fishing places.” The Army Corps and treaty Tribes entered into agreements on fishing access. These sites were designed for day-to-day fishing, but out of need and the desire to be close to the Columbia River, they have turned into permanent housing. This has resulted in very challenging and unsafe living conditions along the river. I am so glad that my colleague Senator MURRAY and my colleagues from Oregon, Senator MERKLEY and Senator WYDEN—that we have been able to make it crystal clear to the Army Corps of Engineers that we need to correct this problem. This bill ensures that those families will get what they were promised years ago.

In closing, I want to thank our colleagues Senator BARRASSO and Senator CARPER, as well as the leadership of the House Transportation and Infrastructure Committee, for all the hard work on this bipartisan legislation.

When it comes to our waterways, infrastructure investment means jobs. It means the continued protection of clean water, and for us in the Northwest, it means helping us preserve our salmon populations.

I am so happy that we have finally taken another step to strengthen the competitiveness of our ports in the Northwest. These are real jobs. In the future—near future—with this deepening, we will be able to serve larger cargo container ships, which will help us keep our competitiveness in moving product.

While we move about \$77 billion worth of products in Washington, we move much more than that from all States of the United States, moving through our ports. So while it sounds like an investment in two very large port infrastructures on the west coast, I guarantee you that it affects many Midwestern States and many products and the ability to cost-effectively ship to other parts of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before my friend from Washington State leaves, I want to thank her for her advocacy on water infrastructure, and I agree with her that this is a great bipartisan bill. The distinguished Senator from Washington State mentioned Flint, MI, and I just want to thank her

one more time. No one stood stronger with me and Senator PETERS in trying to help the people in Flint, and I greatly appreciate her help, support, and advocacy.

HEALTHCARE

Mr. President, in addition to praising the water resources bill, which was a great bipartisan effort—there are some wonderful wins in there for Michigan—specifically at this moment, I want to speak about my deep regret that a little while ago, a very important resolution did not get the bipartisan votes necessary to pass on the Senate floor. That resolution, which failed, would have stopped the administration's short-term plan rule, which is gutting comprehensive healthcare and undermining people with preexisting conditions getting the healthcare they need and deserve.

About half the families in Michigan have someone in their family with a preexisting condition. It could be anything from high blood pressure, to diabetes, to something like cancer or whatever other illness it might be. They are in a situation now, with these junk plans, as we call them, where they are going to be undermined, and they either won't be able to get any health insurance, or it will cost much, much more.

I have often said that healthcare isn't political; it is personal. It is not political. We all care about being able to get the healthcare we need for ourselves, our children, our moms, and our dads. When a family has a child born with a seizure disorder, they aren't wondering whom their pediatrician voted for in the last election. When a single mom of two teenagers learns she has breast cancer, she is not concerned about who is up in the polls and who is down in the polls. When a senior is forced to make a decision between buying the medication that helps him breathe better or keeping his heat on, he is not interested in what is happening on Twitter.

Healthcare isn't political—not to any person I represent or to me or my own family; it is personal, and it affects every one of our families, whether we are Democrats, Republicans, urban, rural, red States, and blue States. I wish we could come together and work on ways to provide more healthcare and reduce costs based on that premise—that it is personal, not political.

When people tell me their healthcare stories, I can assure you that they don't start with their political affiliation because it doesn't matter; they simply want to know that the healthcare they depend on for themselves and their families will be there. That is why I am so concerned about the short-term, limited-duration insurance plans, which we are calling junk plans because that is what they are. They may be cheap, but they don't cover much, if anything, and you don't know until you get sick. Many of them are medically underwritten, meaning

that insurance companies can charge whatever they like based on the applicant's health, their gender, their age, their health status.

Remember when being a woman was considered a preexisting condition? I certainly do. These plans are coming back. They are coming back through these junk plans. One recent study found that none of the plans cover maternity care. As a member of the Finance Committee, I led the fight to cover maternity care and birth control services and other preventive services for women. That is pretty basic for the women of this country. And if, as a man, you think you didn't need it, well, just ask your mom whether she did.

On top of that, these plans can exclude people with preexisting conditions or impose yearly or lifetime caps on care. As I indicated, it is estimated that half of Michigan families include someone with a preexisting condition—everything from diabetes, to asthma, to arthritis, to cancer. Under the Affordable Care Act, we didn't have to worry about people with preexisting conditions being covered—until it began to be undermined through these new administrative rules put forward by the administration.

Louisa is a beautiful little Michigan girl who was born with half a heart. I was so fortunate to meet her and her parents earlier this year. Louisa didn't ask for half a heart. She and her parents didn't do anything to cause it. Louisa didn't have a choice. She needs comprehensive health insurance.

Unfortunately, that kind of insurance is getting less and less affordable. Thanks to short-term plans and other health insurance changes, comprehensive health insurance will cost over 12 percent more next year in Michigan than it would otherwise cost, and it is only getting worse.

Louisa should be able to focus on starting school, growing up, learning to drive, going to college, and having a family of her own, not whether she will pay more for insurance, if she can get it, because she was born with a preexisting condition.

Louisa isn't alone. She is just one of the estimated 130 million people in our country with preexisting conditions. That is 130 million people who could be hurt either directly or indirectly by these short-term junk plans.

Perhaps you are incredibly lucky, and nobody in your family has a preexisting condition. These short-term policies are a good choice, then, right? Well, just ask Sam, who came to DC earlier this year to share his story.

Sam is self-employed. He owns a small landscape design business. In 2016, Sam was shopping for health insurance. He had been healthy, aside from some back pain. He told his insurance broker that he had been to the chiropractor a number of times and that the chiropractor had taken x rays but had not been able to make a diagnosis for his back pain. The broker as-

sured Sam that as long as he didn't have a diagnosis, he would be wasting his money if he bought anything other than a short-term insurance plan. Sam took her advice, thinking he was signing up for a quality health insurance plan that would meet his needs.

Fast-forward to 2017 when at age 28 Sam was diagnosed with stage IV non-Hodgkin's lymphoma. What he thought was simply back pain turned out to be an aggressive form of blood cancer. After 6 months of chemotherapy and radiation, Sam's cancer was in remission; however, his doctors told him that a bone marrow transplant was his only hope for a long-term cure.

Then Sam heard from his insurance company. They refused to pay for any of his treatment—any of his treatment—even though he had insurance, including the bone marrow transplant, because they claimed the cancer was a preexisting condition even though his broker had told him that was not the case. Sam appealed this decision and endured nine additional rounds of chemotherapy to keep his cancer in remission. After months of waiting—months of waiting—his appeal was denied.

Sam was left with no health insurance, no way to pay for a lifesaving bone marrow transplant and about \$800,000 in medical bills, even though he had bought an insurance policy. Sam eventually was able to buy some real health insurance—the kind that covers you when you get sick—and get the bone marrow transplant he needed. He is healthy again, thank goodness, but his finances aren't.

In his words: "Instead of planning a life together with my girlfriend and a future for my business, I am kept up at night worrying about staying afloat, how to pay the next bill, how to avoid bankruptcy."

This is the story of too many people before the Affordable Care Act passed, requiring comprehensive coverage and requiring people with preexisting conditions to be able to get affordable coverage. As I said before, healthcare isn't political; it is personal. People with preexisting conditions deserve to know their insurance will be there when they need it. Families with a sick child deserve to focus on getting her better, not how they are going to pay the bill for the doctor, and small business owners like Sam deserve insurance that covers them while they are sick or hurt and doesn't leave them on the verge of bankruptcy.

That is what we are talking about. These current plans undermine the capacity for people to be able to get real coverage. They are less expensive, but they don't cover much, if anything, and the problem is you don't know until you get sick. What we need and what everyone needs is the confidence that they are buying affordable insurance that will actually cover them and cover their families. Everyone deserves that kind of insurance. This isn't about politics; it is about protecting what is

most precious—our families and our health. Unfortunately, because of the administration's actions, we are seeing tremendous rollbacks that are putting more and more power back into the hands of insurance companies that are making their decisions based on what is best for their profits, not what is best for families.

I am very disappointed that we weren't able to stop that today, but I am going to continue to try, as are my Democratic colleagues. We are committed to doing everything we can to ensure that people in the greatest country in the world know they can have affordable healthcare coverage that actually covers their healthcare needs.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, the topic of healthcare affordability should unite us as a common cause. We all need healthcare, whether young or old or male or female, rich or poor.

Not one of us will go through life without experiencing a major health concern. Even if we have a clean bill of health today, we all face the prospect of accidents, illnesses, and the inherent universal health challenges of aging.

The Affordable Care Act is not perfect, but it has moved us toward a shared goal of making healthcare more affordable for everyone. Most significantly, the Affordable Care Act prevents insurers from denying coverage or increasing premiums because of a preexisting condition. This critical protection has been widely and wildly popular, and rightly so. If you don't have a preexisting condition, you probably have a family member who does.

The Affordable Care Act also requires plans to cover a full set of benefits that enrollees will realistically need over the course of their lives, and, overall, it encourages Americans to get their health insurance so that they will have the appropriate support when they need it the most.

I will be the first to recognize that there is room for improvement in our healthcare law, but we need to be working together to fix it, not allowing the Trump administration to continue its relentless push to undermine the affordability of healthcare. Since the beginning of his administration, President Trump has taken every possible step to weaken consumer protections in health insurance, all the while misinforming the public about what the real impact will be on their daily lives. But Americans right now are feeling the impact. For too many hard-working families, health insurance and healthcare costs are still not affordable. Today, premiums are going up, healthcare prices are soaring, and the burden of cost is increasingly shifted to the patient.

We should be focused on ways to strengthen our healthcare system so that it lowers out-of-pocket costs, removes barriers to healthcare, and

incentivizes cost efficiency. But the flawed Trump administration policy the Senate voted on earlier today is a step in the wrong direction. It is a step toward terrible coverage for consumers who will not understand what their plan fails to cover until they need it.

We are seeing yet another Trump administration effort to roll back parts of the Affordable Care Act that are actually working every day to help Americans. President Trump is creating a new loophole for some insurers to ignore the Affordable Care Act's central patient protections. This is moving us back toward a period where insurance companies could discriminate against Americans based on their conditions, such as diabetes, cancer, arthritis, and even pregnancy—yes, even pregnancy. Millions of Michiganders rely on the Affordable Care Act's safeguards for preexisting condition coverage.

Americans should have the power to choose their own healthcare, but unfortunately this administration has it backward. President Trump wants to give more power to insurers to not only choose who they cover but also what they cover.

The Affordable Care Act's 10 essential healthcare benefits are truly just that; they are indeed essential. The list includes things like prescription drugs, hospitalizations, and preventive care. Before the Affordable Care Act, we saw insurance companies neglect to cover services like maternity care, substance abuse disorder treatment, and mental health care. These are all truly essential elements of any true plan.

The Trump administration is allowing for risky plans that make insurance companies money while shifting costs to taxpayers and Michiganders who choose to cover these essential health benefits. The Trump policy will create a parallel market that targets only relatively healthy, less costly individuals, and that is why I am deeply disappointed by today's vote and the actions of this administration.

The true message President Trump is sending to the public is that he wants you to be misinformed. He wants you to make bad decisions and buy these flawed plans, increasing the profits of insurers.

American taxpayers will be left with the bill when patients find out that their insurance and all of the money they have put into that insurance cover so many years simply does not cover their healthcare needs when they need it the most.

No matter where you live, how much money you make, or what your health record looks like, no one should be forced to make the impossible choice between seeking medical assistance or paying the bills for other basic necessities. Regardless of what the health condition is or when it arises, all Americans deserve certainty that their decision to go to a doctor will not push them into bankruptcy.

Let's be clear that any Member who voted to support the Trump adminis-

tration's efforts to undermine the ACA casts a vote today against coverage protections for preexisting conditions and against affordable, quality healthcare for all American families.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Thank you, Mr. President.

I rise today to share the story of one of my friends, Jesse Kleinedler. Jesse and her husband own and operate one of Reno's most successful small businesses—the Under the Rose Brewing Company. They are also the proud parents of a beautiful baby boy. Jesse, her family, and their business are doing great. But when I met Jesse last year, she told me her path to this point in life had not been easy.

In 2012, Jesse left her job at a large firm—and the health insurance it provided—to pursue her dream of starting a brewery with her husband Scott. About 1 year later, she learned that she was pregnant. During a routine check-up 9 weeks before her due date, Jesse's midwife advised her to see an OB/GYN. Jesse didn't feel sick, so she hesitated, but the midwife urged her to go see a specialist anyway.

Midway through her visit, the OB/GYN became concerned that Jesse's life was in danger. He diagnosed her with preeclampsia and rushed her to the hospital. Jesse's son was born a few hours later via emergency C-section. The doctors who delivered her baby agreed that had Jesse waited even 24 hours to see an OB/GYN, both she and her son would have died.

In no uncertain terms, Jesse told me that she and her son owe their lives to the Affordable Care Act. Without the affordable coverage having been purchased on the Silver State Health Insurance Exchange, Jesse would not have been able to have seen a specialist, and she and her husband, certainly, would not have been able to have afforded the \$1 million in medical costs Jesse's son incurred over the course of a months-long stay in the NICU.

Jesse's son is now a happy, thriving toddler, but he has a medical issue that interferes with his growth. Jesse and Scott, her husband, fear that President Trump's efforts to roll back protections for people with preexisting conditions will make it impossible for them to afford their son's health insurance.

Donald Trump has not yet been able to get the support in Congress he needs in order to repeal protections for people with preexisting conditions, but he has taken steps to circumvent the wheel of Congress and hack away at these protections bit by bit.

In August, he signed an Executive order to expand access to what are called junk plans. These are health insurance plans that don't cover essential services like prescription drugs, emergency room visits, or maternity care. These plans are designed for

short-term use only and don't include protections for people with preexisting conditions. That means, if you sign up for one of these plans and are a cancer survivor or are a pregnant woman or are a war veteran, you could be charged a higher rate. It also means you could be forced to pay tens of thousands of dollars out of pocket for the care you receive in an emergency.

Junk plans come in all shapes and sizes, but none of them comply with consumer protections established by the Affordable Care Act. The Kaiser Family Foundation looked at junk plans in 45 States and found that 43 percent did not include coverage for mental health services, that 71 percent did not cover outpatient prescription drugs, and that not a single one covered maternity care.

Junk plans appear to be cheaper than comprehensive health insurance plans—that is, until you read the fine print. Junk plans have low monthly premiums and astronomical out-of-pocket costs. President Trump's Executive order allows insurance companies to trick consumers into signing up for these plans. Consumers think they are getting a good deal, only to find out, as soon as they get sick, that their medical bills are not covered.

The American Cancer Society Cancer Action Network says junk plans pose “a serious threat to cancer patients' ability to access quality, affordable health coverage.” It also says the present administration's rule will likely leave older and sicker Americans in the individual insurance marketplace, with few, if any, affordable health coverage choices and that patients who are living with serious conditions will be left paying more for the coverage they need if they can afford coverage at all.

President Trump's Executive order to expand access to junk plans is not just an attack on our healthcare system, it is an attempt to send us back to the days when families like Jesse's could not afford the healthcare they needed. Jesse told me she owes her life to the health insurance she purchased through the ACA. Where would Jesse and her family be without it? What if she had not been able to afford a comprehensive plan? What if she had purchased a junk plan instead?

There are 1.2 million Nevadans who live with preexisting conditions. That is nearly one in two. That number includes nearly 159,000 children and nearly 270,000 people who are nearing retirement. The junk plans rule directly threatens their healthcare.

Heather Korbolic, who is the executive director of the Silver State Health Insurance Exchange, summed up the risk junk plans pose.

She said: “[Junk plans] are designed to basically take your preexisting condition and charge you more or tell you that you can't be on those plans at all.”

She continued: “If they find that you’ve not disclosed a preexisting medical condition . . . then you’re left high and dry with no insurance.”

I don’t want to go back to a world where Nevadans with preexisting conditions can’t get the care they need or where insurance companies aren’t required to cover basic services like maternity care.

I was a proud cosponsor of Senator TAMMY BALDWIN’s resolution to overturn President Trump’s Executive order. In failing to pass this resolution, the U.S. Senate has done a profound disservice to families and communities all across the country. I will continue fighting to restore protections against junk plans, and I encourage all of my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

ECONOMY

Mr. THUNE. Mr. President, 2 years ago, when Republicans took control of the White House as well as of Congress, we promised the American people that growing the economy was going to be our No. 1 priority, and we got right to work.

Under the Obama administration, American workers and businesses faced a lot of obstacles, including burdensome regulations and an outdated Tax Code that acted as a drag on economic growth, so we immediately focused on removing burdensome regulations. Then we focused on developing a historic, comprehensive reform of our Tax Code, which was signed into law last December. Now, the Tax Code isn’t necessarily the first thing people think of when they think of economic growth, but the Tax Code has a huge impact on our economy.

It helps to determine how much money individuals and families have to spend and save. It helps to determine whether a small business can expand and hire. A small business owner who faces a huge tax bill is highly unlikely to be able to expand her business or hire a new employee. The Tax Code helps to determine whether large businesses hire, grow, and invest in the United States. A large business is going to find it pretty hard to create jobs or improve benefits for employees if it is struggling to stay competitive against foreign businesses that pay much less in taxes. A large business is also unlikely to keep jobs and investment in the United States if the Tax Code makes it vastly more expensive to hire American workers.

Prior to the passage of the Tax Cuts and Jobs Act last December, our Tax Code was not helping our economy or American families. It was doing just the opposite so we took action.

We cut tax rates for American families, doubled the child tax credit, and nearly doubled the standard deduction. We lowered tax rates across the board for owners of small and medium-sized businesses, farms, and ranches. We lowered our Nation’s massive corporate

tax rate, which, up until January 1, was the highest corporate tax rate in the developed world. We expanded business owners’ ability to recover the cost of investments they make in their businesses, which frees up cash that they can reinvest in their operations and their workers, and we brought the U.S. international tax system into the 21st century so American businesses would not be operating at a competitive disadvantage next to their foreign counterparts.

Now we are seeing the results. The economy is thriving. Our economy grew at a robust 4.2 percent in the second quarter of this year. The unemployment rate is at its lowest level since 1969—almost 50 years ago. Think about that. In other words, it has been almost 50 years since the last time unemployment was at this low level.

More than 1.8 million jobs have been created since the Tax Cuts and Jobs Act was signed into law. Wages are growing at the best rate in years, and incomes are up 4.2 percent. Businesses are bringing money back into the United States, and business investment is up—from an average of 1.8 percent before the 2016 election to an average of 10 percent so far this year. Small business optimism is at historic levels. Consumer confidence is at an 18-year high. The list goes on.

Those are a lot of stats, but they basically boil down to one thing; that is, that life is getting better for American families. Incomes are growing, and families have access to more jobs and opportunities and better benefits. That means fewer families have to live paycheck to paycheck, that an unexpected car repair or doctor bill is less devastating, that it is easier to afford that family vacation or the fees for piano lessons, and that more families have money to save for their kids’ college or for their retirement.

That was the goal—getting the economy thriving again so American families can thrive. I am proud to say, we are succeeding. I am proud that our policies are making life better for American families. Yet we are not stopping there. We are going to keep working to secure the gains we have made for the long term and make sure every American has access to a future of security and opportunity.

TRIBUTE TO CHUCK GRASSLEY

Mr. President, I want to take a brief moment to express my gratitude to the Judiciary Committee chairman, Senator CHUCK GRASSLEY, for his leadership over the past months as we worked to confirm Judge—now Justice—Kavanaugh.

Every Supreme Court confirmation process is a somewhat arduous affair, but Chairman GRASSLEY had to contend with more than an increased workload. He had to contend with Democratic colleagues who did everything they could to delay and disrupt the process and to taint Justice Kavanaugh’s confirmation. Yet no matter what tactics the Democrats re-

sorted to, from interrupting the confirmation hearing to withholding critical information, Chairman GRASSLEY stayed above the fray. He carried on with what needed to be done, whether that was compiling information from Justice Kavanaugh’s time in the White House or interviewing witnesses. He made sure the entire confirmation process was thorough and fair, and he ensured that Dr. Ford and Justice Kavanaugh were treated with dignity and respect.

I am grateful we had him at the helm of the Judiciary Committee during this process, and I am grateful that, once again, he helped to put an outstandingly qualified Justice on the Supreme Court.

TRIBUTE TO NIKKI HALEY

Mr. President, I also want to take just a minute to recognize the outstanding work that Nikki Haley has done as the U.S. Ambassador to the United Nations.

Ambassador Haley has been a terrific ambassador and a real leader on the President’s foreign policy team. She has been a clear, unequivocal voice for the principles our country values, and she has been a tough and outspoken critic of the tyrannical regimes that threaten our country and the free world.

I am sure the President will choose an excellent replacement, but Nikki Haley will be a tough act to follow. I wish her all the best as she begins her next chapter. She will be missed.

I yield the floor.

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

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from New Hampshire, Senator SHAHEEN, be recognized. She will be picking up at the end of my remarks.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, it is a real pleasure to be joined here today on the Senate floor by Senator JEANNE SHAHEEN of New Hampshire. Senator SHAHEEN has been a tireless advocate for clean energy and is the Senate’s bipartisan champion on energy efficiency, alongside Senator PORTMAN.

The U.N. Intergovernmental Panel on Climate Change released a major warning last week. Ninety-one authors and editors from 40 countries reviewed more than 6,000 scientific papers to assess what it would take to hold global temperatures to 1.5 degrees Celsius above preindustrial levels. The report says that we will need to invest roughly five times what we do now in low-

carbon energy and energy efficiency by 2050. The Shaheen-Portman energy efficiency legislation would help move us toward that target.

The American Council for an Energy-Efficient Economy says that the bill would reduce carbon dioxide emissions by about 650 million metric tons over a 15-year period. The cumulative net savings from the bill would reach nearly \$100 billion.

My State of Rhode Island is a national leader in promoting energy efficiency, so we know how good programs like the Shaheen-Portman reforms are for consumers, for businesses, and for the environment. Rhode Island has consistently ranked among the top States for energy efficiency. This year, we are in the top three on the State Energy Efficiency Scorecard.

To keep global warming to 1.5 degrees Celsius, the IPCC tells us we need renewables to grow to about half of the world's energy mix by 2030 and to perhaps 80 percent of the world's energy mix by midcentury. Coal in the global electricity mix needs to be mostly phased out by 2050.

The fossil fuel industry's front groups, of which there is a considerable legion, tell us that this will raise costs on consumers, but renewables are now beating fossil fuel power on cost, and renewable costs are still falling.

In a recent report on global energy trends, Deloitte notes:

Solar and wind power recently crossed a new threshold. . . . Already among the cheapest energy sources globally, solar and wind have much further to go.

The Deloitte report shows the top solar States here in yellow, the top wind States here in blue, and these two—Texas and California—are in green because they are leaders in both wind and solar.

If you look at the top 20 U.S. solar and wind States, three-quarters of those States have electricity prices below the national average, so clearly renewables don't hurt energy costs. By the way, these States include some of the reddest politically, including Oklahoma, Kansas, Nebraska, North Dakota, Iowa, and Texas.

The cost transition with renewables coming down through the price of fossil fuel is showing up in U.S. solar projects' purchased-power agreements. You can see in this chart from Greentech Media that over time, solar generation costs have come down in line with new-built natural gas generation. That is what this band is. This is the price for new-built natural gas generation.

This dot here represents a new project by NextEra Energy to sell power to the southern Arizona utility, Tucson Electric Power, from a 100-megawatt solar array with an accompanying 30-megawatt energy storage system for \$45 per megawatt hour, right in line with new natural gas plants. One industry analyst suggested that this facility effectively took the place of a peak-demand gas plant.

Defenders of old, dirty energy sources paint renewables as unreliable, as intermittent, but Deloitte's report finds that renewables have actually proven "to strengthen grid resilience and reliability." Integrating renewable capacity into the grid has gone well in practice, and FERC analyses predict increased renewable uses to improve grid security and resiliency.

The grid operator in Iowa, the most heavily wind-powered State, figured out a while ago the algorithms to treat wind across its grid as baseload. When you pair wind or solar projects with battery storage, like that NextEra project, then individual renewable projects become baseload power sources. You don't have to aggregate and run algorithms; that is a new baseload source.

The transition involves batteries, and batteries are booming. Wood Mackenzie Power & Renewables projects worldwide storage capacity currently around 6 gigawatt hours to grow tenfold, to at least 65 gigawatt hours by 2022; 2022 is right around the corner—a tenfold growth.

Costs are falling fast. Lithium-ion batteries are down in price 80 percent since 2010, just in these 7 years. That is an 80-percent drop in price.

Regulators are adapting. The Federal Energy Regulatory Commission just finalized a new rule—a unanimous and bipartisan new rule—for energy storage on America's electric grids.

One study has predicted the rule could spur 50 gigawatts of additional energy storage across the United States, enough to power roughly 35 million homes.

Energy storage is actually coming to market already. The Colorado State Public Utility Commission just unanimously approved an Xcel Energy Program to build \$2.5 billion in renewable energy and battery storage, to retire 660 megawatts of coal-fired power, shutting down ongoing plants for cheaper, new renewable battery combinations. The request for bids didn't just smoke out this one bid; it brought out a flood of renewable energy proposals at costs that beat out existing coal and natural gas facilities.

The IPCC warning was particularly serious and specific about the urgent choices before us, and we, too, need to be serious about a new direction to avoid the most catastrophic effects of climate change. Renewable energy and energy efficiency are our pathways in that direction, along with a new technology—trapping carbon emissions to use or store them, even pulling carbon dioxide straight from the air.

These carbon-captured technologies have been starved without revenue because of a failure in energy market economics, which is that there is no revenue proposition for capturing carbon pollution. Which brings me to the Nobel Prize in economics just won by William D. Nordhaus of Yale University.

Nordhaus aligns with the well-established market economics that polluters

should pay for damage to the environment and to public health. That is econ 101. Without that, the price signal, which is at the heart of market economics, is off, and subsidies result. The market fails. And when the International Monetary Fund estimates the fossil fuel subsidy at \$700 billion per year just in the United States, that is a massive market failure.

Nordhaus recommends that we correct the enormous market failure which the fossil fuel industry now so busily protects politically. "There is basically no alternative to a market solution," Nordhaus said in response to the Nobel Prize award. "The incentives," he said, "are market prices—to raise the price of goods and services that are carbon intensive and lower the ones that are less carbon intensive."

The science on this, as I think most of us understand, is firmly established, and the economics are widely understood. It is the politics that keep getting in the way—the fossil fuel industry dark money politics.

"This is the last frontier of climate change," said Nordhaus. "I think we understand the science," he said. "I think we understand the economics of abatement," he said. He said: "We understand pretty much the damages. But we don't understand how to bring countries together. That is where the real frontier work is going on today."

America should be leading at this frontier, not lagging. Lost in our fossil fuel politics, we are failing in leadership. History will not be kind with our failure.

It is well past time for Congress to wake up.

Mr. President, I yield the floor to my distinguished colleague from New Hampshire, saluting her once again for the leadership that I remarked on at the beginning of my remarks in working with Senator PORTMAN to be the Senate's bipartisan leader on energy efficiency.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank my colleague Senator WHITEHOUSE, not just for those kind words but for all of the work he has done and continues to do. For the last 6 years, Senator WHITEHOUSE has come to the floor of this Senate week after week, every week, to talk about climate change and to talk about its effects throughout the United States and around the globe and our need to take action to address this crisis.

Thank you very much, Senator WHITEHOUSE, for your leadership.

Climate change is real, and it is a present threat to our planet. Senator WHITEHOUSE talked about some of the science involved with that. It is very clear to anybody who has looked at the science who doesn't have a political agenda that this is real. It is a threat, and we need to address it.

In New Hampshire, we are already seeing the impacts of climate change in so many ways. Rising temperatures

are shortening our fall foliage season, they are disrupting our maple syrup production, and they are shortening our ski seasons and our snowmobiling. Ice-out occurs earlier each year on our lakes. They are causing sea level rise that can imperil businesses and homes along our seacoast.

The strains on our fisheries and the increases of insect-borne diseases that endanger our wildlife can all be tied to the effects of climate change.

I have here a photo that I think it is important for people to see. Moose have been one of New Hampshire's iconic wildlife representatives, to put it, I guess, the easiest way. The moose are something that we are very proud of in New Hampshire. We have seen them in the wildest parts of our State, some even as far south as where I live in southern New Hampshire. What we are seeing as the result of climate change is a 40-percent reduction in the moose in New Hampshire. As I said, that is happening because of increases in insect-borne diseases.

If we look very closely at this picture, it looks like there are little round balls on this moose. Those are ticks. Those are ticks that have been able to attach to the moose and, in so many cases, kill the moose. They are there because it is not getting cold enough in our winters to kill off those ticks, so they multiply in such numbers that they attach to the moose and they kill them. You can see this is a distressed moose that has been affected by those ticks. She shouldn't look like this, but it is the ticks. Those insect-borne diseases are also responsible for something called brain worm that affects moose as well.

So for our hunters and the people who enjoy the outdoors and wildlife viewing, that is being threatened now because of climate change.

The beautiful maples that produce maple syrup and that produce such beautiful colors in our fall foliage are being threatened because of climate change. The estimate is that in several decades, we will no longer see either moose or maple trees in New Hampshire because they will have been forced out because the warming temperatures will mean they can no longer survive.

Climate change is also affecting the public health of New Hampshire citizens. Rising temperatures increase smog levels. They heighten the effects of allergy season. They increase the number of children with asthma. New Hampshire has one of the highest childhood asthma rates in the country, and that has gotten worse because of climate change.

Scientists have proven without a doubt that CO₂ and other greenhouse gases are the primary culprits for the climate changes that we are seeing and that human activity has increased the concentration of these greenhouse gases.

If we are going to stop global warming, the United States must reduce its

greenhouse gas emissions in every sector, starting with how we produce and consume energy.

One of the things that I have learned since my days as Governor is that the easiest, fastest way to reduce our energy use is through energy efficiency. It is without a doubt America's largest energy resource. It has contributed more to our Nation's energy needs over the last 40 years than any other fuel source. Without the economy-wide improvements in energy efficiency that have occurred since 1973, it is estimated that today's economy would require 60 percent more energy than we are now consuming. In fact, savings from energy efficiency improvements over the last 40 years have reduced our national energy bill by an estimated \$800 billion—with a "b"—all while growing and expanding our economy. Put another way, in the last 40 years, we have saved more energy through energy efficiency than we have produced through fossil fuels and nuclear power combined. So think about that. Think about the potential of energy efficiency in addressing our energy needs.

Energy efficiency is also the largest sector within the U.S. clean energy economy. It employs nearly 2.25 million Americans nationwide, and the majority of those people work in our small businesses. We know that small businesses create about two-thirds of the new jobs in this country. They are overwhelmingly responsible for innovation. Sixteen times more patents are produced by small businesses. So this is where innovation is going on, and it is going on in energy efficiency.

Just to reiterate, energy efficiency measures have proven time and time again to be the easiest and most cost-effective way to address climate change, while reducing energy costs and creating private sector jobs.

The thing that I like about energy efficiency is that you don't have to live in a certain part of the country and you don't have to be a proponent of other types of fuel sources to appreciate and to support energy efficiency. Everyone benefits from energy efficiency.

Unfortunately, since he took office, President Trump and his administration have proposed policies that seek to undermine America's clean energy economy and delay our progress toward addressing climate change. The administration has proposed rollbacks to clean car standards that will force Americans to pay more at the gas pump and harm our environment.

Here is a chart that shows very clearly what rolling back CAFE standards—the vehicle emissions requirements—would do. By 2035, the rollback would add at least 158 million metric tons of carbon dioxide annually. It would increase U.S. fuel consumption by 13.9 billion gallons per year. This is according to the American Council for an Energy-Efficient Economy. If we think about that in terms of fossil fuels—this fuel consumption—that is more fuel

than we import from Iraq or Venezuela each year. Think about what that will mean for increased consumption.

The administration has also proposed to replace the Clean Power Plan with regulations that would relax standards for powerplants at the expense and well-being of current and future generations. Appliance efficiency standards have been frozen in place. After four decades with energy efficiency as a bipartisan cornerstone of Federal energy policy, the President has once again proposed profound cuts to energy efficiency and to renewable energy programs at the Department of Energy.

For those of us who support energy efficiency, there can be only one response to these rollbacks: We must address them head-on, and we must redouble our efforts to keep America on the right track.

As a result of bipartisan efforts in the House and Senate—as I said, energy efficiency is one thing that we can get behind, Republicans and Democrats—last month the President signed into law a spending bill that includes increased investments for clean energy programs at the Department of Energy—something that has enjoyed strong bipartisan support.

In addition to increasing those investments, this appropriations bill marks the first time since 2009—so the first time since I have been in the Senate—that the Department of Energy will secure its funding before the start of a fiscal year. This financial certainty will strengthen these programs and the industries they support.

The passage of the Energy and Water appropriations bill that we did today demonstrates that Congress remains committed to advancing commonsense, bipartisan policies that will strengthen our Nation's energy efficiency.

Just last week, this Senate adopted a bipartisan resolution that was sponsored by Senator PORTMAN of Ohio and me, along with 19 of our colleagues, that recognizes the economic and environmental benefits that energy efficiency has contributed to this country. Senator PORTMAN and I are also committed to advancing our legislation to spur energy efficiency innovation and other initiatives across the most energy-intensive sectors of our economy. Senator WHITEHOUSE talked about the efforts that we have engaged in over the last 7 years. We have introduced our bill into Congress in each Congress over the past 7 years. Each time, we are getting a little more momentum in getting this through. We have gotten certain provisions of the bill through in the last two Congresses.

It has been far too long since Congress passed a comprehensive energy bill, so it is time for us to work together to pass an energy bill that includes energy efficiency. This is bipartisan legislation. If it were brought to the floor today, I guarantee you it would pass overwhelmingly, and it would improve our Nation's energy policies and help to grow the economy.

We have some great examples of what is being done, and Senator WHITEHOUSE talked about some of what is being done around the country to address energy efficiency and reduce our energy use.

New Hampshire, like Rhode Island, is one of the States that are part of the Regional Greenhouse Gas Initiative. At the State, local, and grassroots levels, individuals, businesses, and governments are rising to the challenge by intensifying their efforts to advance energy efficiency and clean energy.

This chart shows what has happened in the States that have been part of the Regional Greenhouse Gas Initiative. Carbon pollution has gone down 51 percent, and electricity prices are down 6.4 percent. For us in New England, where we have very high energy costs, that is very positive. So if you don't support energy efficiency for any other reason, you should support it because it reduces costs. Look at how much in energy savings to consumers: \$773 million.

Since 2009, the nine States in the Regional Greenhouse Gas Initiative have outperformed the national average in terms of all of these measures. Because the majority of proceeds are invested in energy efficiency, they have allowed electricity prices to fall, and they have saved consumers millions on their energy bills. As we look in the outyears, billions more are expected in savings, thanks to those investments in energy efficiency and renewable energy under the Regional Greenhouse Gas Initiative.

In August of 2017, RGGI's nine States agreed to strengthen their program by reducing greenhouse gas emissions at least 30 percent more by 2030. New Hampshire and other RGGI States have shown the Nation that States can make smart clean energy choices that benefit the environment while strengthening the economy. For those who say we need a market-driven approach to addressing climate change, this is a perfect example of that.

Climate change represents an enormous challenge, but solutions are within reach if we put into place policies that will allow for swift action. We have a responsibility to help protect our children and grandchildren from the severe consequences of global warming. We have to start now, and we have to start with energy efficiency.

Mr. President, I yield the floor, and I note that my allergies are a result of that climate change.

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

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

TRIBUTE TO LISA SAUDER

Mr. SULLIVAN. Mr. President, as the Presiding Officer knows, I have been

coming down here nearly every week—usually Wednesday or Thursday—for the last 2 years to talk about somebody who is making a big difference in my State, the great State of Alaska. I call this person our Alaskan of the Week.

Most of the people who visit Alaska do so in the summer—I was honored the Presiding Officer and his family came up to visit this summer—and we know that is understandable, to come up when the Sun is high in the sky, but this time of year is truly magnificent in my great State. To borrow a phrase that is no doubt familiar to many, including some of the pages: Winter is coming. Winter is coming.

Every day, the Sun comes up later and sets earlier. Snow is already on the ground in some places in Alaska. In some places in the State, the mountains are dusted—termination dust, we call it—and that dust is quickly turning into deep snow and making its way down the mountains. It will not be long before it spreads out all throughout our communities in Anchorage and other cities. The whole State is crackling with energy to get ready for the long winter, like we do every year.

For some, though—particularly for the hungry and the homeless—winter in Alaska can be incredibly difficult and incredibly challenging. Actually, as we all know here, for the hungry and the homeless any time of the year can be incredibly difficult and challenging.

In Anchorage, there is a place where everyone, no matter who you are, is greeted with dignity, respect, and a hot meal. The place is called Bean's Cafe, and the person who makes sure it all happens and comes together is Lisa Sauder, the executive director of Bean's Cafe, and Lisa is our Alaskan of the Week.

Let me tell you a little bit about Lisa. She was born in Anchorage and moved to the west coast with her parents when she was a young teenager. When she graduated from Pepperdine University with a degree in communications and political science, she was on her way back home to Alaska. "Alaska always calls you when you leave it," she said. "It's always the place that feels most like home."

She worked at a local bank and the Anchorage Convention and Visitors Center, where she was able to travel all around the country to talk people into visiting our great State, particularly in the off seasons like fall, like now. Then her husband's job took them to the east coast, where they stayed for some time, but, once again, Alaska beckoned, and they returned.

Shortly after coming back home again, Lisa saw an ad to help run Bean's Cafe, and she knew she had to go for it. She knew that passion was in her heart. The fact that it is completely local and completely community supported was a huge lure to her, she said but so was helping and working with the homeless throughout the State.

Lisa's uncle, for example, was a Vietnam veteran with mental health chal-

lenges after serving in Vietnam. For decades, he lived on the streets in Seattle. She saw the pain that her uncle's homelessness caused her mom and the rest of the family, and of course her uncle, but then he got help at a place like Bean's Cafe, and she also saw the positive impact that not only had on her uncle but the entire family, the entire community.

Bean's is an Anchorage institution. It serves breakfast and lunch every day—about 950 meals a day—to the hungry and the homeless. This requires the work of about 120 volunteers a day. People from all across the community come to help out. On any given day, you will see a business executive, maybe a pastor, a construction worker, politicians—so many, from all walks of life—serving food to the homeless and hungry. We have also seen the recipients of that generosity of food volunteering themselves, all of them—such a supportive community—working together to help one another.

Bean's is so much more than a place for a meal. It serves as a mailing address for their clients. It is a place where you can call a loved one, a place to get some dry socks, a hat and a coat, warm clothing for the cold winter. You can get help with your VA benefits. You can get help finding a job or it is a place to get out from the cold for a few hours.

Lisa said:

Oftentimes, the day that someone walks into Bean's Cafe is the worst day of that person's life. And we're there to greet them with compassion and respect.

Lisa has also expanded the program to include a very popular program now in Anchorage called Children's Lunchbox, which provides after-school and weekend meals for children. All told, between the meals served at Bean's and for the Children's Lunchbox, under Lisa's guidance, leadership, and passion, more than 700,000 meals were served last year.

Lisa loves her job. She loves how supportive the community is. She loves watching people grow and helping them get the help they need—and then their coming back to help others. She said:

We're all very fortunate here. We get to help people, [which is a passion]. Not everybody can say that.

Lisa's work extends far beyond Bean's Cafe and the Children's Lunchbox. She is also very involved in Alaska's recovery community—recovery from addiction, particularly in the past few years.

Anchorage, AK, like the rest of the community, isn't immune to what is happening all across the country with regard to the opioid and heroin crisis. The good news is, we are working in the Senate and in the House on this issue. We just passed a bill, a very important bill, that will help States and communities address this, but we have a long way to go.

Too many young people—people of all ages—are being lost to us because of this horrible epidemic, and, unfortunately and very tragically, Lisa's son

Tucker, 23 years old, was one of those we lost. She has put the pain—the deep pain of losing her son—to good work. She has turned into a fierce advocate for those suffering from addiction. She talks about Tucker often, wanting people to know that this can happen to anyone. That is why we need to continue to focus.

Through her work and the work of so many advocates across the State, people are finally getting the help they need. Lisa said:

The peer mentorship that is going on right now is saving lives. So much progress has been made. There are so many people who have really helped to shine a light on the issue.

Lisa is such a force for good in my State. She has tenacity, grit, courage, and a huge heart. She is doing so many things. For that, we want to thank Lisa for all she is doing.

Congratulations on being our Alas-kan of the Week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HEALTHCARE

Mr. BROWN. Mr. President, today in the Senate we were faced with two opportunities to side with cancer patients over insurance companies. In our country, almost everybody would say that we ought to side with the cancer patients over the insurance companies, but the Senate failed again in both cases. Let me explain.

Today, as we considered this, we wanted to make clear whose side we are on. The side the Senate chose, and it looks like the Judiciary Committee chose, is not the side of patients.

This morning, I testified at the Judiciary Committee's hearing on the White House's two nominees to the Sixth Circuit Court of Appeals, Chad Readler and Eric Murphy. Both of these men have a troubling record of stripping Ohioans of their rights, and Mr. Readler's actions on healthcare are particularly threatening to millions of Americans—not just the 5 million Ohioans who have preexisting conditions but millions of Americans with preexisting conditions. Five million Ohioans under age 65, as I said, have preexisting conditions. That is half the population in my State.

Because of the Affordable Care Act, these Ohioans can rest a little easier, knowing they can't be turned down for health coverage or have their rates skyrocket because their child has asthma or their husband has diabetes or their wife has been diagnosed with breast cancer. Mr. Readler is willing to take that peace of mind away and throw those families into financial chaos.

This summer, he did what three career attorneys with the Department of Justice refused to do. He filed a brief challenging the law that protects Americans with preexisting conditions. The next day, the White House appointed him to a Federal circuit court judgeship. Filing this brief earned him

rebukes from across the legal community. Three attorneys withdrew from the case, and one actually resigned in objection to the Department of Justice's unprecedented action.

Our Republican Senate colleague from Tennessee, Mr. ALEXANDER, called the brief "as far-fetched as any [he has] ever heard." Mr. Readler had no problem putting his name right at the top and filing it.

We should not be putting on the bench for life anyone who puts partisanship ahead of cancer patients or ahead of people with diabetes or ahead of someone with high blood pressure or ahead of Americans' healthcare.

Unfortunately, the White House is also chipping away at the ability of Ohioans with preexisting conditions to get affordable coverage that actually covers their conditions. Again, we are talking about 5 million Ohioans, tens of millions of Americans. You can talk about anxiety and autism. You can talk about heart disease or heartburn, cholesterol, stroke, thyroid issues. We are talking about families. We are talking about neighbors. We are talking about some of the people in this body.

Everyone here, by the way, takes care of themselves. We all have good health insurance. We don't mind, apparently, denying it to millions of others.

Some Senators think it is fine to let insurance companies sell junk to our constituents back home. These insurance policies are just that: They are junk. They are insurance until you need the insurance. Allowing insurance companies to sell these plans drives up healthcare for everyone. They weaken protection for anyone with a pre-existing condition.

Under their new rules, insurance companies could force Americans with preexisting conditions into these junk plans—and "junk" is the right word—that barely cover anything. They can charge exorbitant, unaffordable rates for a decent plan.

Half of my colleagues—exactly half—voted for Senator BALDWIN's motion. Senator BALDWIN, from Wisconsin, has been a hero on this. Half of my colleagues—all with health insurance paid for by taxpayers—have told the people: Sorry, you are on your own. We are letting the insurance companies do whatever they want—rip you off, hike up your costs. That is the way it goes.

It all comes down to whose side you are on. Chad Readler, the President's nomination for the Sixth Circuit, has made it clear: He stands with insurance companies, not with cancer patients. The administration has made it clear: They stand with insurance companies, not kids with asthma.

Today, the Senate chose to stand with those insurance companies over their constituents who need prescription medicines.

HONORING JOURNALISTS

Mr. President, a free, independent press is critical to our democracy. Re-

porters do vital work, not just in Washington but around the country. They shine a light on the important issues in our communities. Right now, that means covering the addiction crisis that grips our country.

Today alone—if today is an average day in Ohio, as I assume it is—11 people will die of an opioid overdose. Yesterday, 11 died. Tomorrow, 11 will die. Friday, 11 will die.

We have been working bipartisanly to help get communities the resources they need. This month we passed a bipartisan package to fight opioid addiction. It is a start. We need more help from a generally disengaged White House. We need a State government to get out from under its corruption, day to day, that afflicts it and get out and do what they should be doing to fight opioid addiction.

Everyone has a role to play. Local journalists do vital work keeping Ohioans informed of all the resources we have in our State. That is why, this week, I want to highlight another story in an Ohio paper informing the public, reported by a journalist serving his community.

I remind my colleagues that the media are not the enemy of the people, as the White House likes to say, but they serve our communities. They live in our communities. They are part of our communities. They fight for our communities.

Joshua Keeran reported for the Delaware Gazette about Maryhaven, a local addiction and mental health treatment center. Maryhaven is Central Ohio's oldest and most comprehensive treatment center. It has been a great partner to my office in our work, along with Senator PORTMAN, to help Ohioans fighting addiction.

In my conversations with Maryhaven clients, it is clear what a difference this organization makes in so many lives in Central Ohio. Mr. Keeran reported on Maryhaven's Families in Recovery Program, which provides education, training, and counseling support to families confronted with substance abuse problems. Through its reporting, the Delaware Gazette is raising awareness about this important local resource.

This kind of reporting is what journalists do every day in every community in Utah, Rhode Island, Ohio, and across the country. That is why they are deserving of respect. We should reject the out-and-out attacks by the President of the United States and others who call journalism and journalists in the media enemies of the people. They serve their readers. They serve their viewers. They serve their communities. They deserve our respect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

RUSSIAN HYBRID WARFARE

Mr. REED. Mr. President, today I rise to continue my series of speeches on Russian hybrid warfare and the threat it poses to our national security. Russian hybrid warfare occurs

below the level of direct military conflict, yet it is no less a threat to our national security and the integrity of our democracy and our society. We must reframe our thinking to understand that these are attacks from a foreign adversary on our democratic institutions, our free markets, and our open society.

We recently honored our fallen and observed the attacks of September 11, 2001. The 9/11 Commission Report, which looked into what happened after the attacks, assessed that one of our government's failures in preventing those attacks was a failure of imagination. Now, too, we have the Director of National Intelligence telling us that the "system is blinking red," akin to the threats we received before 9/11. We must be focused on the current problem as a national security threat. This threat requires that the United States defend itself against hybrid attacks with the same level of commitment and resolve as we would against a military attack against our country.

For far too long, we have failed to recognize that hybrid attacks are the new Russian form of warfare. As laid out in the Russian National Security Strategy of 2015, the Kremlin's approach to conflict includes weaponizing tools and resources from across government and society. The Russian strategy states: "Interrelated political, military, military-technical, diplomatic, economic, informational, and other measures are being developed and implemented in order to ensure strategic deterrence and the prevention of armed conflicts."

The Russian strategy describes the conventional and nonconventional arenas of warfare as the Kremlin envisions it and how Russia has utilized all of the tools of statecraft to engage an adversary without, in many cases, firing a shot. These different disciplines make up a Russian hybrid approach to confrontation below the threshold of direct-armed conflict, a method that has been developing and escalating since the earliest days of Putin's rise to power in Russia.

The main tenets of the Kremlin's hybrid operations are these: information operations with cyber tools, which people commonly think of as hacking; propaganda and disinformation; manipulation of social media; and malign influence, which can be deployed through political, legal, or financial channels.

A further characteristic of Russian hybrid warfare is denial and deception used to obscure its involvement. The Kremlin deploys more than one hybrid warfare tactic simultaneously to provide maximum effect.

A look at the Russian hybrid warfare doctrine also illuminates that the Kremlin sees deterrence and prevention differently than we do. This is a critical point. We see deterrence as a way to avoid conflict. They are not merely using these tactics as deterrence or strategic prevention in the way we think about these conflicts.

Instead, they are deploying these tactics aggressively but below the threshold of where they assess we will respond with conventional weapons. One such example was the hybrid warfare operations the Kremlin deployed in Crimea, including covert forces sometimes referred to as "little green men" and the use of coercive political tactics, including an illegitimate referendum.

Now, previously I have addressed aspects of Russia's hybrid warfare operations against the United States dealing with tactics of financial malign influence and multiple hybrid tools they have deployed against our democratic elections. Today I will discuss another Russian tactic and its hybrid warfare arsenal: the use of assassination, politically motivated violence, intimidation, or detention to pursue the Kremlin's objectives. These tactics are sometimes referred to as dirty active measures.

With dirty active measures, the immediate attack is deployed against an individual who is working counter to the Kremlin's strategic goals by challenging Putin's power base, exposing corruption, or unearthing hybrid warfare operations.

But the damage of these hybrid warfare tactics goes well beyond the individual killed, hurt, threatened, or jailed by the Kremlin. These tactics cause chaos, fear, and instability to bystanders and have a deterrent effect, sending a chilling message to others that might seek to challenge the Kremlin's rule.

Further, the reach with which Putin has deployed these weapons inside Russia, across Ukraine, Europe, and even in the United States instills fear that if the Kremlin wants to get rid of you, there is nowhere to hide.

Like all aspects of Russian hybrid warfare, dirty active measures are part of a pattern of behavior that serve Russia's strategic interests. Putin's highest strategic objective is preserving his grip on power. He also seeks to operate unconstrained domestically and in the near abroad. Finally, Putin seeks for Russia to be seen equal to the United States and to regain the great power status it lost at the end of the Cold War.

He knows he cannot effectively compete with the United States in conventional ways and win. Instead, he seeks to use tools from his hybrid warfare arsenal in order to divide us from our allies and partners in the West and weaken our democratic societies from within.

The Putin regime has been engaged in a pattern of dirty active measures for more than a decade, and the tempo has only increased since he retook the Presidency in 2012. These tactics have increasing implications for the United States and allied national security.

I want to address this tactic of dirty active measures because it has taken on greater urgency due to recent events. In particular, I am thinking of

the poisoning of Sergei Skripal, a former Russian military intelligence officer, and his daughter on British soil and Putin's threat against Ambassador McFaul and other U.S. Government officials at the Helsinki Summit. These events may seem unrelated, but they are actually part of a pattern of malicious and threatening Russian behavior.

Today, I will explain the connection and make recommendations for how we can deter and counter Russia's use of dirty active measures as part of its hybrid warfare operations below the level of military conflict.

Dirty active measures have a long and sordid history in Russia and the Soviet Union, dating back to czarist times. For assassinations, poison was often the weapon of choice, including the attempted cyanide poisoning of Rasputin in 1916. In 1921, Lenin opened a poison laboratory to test methods to be used against political enemies named the "special room," which was also known as the "lab of death." At this lab, they developed the nerve agents known as novichoks, which were designed to be undetectable and were recently deployed against the Skripals. These tactics were amplified under Stalin and featured killings by hired assassins, staged automobile accidents, and poisonings, used inside Russia and deployed abroad. Stalin notoriously said:

Death solves all problems. No man, no problem.

Given President Putin's background as a spy master, it should come as no surprise that Russia's use of dirty active measures have continued under his regime. Before becoming Prime Minister and President, Putin spent the majority of his career in the KGB, the state's security service, and its successor, the FSB.

As Russian journalist Andrei Soldatov wrote, the KGB's "main task was always to protect the interests of whoever currently resided in the Kremlin." In this system, loyalty and fidelity to the state is prized above all, and Putin's values were shaped by it.

In 2005, Putin lamented that the breakup of the Soviet Union was the greatest geopolitical tragedy of the 20th century. When he assumed power, he resurrected a system that reflected Soviet methods. He employed all of the instruments of the state, including the Parliament, the courts, and security services, to protect his power base and to allow him to pursue strategic objectives in the foreign arena unconstrained.

Putin's use of hybrid warfare tactics of assassination, political violence, intimidation, and detention—the dirty active measures—are tenets of this system he created to cement his hold on power.

Putin has also manipulated the Parliament and the court system to make and enforce laws that manufacture legal consent for tactics of dirty active measures. As opposition activist Vladimir Kara-Murza, who survived being

twice poisoned, wrote recently in the Washington Post, “in Vladimir Putin’s Russia, laws are often passed with specific people in mind, whether to reward or punish.” Notably, in July of 2006, the Russian Parliament gave President Putin permission to use Russian armed forces and security services to perpetrate extrajudicial killings abroad on people that Moscow accused of extremism. Companion legislation passed about the same time expanded the definition of extremism to include libelous statements about Putin’s administration. This legislation effectively gave those who carry out dirty active measures immunity.

In addition to the use of the legislative and legal mechanisms at their disposal, the Kremlin unleashes a barrage of propaganda against those targeted for dirty active measures. These information operations contribute to a climate of fear targeting both the individuals the Kremlin is trying to silence and the broader population. Propaganda campaigns are also deployed after the dirty active measure is carried out, in order to sow confusion and make people doubt whether Russia is culpable.

Putin and his inner circle have drawn a distinct narrative, branding those who oppose the Kremlin as criminals, thus deeming them as deserving of punishment. They are often also accused of being part of the so-called “fifth column,” Russians that Putin defines as advancing foreign interests.

Worse than criminals in Putin’s mind are those the Kremlin viewed as having been loyal in the past but who are now working against the interest of the state. These people are branded as traitors, and as the New York Times reported last month, traitors hold a special status for Putin. Putin’s disdain for traitors stems from the early days of the end of the Cold War, when dozens of former Soviet intelligence officers became defectors or informants for the West.

According to the Times, “Mr. Putin cannot speak of them without a lip curl of disgust. They are ‘beasts’ and ‘swine.’ Treachery, he told one interviewer, is the one thing he is incapable of forgiving. It could also, he said darkly, be bad for your health.”

Putin publicly threatened those considered traitors on multiple occasions. One of those episodes occurred in 2010. After a spy swap between Russia and the United States, which included the recently poisoned Skripal, Putin stated ominously: “A person gives his whole life for his homeland, and then some . . . [blank] comes along and betrays such people. How will he be able to look into the eyes of his children, the pig? Whatever they got in exchange for it, those thirty pieces of silver they were given, they will choke on them. Believe me.”

For Putin, labeling his political opponents in these stark terms helps to justify the dirty active measures deployed against these individuals.

These tactics of dirty active measures have been used with impunity inside Russia to silence and intimidate Kremlin critics and preserve the system of power Putin created. They have been unleashed against journalists, opposition leaders, oligarchs, and others seen as betraying the system. A Senate Foreign Relations minority staff report from January detailed more than two dozen Kremlin critics who died under mysterious circumstances in Russia since Putin took power in 2000. The report separately compiled violent attacks and harassment on human rights activists and journalists.

Russian opposition activists are also a target of dirty active measures inside Russia. One example was the assassination of Boris Nemtsov, a popular regional Governor and Deputy Prime Minister under Yeltsin, who became disenchanted with Putin’s political system. He publicly exposed extensive corruption and covert use of Russian hybrid warfare tactics in Ukraine. Arkady Ostrovsky, a Moscow correspondent for the Economist, described the tactics of intimidation deployed against him, including that he was stigmatized as a “national traitor” and an “American stooge.” He was demonized on television and on the streets banners with Nemtsov’s face were hung on building facades framed by the words “fifth column—aliens among us.”

These threats were followed with Nemtsov being brazenly assassinated steps from the Kremlin. Nemtsov appears to have been killed for exposing corruption in Putin’s inner circle and trying to serve as a constraint on his ability to conduct hybrid warfare operations in Ukraine. These acts were clearly seen as a threat to Putin’s power and his ability to act with impunity.

Attacks of dirty active measures inside Russia continue unabated. This April, Russian journalist Maxim Borodin fell to his death after investigating the Wagner paramilitary forces linked to a close Putin ally and Russian troll farm patron, Yevgeny Prigozhin. Three additional Russian journalists who were investigating Prigozhin-sponsored, Kremlin-linked military activities, particularly in the Central African Republic, were killed under suspicious circumstances in August. Just a few weeks ago, the publisher of a website that exposes Kremlin abuses in the criminal justice system fell ill from apparent poisoning. This attack occurred on the same day he expected to receive the results of an investigation he commissioned into the deaths of the journalists in the Central African Republic.

As I have detailed here, these attacks are not officially linked back to the Kremlin, allowing for plausible deniability, but are part of a clear pattern of tactics deployed against those who work to expose activities that may hurt Putin’s base of power.

Putin has resorted to using dirty active measures beyond Russia’s borders,

which demonstrates the willingness of the Kremlin to use these tactics not only for domestic political purposes but also as part of its hybrid warfare operations to advance Russia’s strategic interests against other countries.

Similar to other tactics of hybrid warfare operations, Ukraine is usually where Russia deploys these tactics first, a testing ground for tools that may be deployed in the West at a later time.

We see these tactics of dirty active measures deployed in Ukraine as far back as 2005, when the more Western-oriented Viktor Yushchenko was poisoned after he won the Presidency, beating Victor Yanukovich, the preferred pro-Russian candidate.

The Kremlin continues to deploy dirty active measures, including assassination, in Ukraine with impunity. Last May, Denis Voronenkov, a former FSB colonel and a former Russian Parliament Member, was shot in the head on a crowded Kiev sidewalk in broad daylight. Voronenkov was once a close Putin ally who used his position to promote key Kremlin priorities, including, ironically, annexing Crimea. He fled to Ukraine in October of 2016 and began to criticize Putin’s government. He was slated to provide testimony to Ukrainian authorities that would expose Kremlin deliberations prior to hybrid warfare operations against Ukraine. Forebodingly, a few days before his murder, he told the Washington Post: “They say we are traitors in Russia.” Again, the idea that he could be shot brazenly in broad daylight served as a warning to others who might want to expose hybrid warfare operations to think twice, and that they can’t escape even if they leave Russia.

Similar tactics were deployed against Montenegro as it considered and ultimately chose to join NATO in 2015 and 2016. The Kremlin saw the Montenegrin Government’s decision to move closer to the West as a threat to its strategic interests, including Russia’s ability to operate in Eastern Europe unconstrained.

When several other hybrid warfare operations, including propaganda and information operations, failed to keep Montenegro from joining the alliance, Russian military intelligence officers planned and attempted to execute an election day coup that included a plan to assassinate the Montenegrin Prime Minister. The attempt on the Prime Minister’s life was unsuccessful, fortunately. However, it showed the extremes to which the Kremlin would go and the methods that were used to try to maintain its strategic interests.

Beyond Ukraine and Montenegro, the Kremlin has increasingly demonstrated a willingness to use dirty active measures in the West, suggesting a sense that Russia feels it can operate with impunity even in these countries.

One Western country where a pattern of Russian dirty active measures appears prominently is in the United Kingdom. Investigative reports have

unearthed an estimated 16 suspicious deaths over the past 12 years, and that may not even be the totality.

The most well-known measure of Russian dirty active measures inside the UK is Alexander Litvinenko, a former KGB and FSB officer who blew the whistle on corrupt practices of the FSB. While Litvinenko had retired from spying, he did consulting work with the British and Spanish intelligence services, helping both governments understand connections between the Russian mafia, senior political figures, and the FSB. Further, he continued to speak out against the Putin government and expose Kremlin corruption.

Because of these actions, the Kremlin branded Litvinenko a traitor. He received threatening emails from a former colleague who told him to “start writing a will.” Litvinenko was later poisoned with polonium-210. The poisoning also served as a deterrent to others.

The day after Litvinenko’s death, a member of the Russian Parliament stated:

The deserved punishment reached the traitor. I am sure his death will be a warning to all the traitors that Russian treason will not be forgiven.

Litvinenko’s poisoning served as a prologue for the poisoning of Sergei Skripal 12 years later. Skripal was a former Russian military intelligence officer who was convicted of being a double agent and sentenced to prison. As I mentioned earlier, he was traded as part of a spy swap in 2010. He was given asylum in the United Kingdom. Press reports indicate that, similar to Litvinenko, Skripal appeared to have been working with the Spanish, Czech, and Estonian intelligence services.

This March, he and his daughter were poisoned by novichok sprayed on the door handle of his Salisbury, England, home. In conjunction with the assassination attempt, Kremlin officials deflected, denied, and deployed absurd propaganda and disinformation. They unleashed an estimated 2,800 bots to cast doubt on Prime Minister May’s assessment that Russia was responsible and to amplify divisions among the British people. They blamed the West for the poisoning and suggested it was a hoax. Once the UK named suspects and pointed a finger at Russian military intelligence, the two alleged perpetrators went on TV and absurdly claimed to be sports nutritionists with a yearning desire to visit a Salisbury cathedral.

Again, these killings are part of a pattern. Both Litvinenko and Skripal were part of security services. They turned on the state and were deemed traitors. Even when they appeared to be safe, they were targeted for dirty active measures, sending the message that the Kremlin was the ultimate arbiter and that they could reach traitors anytime or anywhere. This message was also directed at others who might wish to expose Putin’s secrets in

the future or try to constrain or challenge his power.

The pattern of dirty active measures also extends to the United States. This includes Mikhail Lesin, a former Kremlin insider who was crucial to Putin’s consolidation of the Russian media. Lesin was also responsible for the rise of Russian TV and internet platform RT, a tool the Kremlin uses to deploy propaganda and disinformation across the world, including against the United States during the Presidential election in 2016.

Lesin was reported to have had a falling out with two members of Putin’s inner circle, including a longtime friend known as Putin’s banker. Lesin was found dead in a Washington, DC, hotel room in November of 2015. The DC coroner concluded that the death was accidental and that he died alone, despite noting that Lesin had sustained blunt force injuries to his neck, torso, and upper and lower extremities. Lesin was allegedly planning to tell the secrets of a major component of the Kremlin’s hybrid warfare operations to the Justice Department when he appeared to have conveniently died before he could explain its inner workings.

Similar to other dirty active measures campaigns, the Kremlin unleashed a disinformation campaign to ensure plausible deniability and generate confusion about the circumstances surrounding his death. Here, too, Lesin appears to fit the pattern of being targeted for revealing aspects of the hybrid warfare campaigns that the Kremlin has come to rely on.

In what appears to have been an even more brazen move for Putin, he engaged in dirty active measures while the whole world was watching. While standing next to President Trump in Helsinki, President Putin proposed that he would allow Special Counsel Mueller to interview the 12 Russian military intelligence officers indicted on charges of “large-scale cyber operations to interfere with the 2016 Presidential election.” But there was a catch. Putin announced that in return, he would expect that Russian authorities would be able to question current and former U.S. Government officials whom Putin described as having “something to do with illegal actions on the territory of Russia.” President Trump stood next to President Putin during this disinformation operation and endorsed it as being an “incredible” offer that he and his administration actually considered.

The very next day, Russian officials announced a list of 11 accused “criminals” whom they wanted to interrogate because, in the course of doing the work of the United States of America, they took stances that the Kremlin opposed. Among those listed was a congressional staffer who helped write the Magnitsky sanctions act and former U.S. Ambassador to Russia Michael McFaul, who served as the point person during the Obama Administration and

as Ambassador to Russia from 2012 to 2014.

During McFaul’s time as Ambassador to Russia, the Kremlin unleashed its hybrid warfare playbook against him. They denounced him as an enemy and had security forces follow his family. The Kremlin also deployed a disinformation campaign against him that accused him of being a pedophile. The Kremlin was using these active measures in an attempt to instill fear in him and others that they could be killed, hurt, or jailed for doing the work of the U.S. Government.

The United States and Western countries more broadly must understand that these attacks are not random; they are part of a pattern, a doctrine of hybrid warfare being expressed across the globe. We need to understand that assassinations, violence, threats, and intimidation are tools and tactics that Putin is using to achieve strategic or foreign policy goals, and these activities are harming our national security.

For instance, the New York Times reported in August that vital Kremlin informants have gone silent, leaving our intelligence community in the dark about what Russia’s plans are for November’s midterm elections. The report continues that American officials familiar with the intelligence “concluded they have gone to ground amid more aggressive counterintelligence by Moscow, including efforts to kill spies.”

These are not just brutal tragedies or incidents; the use of dirty active measures are purposeful and are intended to advance Putin’s agenda short of using tools of conventional warfare.

The United States must lead with strong denunciations against dirty active measures and all other hybrid tactics used by Russia or any other country. It is particularly critical that the President denounce Russian threats against U.S. officials for their actions in carrying out U.S. foreign policy or advancing our national security interests. Instead, the President’s deference to Putin at Helsinki sent the wrong signal to Putin in the face of his threats.

Fortunately, the Senate has taken some action, including voting 98 to 0 to protect our diplomats and other government officials implementing U.S. policy after Putin requested they be turned over for questioning. However, our government must speak with one voice and send consistent messages that this kind of action will not be tolerated and that Putin will pay consequences for his behavior.

While it is important that we respond to these attacks, including with unequivocal denunciations of these tactics by the President and by the Congress, we should not be in the business of trying to respond to these attacks symmetrically. Putin resorts to using these tactics because he believes they give him an advantage over the West. We need to stay true to our ideals of democracy, human rights, and liberty.

We don't need to normalize or legitimize these methods by engaging in them ourselves. Doing so would simply create a false moral equivalence that plays right into Putin's hands. Instead, we must employ responses that play to our strengths. We stand for transparency and accountability in the United States. We stand for the rule of law. We must develop and implement a comprehensive strategy that deploys tools that are consistent with and showcase these values. We must shine a light on corruption at the highest levels of the Putin regime. We must shine a light on how Putin's cronies are hiding their ill-gotten gains in the West. We must deploy a systematic and strategic messaging campaign that counters the base of Putin's power, reputation, and funding.

We must take these actions in concert with our allies and partners. In response to the Skripal poisoning, the United States expelled 60 Russian diplomats, joining with more than 25 ally and partner nations in applying diplomatic pressure on Russia. This action sent a strong signal that the world would not allow Putin to act with impunity. When we act together with our allies and partners to push back against these hybrid operations, it imposes a cost to Putin's reputation on the world stage, which thwarts one of his major strategic interests.

While these steps were in the right direction, they have been undermined by the President's words and actions. Despite punitive measures in response to the Skripal poisoning, the Kremlin thought that the Helsinki summit erased that damage. Press reports indicate that Western and U.S. intelligence agencies assessed that the Kremlin was pleased with the outcome of the summit at Helsinki and is confused as to why President Trump is not implementing more Russia-friendly policies.

One important tool in our arsenal for holding the Kremlin accountable is sanctions, including those on Putin's inner circle. In particular, sanctions implemented under the Magnitsky Act appear to be particularly threatening to him. This act was passed in response to the death of Sergei Magnitsky, who uncovered massive tax fraud and corruption that was traced back to Kremlin officials. He was arrested in Russia and placed in jail, where he was tortured until he died.

The origins of the Magnitsky Act were to hold accountable those in the Russian Government who were complicit in Magnitsky's abuse and death by sanctioning their assets and barring them from receiving American visas. Subsequently, the Magnitsky Act has been expanded to include others who are culpable of acts of significant corruption and abuse.

Russia expert Heather Conley of the Center for Strategic and International Studies testified recently at a Banking Committee hearing about the significance of the Magnitsky sanctions to Putin. She said:

Because the Kremlin has based its economic model and its survival on kleptocracy, sanctions and other policy instruments dedicated to preventing the furtherance of corruption—or worse yet in the minds of the Kremlin, to providing accurate information to the Russian people of the extent of this corruption—are a powerful countermeasure to Russia's malign behavior.

The Magnitsky sanctions, along with those designated under the Countering America's Adversaries Through Sanctions Act, or CAATSA, threaten Putin's power structure and present a counter-narrative of corruption and abuse by the Kremlin.

We need to continue to use these sanctions to hold those who are complicit in dirty active measures and those who are responsible for aggression, corruption, and interfering in our elections accountable. Ratcheting up sanctions on those in Putin's inner circle is a way to make Putin and his cronies feel pain and has the potential to change their behavior. Additional sanctions should be imposed on oligarchs and high-ranking government officials to target Putin's base of power and further expose the corrupt nature of their sources of income.

We should also consider declassifying the so-called 241 report compiled by the intelligence community along with the Departments of Treasury and State. This report required an assessment of the net worth of senior Kremlin officials and oligarchs, their relationship to Putin and his inner circle, and evidence of corrupt practices. If we were to release such a report—with redactions for portions with national security implications—to the public, it would further expose malign activity and unexplained streams of wealth.

Congress has provided many tools for the administration to implement, and it is time to utilize them fully. Implementing them in a transparent, public manner is likely to cause reputational harm to Putin himself and restore a level of confidence in the administration here at home. However, specifically targeting sanctions this way is unlikely to cause large-scale harm to the Russian people or to our European allies.

It is very clear that implementing sanctions is far more effective when done with the cooperation of the international community. The most effective sanctions regimes are those that are implemented in a multilateral fashion.

I urge the administration to engage with our allies and partners to coordinate sanctions enforcement and further escalatory steps as warranted. That includes working through diplomatic channels to ensure that the sanctions placed on Russia by the European Union remain in place. A coordinated front of the United States and our European allies provides the greatest chance of successful implementation of sanctions and deterring further aggression by Russia.

The administration must also place a premium on exerting diplomatic pres-

sure to isolate those who flout or do not enforce sanctions on Russia.

Another form of pressure should be an increase in assistance to pro-democracy and civil society groups in Russia and in nations of the former Soviet Union. Working with these groups in conjunction with our allies, partners, and the private sector would provide another means of raising the costs of Putin and his oligarchs. Putin is threatened by the success of democracies and private enterprise.

In addition to sanctions, we must continue to play a strong role in law enforcement, along with our allies and partners. That includes aggressive prosecution of murders and threats of violence to limit the impunity. With Litvinenko, it took almost 10 years for the United Kingdom to have an official inquiry into the assassination. The United Kingdom has acted quicker in the wake of the Skripal poisoning, moving to identify suspects and hold the Kremlin accountable for these actions. We need to adopt UK's lessons learned to ensure that those who seek to use these weapons will be prosecuted fully and without delay.

We have missed too many of these dirty active measures operations for far too long. We must recognize this is an element of Russia's hybrid warfare. We must not fail to have the imagination to see what is happening right before our eyes. We must do more to identify and attribute these attacks from Russia. These attacks have only grown more brazen and will not stop unless we take strong measures to counter them and send the message that dirty active measures are unacceptable and will be costly to Russia or any other country which uses them.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provision of rule XXII, all postcloture time on the Clark nomination be considered expired at 12:10 p.m. on Thursday, October 11, and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning