



United States  
of America

# Congressional Record

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

Vol. 164

WASHINGTON, WEDNESDAY, OCTOBER 10, 2018

No. 168

## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 12, 2018, at 9:30 a.m.

## Senate

WEDNESDAY, OCTOBER 10, 2018

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

### PRAYER

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

Let us pray.

Eternal Lord God, You are our hiding place. You alone are our mighty rock and fortress. Thank You for directing our steps.

Today, provide our lawmakers with Your peace, infusing them with the wisdom that strives for faithfulness. Lord, let that faithfulness so energize them that harmony will triumph over discord. May the effects of this unity be felt in our Nation and world.

Teach us all to serve You with all our hearts, souls, minds, and strength.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

### RECOGNITION OF THE MAJORITY LEADER

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

S. 3021

Mr. McCONNELL. Mr. President, later this morning, the Senate will

vote to deliver the most substantial infrastructure legislation yet considered by this Congress to communities across America.

Yesterday, I spoke about President Trump's challenge to improve our Nation's infrastructure, and I laid out how America's Water Infrastructure Act will represent a major step toward meeting that challenge nationwide. This comprehensive legislation meets all sorts of pressing needs unique to different corners of our country—from dams, levees, and flood control, to safer drinking water and sewage systems.

There are national issues at stake, such as the ability of American producers and manufacturers to access markets around the world, but the questions at stake are also very local. By way of example, I would like to highlight just a few of the ways this legislation will have a direct impact on communities in my home State of Kentucky.

First, the bill before us includes a measure that will protect property owners from paying thousands of dollars in fees to fix decades-old surveying mistakes by the Army Corps of Engineers. This is a critical issue for Kentucky's Rough River community, where the Army Corps' own errors threatened to stick local landowners with a steep bill. I was pleased to lead the charge in crafting a commonsense solution to prevent this Kentucky community from paying a financial price for government mistakes.

This legislation also halts the imposition of burdensome fees on water use in Lake Cumberland, and it extends my Freedom to Fish Act for 5 years by bar-

ring the Army Corps from prohibiting fishing in the tailwaters of Barkley and Wolf Creek Dam. For so many communities in my State, fishing is both a hobby and a way of life. This is not an area where the Federal Government needs to jump in between Americans and their own backyards. We had to pare back this regulatory overreach. This legislation does exactly that.

Here is one more example. In States like Kentucky where waterways play such a pivotal economic role, it is also crucial that the Army Corps be equipped to demolish defunct parts of our waterways infrastructure that now stand in the way of progress. These efforts will allow communities along Kentucky's Green and Barren Rivers to make these waterways healthier, safer, and more attractive for outdoor recreation.

I am proud this legislation authorizes these important steps forward.

This is the beauty of America's waterways. It is a national issue, but it touches local communities across the country in very direct and specific ways.

I am proud of the ways this legislation will help Kentucky. I know each of my colleagues knows just as many ways this bill will impact their own State for the better. That is underscored by last night's overwhelming bipartisan vote of 96 to 3. I look forward to a similar bipartisan vote later this morning to send this significant infrastructure bill to the President's desk for signature into law.

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



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## HEALTHCARE

Mr. McCONNELL. Mr. President, on another matter, today the Senate will also vote on an effort by my Democratic colleagues to strip away health insurance options for families whom ObamaCare has failed.

The first 4 years of the ObamaCare experience was one of failure after failure—skyrocketing premiums and broken websites built on broken promises. Many families were caught right in the middle of the ObamaCare mess—those who earned too much to receive subsidies but not enough to keep pace with premiums—so it became even more important to look for alternatives. The American people are resourceful. Some held on to so-called grandfathered and grandmothered plans, and others looked for lower cost, short-term plans that could be held for up to a year.

We all know that Big Government doesn't like it when citizens try to avoid the micromanagement and run their own lives as they see fit, so in the waning months of the Obama administration, Democrats issued a new regulation that cut these plans from 12 months down to 3 months and made them nonrenewable. I guess the goal was to force even more Americans into ObamaCare. The real effect was just to punish these people twice for Democrats' bad policy.

Fortunately, this year the Trump administration righted the ship. They undid the restriction and restored the status quo that was in place from the 1990s through most of the Obama administration. It was a simple fix. It doesn't take away the choices they have under ObamaCare but empowers Americans to use this alternative choice if they prefer it. According to even the liberal Urban Institute, more than 1.7 million Americans will likely be insured with this option, who otherwise would have gone uninsured. But apparently our Democratic colleagues can't tolerate even this modest step away from top-down government control. They have introduced a resolution of disapproval to overturn the Trump administration's fix and snatch these options away from families once more. We will be voting on it today.

I know my Democratic colleagues are embarrassed by the state of ObamaCare. It has been more than 8 years since they passed their signature law that was supposed to make it all better. Instead, working Americans are saddled with increasing costs and decreasing choices. But surely they must have a better answer than snatching away one of the remaining options that some Americans still prefer to anything Democrats have been able to come up with.

This is an easy decision. I urge every one of my colleagues to vote against this resolution. Our constituents deserve more options, not fewer. The last thing we should do is destroy one of the options that is still actually working for American families.

## THE ECONOMY

Mr. McCONNELL. Mr. President, one final matter. While the Senate was focused on Justice Kavanaugh's confirmation last Friday, our economy reached a major milestone. According to the latest Department of Labor report, unemployment in the United States of America has now fallen to 3.7 percent. That is the lowest unemployment rate since 1969. It is now 3.7 percent—the lowest unemployment rate since 1969. The share of Americans who are seeking work but cannot find it is as low as it has been in just shy of 50 years.

There was other good news as well. Unlike what happened too often in the previous decade, this drop in unemployment did not come from discouraged workers giving up their search altogether; to the contrary, 150,000 more Americans joined the labor force last month, and the unemployment rate still went down. Now, that is an opportunity economy. That is exactly what an opportunity economy looks like.

Day after day, my Republican colleagues and I have come to the floor and outlined all the things we are doing to try to help generate precisely this kind of economic momentum for the American people. This unified Republican government has rolled back regulations and cut redtape at a pace that hasn't been seen for years. We have handed American families and job creators the most significant Tax Code overhaul in 30 years, lower tax rates, a bigger child tax credit, more help with small businesses, and better incentives to invest and create jobs right here on American soil. Our actions have been clear, and our economy is sending equally clear signals in response: the highest consumer confidence we have seen in nearly 18 years, the highest small business confidence we have seen in 35 years, and now the lowest unemployment rate we have seen in almost half a century.

I have said it before, and I will say it again: Government itself is not creating this prosperity. Republicans know that growth starts with workers and entrepreneurs, not with Washington. Government can either put the wind in America's faces or at their backs, and there is little question which way the wind has been blowing these past 2 years. It certainly is not "Armageddon" or "crumbs," as the House Democratic leader notoriously proclaimed in recent months. It is not a "disaster," as my friend the Senate Democratic leader has suggested. No, it is rising wages, more job opportunities, and new investment, and it is reaching kitchen tables in communities large and small all across our country. The real winners here are the American people. Republicans are just proud that our policies are helping them do what they do best.

## RESERVATION OF LEADER TIME

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

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be equally divided between the two leaders or their designees.

Mr. McCONNELL. 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. CORNYN. 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

Mr. CORNYN. Mr. President, as you know this week we are voting and considering an important bipartisan piece of legislation known as America's Water Infrastructure Act, the most sweeping infrastructure package to be considered by Congress this year. It will literally reauthorize billions of dollars of spending for our Nation's ports, harbors, and waterways, and it will end wasteful spending on water projects that are no longer necessary.

I thank Chairman BARRASSO and Ranking Member CARPER for spearheading this legislation through the Committee on Environment and Public Works. They deserve a tremendous amount of credit for bringing us to where we are today.

Drinking water, wastewater systems, dams, levees, ports, and reservoirs matter to every single community in America. They are usually not front and center on our priority list, though, so people naturally take them for granted. We take it as a given that water will be available, that it will be treated and filtered, that wastewater will somehow be transported wherever it needs to go, and that dams and levees will hold up when they are put to the test by rising floods.

Actually, though, that is not the case in many parts of the world, and we in America do take that for granted because usually none of these present a problem to most Americans. None of these problems happen in the United States if public and Federal resources are allocated in the right ways, and that is why we can't afford to let our guard down and be lax when it comes to maintaining these important national treasures.

That is what makes this bill we are voting on so crucial. It is not just a drop in the bucket, so to speak. It is one of the main reasons the bucket—

our Nation's entire public water capacity—functions at all.

As Chairman BARRASSO has said, many pieces of our water infrastructure systems are aging and in need of serious attention. They need to be repaired, replaced, and other long-awaited projects need to begin.

I know that because some of those projects happen to be in my State of Texas. Following last year's devastating Hurricane Harvey, a catastrophic rain event, the likes of which the Houston region had never seen before, the gaps in our infrastructure became acutely apparent. As we began the recovery process, one thing became clear to us: There isn't much sense in rebuilding without ensuring the region can withstand major weather events in the future. So it is not just about fixing what was damaged; it is about making sure future infrastructure will not be damaged because it has been brought up to standard.

So one piece of the bill we will be voting on this week will be to allow the Army Corps of Engineers to expedite a study on the so-called coastal spine that will run up and down portions of the gulf coast. This is a new multi-layered system of storm surge and flood mitigation improvements to address our most acute vulnerabilities. The crucial first step is fully funding the proper engineering study, and that is what we are going to do in this bill.

I want to emphasize, this is not just some parochial matter. It is not just something that matters to the city of Houston and the gulf coast region. This is an important national resource. It is important to our national security, and it is vital to our national economy.

A second thing this bill does for Texas is authorize a project from an area known as the Sabine Pass to Galveston Bay. Across more than 4,000 square miles of South Texas, this bill will update the levee systems and, in some cases, construct new ones in order to better protect the area from storms and hurricanes.

In places that were dramatically affected by Hurricane Harvey, like Clear Creek and Brays Bayou, funds will be used to widen channels, construct detention basins, replace bridges, and renovate dams. Importantly, these projects include cost-share requirements, a reflection of the partnership between the State and local officials and the Federal Government when it comes to flood mitigation.

As Texas communities continue to rebuild from Hurricane Harvey and prepare for future storms, it is critical that we take these steps to ensure the coastal region can better withstand major weather events. I am grateful that once we vote on this bill, we will be one step closer toward completing these important projects, as well as many others.

Finally, it is important to note that in many ways, the provisions of this bill represent a continuation of efforts we began last fall. As my colleagues

will recall, in the weeks and months following Hurricane Harvey, Congress passed three separate aid bills totaling \$147 billion for Harvey and other natural disasters.

Then, in February, my colleagues and I secured nearly \$4 billion in the Omnibus appropriations bill to advance the Sabine Pass to Galveston project I just mentioned.

So as we move toward passage of this important piece of legislation, it is important to remember, this is sort of the bricks-and-mortar work Congress needs to do. It doesn't gather a lot of attention. There is not a lot of controversy. Unlike a Supreme Court appointment, we don't see thousands of people gathering in the Mall or in the halls or in front of the Capitol, but it is simply the fundamental, basic building blocks we need to construct in order to keep our country safe and prosperous.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

HEALTHCARE

Mr. SCHUMER. Mr. President, Democrats have long believed that good healthcare for every American is a right, not a privilege. It is a tradition that was etched into our party by Presidents Roosevelt, Johnson, Clinton, and Obama. We believe it is wrong to allow insurers to discriminate against women, older Americans, and folks with preexisting conditions. We believe it is wrong to allow insurers to put a cap on your insurance or to offer insurance so threadbare that it hardly counts as insurance at all. People end up paying a lot of money for insurance, and then they find it doesn't cover anything or it has such a huge deductible that it does no good. That is why the Affordable Care Act prohibited these abuses by insurance companies.

Our Republican friends seem to want to say: The best way to get healthcare is to put yourself in the hands of your insurance company. We don't believe that. For the past 2 years, President Trump and Republicans in Congress have tried to wrench our country back to a time when all of these abuses and loopholes were commonplace, a time when insurance companies could do whatever they want. They have tried to repeal our healthcare law, gut Medicaid, and cause 20 million fewer Americans to have insurance. President Trump ended a program that helped low-income Americans to afford insurance. Congressional Republicans repealed the coverage requirement, causing an unnecessary and completely avoidable increase in premiums this

year, and Republican attorneys general across the country—many now running for a seat in this Chamber—filed a lawsuit that would repeal protections for Americans with preexisting conditions.

Today on the floor, the Senate has the opportunity to put a stop to the relentless sabotage of our healthcare system. My friend and one of the great leaders in healthcare in this Chamber, Senator BALDWIN, has put forward a motion to repeal the Trump administration's rule to expand short-term insurance plans. Short-term insurance plans lure consumers in with low rates but fail to provide adequate coverage. Many don't cover maternity care, mental health treatment, prescription drug costs, and more. These plans are junk insurance, period—no ands, ifs, or buts—junk.

We prohibited them in the past. This administration wants to let these junk insurance plans run rampant and let people be duped into thinking they have insurance when it covers almost nothing. There are massive risks to any family who purchases them, and, worse, they cause rates to go up for everyone else, even those who don't elect to buy one. That is why traditionally nonpartisan organizations, like the American Cancer Society, the AARP, and the American Lung Association, have come out in staunch opposition. The AARP, for instance, says that junk insurance "would force millions of older Americans to choose either inadequate coverage or comprehensive coverage that is unaffordable."

Now, my Republican friends say they support these plans because they give Americans another choice, but if you ask Americans: Would you like the option to purchase a faulty product, I don't think many would say yes. Do we want a choice of buying a car where the engine doesn't go? Of course not, that is the 1890s. We have changed for the better, and people are protected.

So this vote is not about giving Americans a choice. It is about whether or not we would allow insurance companies to scam Americans with cut-rate health insurance. I wouldn't want to be on the wrong side of that vote. An abundance of public opinion shows that healthcare is the No. 1 issue to voters. My Republican friends have desperately tried to make it more unaffordable, harder to access. Meanwhile, the one significant legislative item passed by the Republican Congress this year, the tax bill, is under water in the polls. It is hard to make a tax cut unpopular, but this one is because so much of it goes to the wealthy.

Republican leaders just rammed through one of the least popular Supreme Court Justices in history.

In a few short weeks, the American people will head to the polls, where they can vote for another 2 years of Republican attempts to gut our healthcare system or they can vote for Democratic candidates who can safeguard the protections now in place and

work to make healthcare more affordable.

I see my friend from Wisconsin. I want to thank her for her outstanding leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE SECRETARY OF THE TREASURY, SECRETARY OF LABOR, AND SECRETARY OF HEALTH AND HUMAN SERVICES RELATING TO "SHORT-TERM, LIMITED DURATION INSURANCE"

Ms. BALDWIN. Mr. President, I move to proceed to Calendar No. 627, S.J. Res. 63.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the joint resolution by title.

The senior assistant legislative clerk read the joint resolution by title:

A joint resolution (S.J. Res. 63) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of the Treasury, Secretary of Labor, and Secretary of Health and Human Services relating to "Short-Term, Limited Duration Insurance."

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, just over a year ago in this Chamber, three brave Republican colleagues—Senator John McCain, Senator SUSAN COLLINS, and Senator LISA MURKOWSKI—joined all Democrats in voting against healthcare repeal legislation. They listened to the families of their States.

I, too, voted against that repeal legislation because the people of Wisconsin did not send me to Washington to take away their healthcare. When congressional Republicans tried to pass repeal plans that would allow insurance companies to charge more for preexisting conditions, families across our country fought back.

When the Republican majority tried to charge older Americans an age tax and make people pay more for less care, people let their voices be heard and sent a loud message to Washington: Protect our care. They sent us all a clear message that they want us to work across party lines to protect the healthcare guarantees they depend on and to stand up for those with preexisting health conditions. Yet defeating the legislative efforts that would have made things worse for families didn't end the threat to the American people.

The Trump administration has been trying to do what congressional Republicans couldn't. They have been sabotaging our healthcare system and rewriting the rules on guaranteed health protections and access to affordable care that millions of Americans have

today. This sabotage has created instability in the healthcare market, contributing to widespread premium spikes in 2018.

This administration ended the critical cost-sharing reduction payments that made healthcare more affordable for almost 90,000 Wisconsinites. The Trump administration again slashed funding for outreach efforts to help people sign up for healthcare.

Trusted navigator programs like those in Wisconsin have had their funding cut by nearly 90 percent in the past 2 years. This will mean fewer people in rural Wisconsin will receive the support they need to obtain affordable coverage this year.

It doesn't stop there. The Trump administration has even joined Wisconsin's Governor and Wisconsin's attorney general and other States in going to court to support a lawsuit that would take away guaranteed protections for people with preexisting conditions. If they succeed, insurance companies will again be able to deny coverage or charge higher premiums for the more than 130 million Americans with a preexisting health condition. In fact, if the Affordable Care Act's protections for people with preexisting conditions are struck down in court, Wisconsin is among the States that has the most to lose.

According to the Kaiser Family Foundation, one out of every four Wisconsinites has some sort of preexisting health condition, and they simply cannot afford to have the healthcare they depend on threatened with higher costs or coverage denials.

The Trump administration has expanded junk insurance plans. These plans are cheap for a reason; they do not have to provide essential health benefits like hospitalization, prescription drugs, and maternity care.

According to the fine print of one of the plans sold in several States, including my home State of Wisconsin—marketed by the Golden Rule Company—the plan doesn't even have to cover hospital care on a Friday or Saturday. It will be just your bad luck if you happen to get sick and need healthcare on the weekend. The very first exclusion states that it provides no benefits for a preexisting health condition. The fine print also notes if you are pregnant, that will be considered a preexisting health condition.

These junk insurance plans can deny healthcare coverage to people with preexisting conditions when they need it the most, and that is why I am leading this effort in the U.S. Senate to take action and stop this sabotage.

This is personal to me. When I was 9 years old, I got sick. I was really sick. I was in the hospital for 3 months. I eventually recovered. When it came to health insurance, it was as if I had some sort of scarlet letter. My grandparents, who raised me, couldn't find a policy at any price that would cover me—not from any insurer—all because I was a childhood branded with those words: "preexisting condition."

This is also personal for Chelsey from Seymour, WI, whose daughter was born with a congenital heart defect. Right now, Zoe is guaranteed access to coverage without being denied or charged more because of her preexisting condition.

Chelsey wrote me during that debate last year: "I'm pleading to you as a mother to fight for the kids in Wisconsin with pre-existing conditions that are counting on you to protect that right."

No parent or grandparent should have to lie awake at night wondering if the healthcare they have today for themselves and their families will be there tomorrow. With the expansion of these junk plans, that fear could become a new reality for far too many families as healthy people leave the market, increasing premiums for everyone.

Children like Zoe may not be able to find any plan that her parents can afford or that will cover the care she needs. No family should be forced to choose between helping a loved one get better or going bankrupt.

Before the Affordable Care Act, too many families had to make that choice. Before the healthcare law, I heard from Sue from Beloit, WI. Sue's husband was diagnosed with lung cancer. They quickly found out their insurance plan had a \$13,000 limit on radiation and chemotherapy. That covered about one round of chemotherapy. When they needed to continue treatment, Sue and her family used all of their savings, and then they maxed out all of their credit cards. When they were facing insurmountable credit card debt, she told me: "I had no choice but to file bankruptcy." Sue's husband later died.

We can't go back to the days when insurance companies wrote the rules, just as we cannot allow the Trump administration to rewrite the rules on guaranteed healthcare protections that millions of Americans depend on.

More than 20 of the leading healthcare organizations in America, representing our Nation's physicians, patients, medical students, and other health experts, are supporting this resolution to overturn the Trump administration's expansion of junk insurance plans. They are doing so because these junk plans will reduce access to quality coverage for millions and increase costs.

These junk plans will charge people more for coverage based on their preexisting conditions or deny them coverage outright. These junk plans will leave cancer patients and survivors with higher premiums and fewer insurance options. These junk plans will force premium increases on older Americans.

I have heard my colleagues on the other side of the aisle say that they are committed to protecting people with preexisting conditions. Now is your chance to prove it. Anyone who says they support coverage for people with

preexisting conditions should support this resolution to overturn the Trump administration's expansion of these junk insurance plans.

This is an opportunity for Democrats and Republicans to come together to protect people's access to quality, affordable healthcare when they need it the most. Let us join in seizing the opportunity to do what is right by the American people.

I yield.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the resolution by the distinguished Senator from Wisconsin is a resolution to say to the plumber who is making \$60,000 a year in Wisconsin or Tennessee: We want to keep your insurance prices high. We don't want to reduce them by 70 percent, and we want to keep 1.7 million people, according to the Urban Institute, uninsured.

Let me say that again. If this resolution passes—if you vote yes—you are saying to the plumber who makes \$60,000 a year, who can't afford to buy ObamaCare because his insurance premium is \$20,000: We are going to do everything we can to keep your insurance costs so high that you can't afford it, and we are going to do everything we can to keep 1.7 million Americans, according to the Urban Institute, from having the option this short-term rule allows.

Let's see what we are talking about. We just heard eloquent comments about preexisting conditions. This resolution has nothing to do with preexisting conditions. It doesn't change one single word in the Affordable Care Act, which guarantees that if you have a preexisting condition, you have a right to buy ObamaCare, and you can't be charged more because of it.

Let me say that again. This rule, which the Senator from Wisconsin seeks to overturn, not only keeps you from lowering your cost 70 percent, but it has nothing to do with preexisting conditions because it doesn't change one single word of the Affordable Care Act guarantee that if you have a preexisting condition you can buy insurance and you can't be charged more. A rule can't change a law. It couldn't if it tried. That is one thing.

The second thing is that the rule that the Senator from Wisconsin seeks to overturn is the same rule that was in effect during all of President Obama's term. President Obama's administration allowed 1 year of short-term plans for people who couldn't afford insurance, couldn't find it anywhere else, or who might be between jobs. Even after the Affordable Care Act passed in 2010, President Obama and the Democratic Congress thought it was a good enough idea to allow these short-term plans to continue that they kept them in the law. The law supporting these plans has nothing to do with the Affordable Care Act. It was passed in the 1990s for the purpose of giving people who need a short-term option, which might cost

less because it has less coverage, the chance to buy insurance.

States can regulate these plans. States may decide what protections they should have. States may decide what the price should be, but, typically, in 2016, the difference between the cost of an ObamaCare plan was \$393 a month for an unsubsidized ObamaCare plan and for a short-term plan it was \$124. In other words, the short-term plan, which the Democrats and the Senator from Wisconsin seek to overturn, which was in existence all during the Obama administration and was authorized in the 1990s, would cut the plumber's insurance cost by 70 percent.

Now, why should we put up with that? Why should we put up with that? The Urban Institute, not known as a conservative organization, has said that up to 1.7 million Americans will take advantage of President Trump's short-term plan, which was the same as the Obama short-term plan, except that under the Trump rule, you may do it for as much as 3 years instead of just 1 year. It says that 1.7 million Americans will take advantage of that. That is a lot of people.

Eighty-three percent of Americans who buy ObamaCare have a subsidy to help them pay for it. It is the 17 percent who don't have a subsidy who are most likely to be helped by this. Many simply can't afford a \$20,000 health insurance plan if they don't qualify for a subsidy, and this says: We understand that. You can buy a different sort of plan if your State permits it. You can pay less with less coverage and at least you will have some insurance. At least you will have some insurance.

But our Democratic friends say: Oh, no, we don't want to do anything that would lower the cost of health insurance.

Sometimes I think our Democratic friends have elevated to the level of the status of the 67th book of the Bible the Affordable Care Act, or ObamaCare. They will not even change parts of it that they agree with.

Earlier this year, Senator MURRAY and I, and then Senator NELSON and Senator COLLINS, all worked together with many Senators in a great bipartisan way to come up with a piece of legislation that would temporarily help with the high prices of health insurance. Make no mistake about it. In Tennessee, health insurance has gone up about 170 percent since ObamaCare was passed. That means the plumber or the farmer or the person making 50, 60, or \$70,000 a year can't afford to pay the \$20,000 premium they might be required to pay.

So we had this temporary Alexander-Murray-Collins-Nelson proposal. I can still see Senator COLLINS standing on the floor offering it saying, as she said: Oliver Wyman—the respected Oliver Wyman agency—says this will lower insurance premiums by 40 percent over 3 years for people in the individual market—people who don't get a sub-

sidy, hardworking people who can't afford health insurance.

What happened? Even though the Democratic leader said it contained provisions that every single Democrat could support, the Democrats pulled the rug out from under it at the last minute by insisting on a radical version of abortion funding that they had not required since 1976, except in the ObamaCare law.

In other words, they deliberately kept health insurance prices 40 percent higher than they otherwise would have been. Was it to have an issue in the Presidential election or in the election this year? I have no idea, but I could think of no reason why not to do that.

Then, there is another example. Secretary of Labor Acosta has come up with another very good idea that has been talked about a lot within this body before: Why not give employees of smaller companies the right to buy the same kind of insurance that employees of IBM or big companies buy?

About half of all of us who have insurance get it on the job. We are pretty happy with it. It has a lot of protections in it—not as many as ObamaCare but, apparently, Democrats thought those protections were sufficiently strong, including preexisting condition, and sufficiently strong not to tamper with it. So the idea was this: Let's let the people who work in the company with 10 or 15 or 20 employees in Alaska, Tennessee, or Wisconsin have the same opportunity to buy insurance as the employee of a big company has.

Democrats said absolutely not.

So we don't want to lower rates by 40 percent by a temporary proposal supported by President Trump, Speaker RYAN, Senator MCCONNELL, and let the Democratic leaders say all Democrats could vote for that policy. We don't want to let employees of smaller companies have the same options that employees of big companies have that would lower their insurance and give them more choices. And now we are being asked to say you can't have a 70-percent reduction in your health insurance—the same kind of proposal you had all during the Obama years. Let me say that again. President Obama thought it was just fine to have short-term healthcare plans for up to 1 year during the entire Obama administration. They changed the rules 22 days before the end of his term and reduced it to 3 months that you could buy these plans, but that wasn't enforced until April.

So let's keep it simple. If you needed insurance, if you lost your job, if you couldn't afford insurance during the Obama years, if ObamaCare got too expensive for you during the Obama years, you could buy short-term insurance for up to 1 year if your State allowed it.

What the Democrats are saying is this: No, we are not even going to do what President Obama would do. So we are going to keep your insurance high today with a yes vote. We are going to



say to 1.7 million people who are uninsured: No, you can't buy this insurance because we know more than you do.

Some people who might know more than we do is the National Association of Insurance Commissioners. Senate Democrats wrote to them asking them about these short-term plans and raising questions about them.

Here is what the National Association of Insurance Commissioners, a bipartisan organization, wrote back:

Short-term, limited duration insurance meets the needs of consumers for whom other types of coverage may not be appropriate, affordable, or available.

State Insurance Commissioners say short-term limited duration insurance, the type that a "yes" vote today would ban—those are my words—meets the needs of consumers for whom other types of coverage may not be appropriate, affordable, or available.

I hope that across this country, as Americans look at this today, you would ask the Senator from Wisconsin and her Democratic colleagues: Why do you want to kill a rule that President Obama favored, that existed all during ObamaCare while he was there, that gave people who might lose their jobs or couldn't afford ObamaCare a chance to buy insurance that might be 70-percent cheaper? Why would you want to keep 1.7 million Americans who don't have insurance, according to the Urban Institute, from being able to afford this short-term rule? What do you have against lower cost insurance that doesn't change one word of the Affordable Care Act's protection guarantee of preexisting conditions?

In other words, with this rule, if you still want to buy ObamaCare and need preexisting insurance protection, you have it. This could not possibly change that because it is a rule, not a law.

I hope today that we vote no and that we affirm the Trump rule, which is the Obama rule, which is the rule that supports the Wisconsin, Oklahoma, and Alaska plumber who makes \$60,000 a year, can't afford \$20,000-a-year ObamaCare, gets no government subsidy, and needs this in order to insure his family.

I yield the floor.

Ms. BALDWIN. Mr. President, I ask unanimous consent that the following documents concerning the rule submitted by the Secretary of the Treasury, Secretary of Labor, and Secretary of Health and Human Services relating to short-term, limited duration insurance be entered into the RECORD: a letter to Congress from 113 health organizations expressing concerns with the rule, a letter from the National Association of Insurance Commissioners requesting a delay in implementation of the rule, a short-term medical plan brochure from the Golden Rule Insurance Company outlining the policy's coverage exclusions, and a news article from 2014 illustrating the lack of consumer protections in short-term limited duration plans.

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

APRIL 17, 2018.

DEAR SPEAKER RYAN, LEADER MCCONNELL, LEADER MCCARTHY, LEADER SCHUMER AND LEADER PELOSI: Our 113 organizations represent millions of people with serious, acute, and chronic diseases and disabilities, as well as their caregivers. These individuals, and all Americans, need access to comprehensive, affordable health coverage in order to meet their medical needs.

We write to express our concerns about the impact the proposed rule regarding short-term limited duration plans (STLTDs) (CMS-9924-P) will have both on the health insurance marketplaces and the individuals we represent. While short term plans can offer less expensive coverage, they are not required to adhere to important standards, including the ten essential health benefit categories, guaranteed issue, out-of-pocket maximums, age-rating protections, and many other critical consumer protections. These policies are also allowed to charge much higher premiums, deny coverage altogether for consumers who cannot meet medical underwriting standards, and impose lifetime and annual limits on services. If the proposed rule put forward by the Administration is finalized in its current form, it will limit access to quality and affordable health insurance coverage for all Americans, and disproportionately harm individuals with pre-existing conditions and people with disabilities.

Expanding access to these policies will likely cause premiums in the individual insurance marketplace to increase dramatically, as younger and healthier individuals choose to enroll in cheap short-term plans. Allowing STLTDs to proliferate would force individuals, including those with serious or chronic diseases and disabilities, into a smaller, sicker market to obtain the coverage they need to manage their health. Premiums for comprehensive plans that meet federal standards would likely skyrocket, and plans would likely exit the market. This will make insurance either unavailable or unaffordable for those who rely on the marketplace to get coverage.

Our organizations are dedicated to identifying and promoting improvements to our health insurance markets that control costs, stabilize the market, and positively impact coverage and care for millions of Americans. Expanding access to STLTDs will move us away from—not towards—achieving these goals. As advocates for our communities, we implore you to protect patients and consumers, including individuals with pre-existing conditions and persons with disabilities, by asking the Administration to withdraw this proposed rule until it adequately protects patients and consumers, as well as any rules that do not increase stability, improve affordability, and secure access to quality coverage in our insurance markets.

Sincerely,

AARP, Adrenal Insufficiency United, Adult Congenital Heart Association, Adult Polyglucosan Body Disease Research Foundation, Advocacy & Awareness for Immune Disorders Association (AIDA), Alliance for Aging Research, Alpha-1 Foundation, American Association of People with Disabilities, American Association on Health & Disability, American Cancer Society Cancer Action Network, American Diabetes Association, American Heart Association, American Kidney Fund, American Liver Foundation, American Lung Association, American Multiple Endocrine Neoplasia Support, American Physical Therapy Association, American Therapeutic Recreation Association, Amyloidosis Support Groups.

Arthritis Foundation, Association of Oncology Social Work, Autism Society, Autism Speaks, Autistic Self Advocacy Network, Bazelon Center for Mental Health Law, Benign Essential Blepharospasm Research Foundation, Brain Injury Association of America, CancerCare, Caregiver Action Network, Celiac Disease Foundation, Children's PKU Network, Consortium of MS Centers, Crohn's & Colitis Foundation, Cutaneous Lymphoma Foundation, Cystic Fibrosis Foundation, Disability Rights Legal Center, Dystonia Advocacy Network, Dystonia Medical Research Foundation, Easterseals.

Epilepsy Foundation, Family Voices, Fibrolamellar Cancer Foundation, Fight Colorectal Cancer, FORCE: Facing Our Risk of Cancer Empowered, GBS/CIDP Foundation International, Global Colon Cancer Alliance, Hemophilia Federation of America, Hyper IgM Foundation, Immune Deficiency Foundation, Indian Organization for Rare Diseases, International Myeloma Foundation, International Pemphigus and Pemphigoid Foundation, International Waldenström's, Macroglobulinemia Foundation, Interstitial Cystitis Association, Jack McGovern Coats' Disease Foundation, Justice in Aging, LAL Solace, Leukemia & Lymphoma Society.

Lung Transplant Foundation, Lupus Foundation of America, Lutheran Services in America, Lymphangiomatosis & Gorham's Disease Alliance, Lymphatic Education & Research Network, M-CM Network, Malecare Cancer Support, March of Dimes, Mended Little Hearts, Mental Health America, METAvivor, Muscular Dystrophy Association, National Alliance on Mental Illness, National Alopecia Areata Foundation, National Association for Hearing and Speech Action, National Association of Councils on Developmental Disabilities, National Association of State Head Injury Administrators, National Comprehensive Cancer Network, National Consumers League.

National Eosinophilia Myalgia Syndrome Network, National Health Council, National Hemophilia Foundation, National LGBT Cancer Project, National Multiple Sclerosis Society, National Organization for Rare Disorders (NORD), National Patient Advocate Foundation, National PKU Alliance, Inc., National Spasmodic Dysphonia Association, NBIA Disorders Association, NephCure Kidney International, Oncology Nursing Society, Paralyzed Veterans of America, Parent Project Muscular Dystrophy (PPMD), PKD Foundation, Platelet Disorder Support Association, Prevent Cancer Foundation, PRP (Pityriasis Rubra Pilaris) Alliance, Pulmonary Hypertension Association, Rare and Undiagnosed Network (RUN).

Restless Legs Syndrome Foundation, Scleroderma Foundation, Susan G. Komen, Tarlov Cyst Disease Foundation, TASH, The American Liver Foundation, The APS Type 1 Foundation, Inc., The Desmoid Tumor Research Foundation, The Global Foundation for Peroxisomal Disorders, The Guthy-Jackson Charitable Foundation, The Lymphatic Malformation Institute, The Marfan Foundation, United Ostomy Associations of America, US Hereditary Angioedema Association, Vasculitis Foundation, Worldwide Stryngomyelia & Chiari Task Force.

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS & THE CENTER FOR INSURANCE POLICY AND RESEARCH,

Washington, DC, April 23, 2018.

Re Short-Term, Limited-Duration Insurance CMS-9924-P.

CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Attention: CMS-9924-P,  
Baltimore, MD.

TO WHOM IT MAY CONCERN: Thank you for the opportunity to comment on the proposed regulations on Short-Term, Limited Duration Insurance published in the Federal Register on February 21, 2018. These comments are submitted on behalf of the members of the National Association of Insurance Commissioners (NAIC), which represents the chief insurance regulators in the 50 states, the District of Columbia, and the 5 United States territories.

As state insurance regulators we have the primary responsibility of regulating our insurance markets and ensuring consumers are protected and the markets are competitive. As we stated in our comments on the current short-term, limited duration regulation, “Federal interference can, and often does, have unintended consequences and may not be effective in addressing the underlying issues.” We argued that the arbitrary 3-month limitation set by the Federal government could harm some consumers and limit choices. Returning the Federal definition to “less than 12 months,” as proposed, is consistent not only with longstanding federal law but also with how this term has been long defined by most states.

In the analysis of Economic Impact and Paperwork Burden related to federalism, the proposed rule states:

Federal officials have discussed the issue of the term length of short-term, limited duration insurance with State regulatory officials. This proposed rule has no federalism implications to the extent that current State law requirements for short-term, limited duration insurance are the same as or more restrictive than the Federal standard proposed in this proposed rule. States may continue to apply such State law requirements.

Consistent with this statement, any further requirements, including but not limited to restrictions related to the sale, design, rating or duration of these plans, must be left to the States, which have the primary authority under our federal system to regulate the business of insurance, so that they can address the unique conditions and needs of their respective insurance markets. It is critical that state regulators maintain the flexibility to determine whether, and under what conditions, these plans are appropriate for their state. We urge continued state flexibility on this issue.

We also agree that educating consumers and ensuring that they are aware of the limitations of these plans is paramount. Some of these plans may provide significantly less coverage and consumer protections than comprehensive plans. We supported the disclosure requirements in the current regulations and support the expansions in this proposed rule.

States have received several consumer complaints about confusion and misinformation regarding their short-term or excepted benefit plans. Because of the real risk that consumers may confuse short-term policies with comprehensive health insurance that complies with the Affordable Care Act (ACA), it is important that they be made aware of any limitations to these policies during the sales process. We are pleased that

the proposed rule retains these important disclosure requirements and adds valuable additional disclosures.

As drafted, this rulemaking does not address the impact of Section 1557 of the ACA on the issuance of short-term, limited duration plans. Specifically, it is unclear whether or not these plans will be considered to be a “health program or activity” under 45 C.F.R. §92.4 This distinction is critical.

If these plans are not exempt from the definition of “health plan or activity,” the implication would be that carriers could not offer these plans and also participate on the Marketplace, Medicare, or Medicaid. In many states throughout the country, carriers are deciding whether or not to participate in the ACA-compliant marketplace, and if clarifying language is not included carriers will be forced to choose either to offer short-term, limited duration plans or participate in the Exchange. We would ask for clarification on this issue, and specifically advise that CMS include language in the proposed definition of “short-term, limited duration insurance” providing that such insurance is “not a health program or activity as defined in 45 C.F.R. §92.4.”

As to the issue of renewability, the members of the NAIC concur that any decision over whether and when these plans should be renewable should be left up to the States, not dictated by the Federal government.

Finally, states are concerned about the timing of this rule, and some states may want to modify existing laws and regulations to protect consumers and state markets. Therefore, we recommend that the final regulation allow states, if they so choose, to begin enforcing the new rules in 2020, thus giving them time to review their rules and seek statutory or regulatory changes to facilitate a smooth transition.

Thank you for this opportunity to comment. We are available to discuss these or other issues as the Short-Term, Limited Duration Proposed Rule is finalized.

Sincerely,

JULIE MIX MCPPEAK,  
NAIC President, Commissioner,  
Tennessee  
Department of Commerce & Insurance.

RAYMOND G. FARMER,  
NAIC Vice President,  
Director,  
South Carolina  
Department of Insurance.

ERIC A. CIOPPA,  
NAIC President-Elect,  
Superintendent,  
Maine Bureau of Insurance.

GORDON I. ITO,  
NAIC Secretary-Treasurer,  
Commissioner,  
Insurance Division,  
Hawaii Department of Commerce and Consumer Affairs.

UNITEDHEALTHCARE, GOLDEN RULE  
INSURANCE COMPANY

SHORT TERM MEDICAL PLANS

STATES: AZ, FL, IA, IL, IN, MI, MS, NE, PA, TN,  
TX, WI, WV

This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your certificate carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder

services). Your certificate might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage. Also, this coverage is not “minimum essential coverage.” If you don’t have minimum essential coverage for any month in 2018, you may have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

#### WHAT’S NOT COVERED (ALL PLANS)

This is only a general outline of the coverage provisions and exclusions. It is not an insurance contract, nor part of the insurance policy/certificate. You will find complete coverage details in the policy/certificate. Also see state variations on pages 10–13.

#### GENERAL EXCLUSIONS

Benefits will not be paid for services or supplies that are not administered or ordered by a doctor and medically necessary to the diagnosis or treatment of an illness or injury, as defined in the policy.

*No benefits are payable for expenses:*

For non-emergency services or supplies received from a provider who is not a network provider, except as specifically provided for by the policy.

For a preexisting condition—A condition:

(1) for which medical advice, diagnosis, care, or treatment was recommended or received within the 24 months immediately preceding the date the covered person became insured under the policy/certificate; or (2) that had manifested itself in such a manner that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment within the 12 months immediately preceding the date the covered person became insured under the policy/certificate.

A pregnancy existing on the effective date of coverage will also be considered a preexisting condition.

Note: Even if you have had prior Golden Rule coverage and your preexisting conditions were covered under that plan, they will not be covered under this plan.

That would not have been charged if you did not have insurance.

Incurred while your coverage is not in force.

Imposed on you by a provider (including a hospital) that are actually the responsibility of the provider to pay.

For services performed by an immediate family member.

That are not identified and included as covered expenses under the policy/certificate or are in excess of the eligible expenses.

For services that are not covered expenses.

For services or supplies that are provided prior to the effective date or after the termination date of the coverage.

For weight modification or surgical treatment of obesity, including wiring of the teeth and all forms of intestinal bypass surgery.

For breast reduction or augmentation.

For drugs, treatment, or procedures that promote conception.

For sterilization or reversals of sterilization.

For fetal reduction surgery or abortion (unless life of mother would be endangered).

For treatment of malocclusions, disorders of the temporomandibular Joint (TMJ) or craniomandibular disorders.

For modification of the physical body in order to improve psychological, mental, or emotional well-being, such as sex-change surgery.

Not specifically provided for in the policy, including telephone consultations, failure to keep an appointment, television expenses, or telephone expenses.

For marriage, family, or child counseling. For standby availability of a medical practitioner when no treatment is rendered.

For hospital room and board and nursing services if admitted on a Friday or Saturday, unless for an emergency, or for medically necessary surgery that is scheduled for the next day.

For dental expenses, including braces and oral surgery, except as provided for in the policy/certificate.

For cosmetic treatment.

For reconstructive surgery unless incidental to or following surgery or for a covered injury, or to correct a birth defect in a child who has been a covered person since childbirth until the surgery.

For diagnosis or treatment of learning disabilities, attitudinal disorders, or disciplinary problems.

For diagnosis or treatment of nicotine addiction.

For charges related to, or in preparation for, tissue or organ transplants, except as expressly provided for under Transplant Services.

For high-dose chemotherapy prior to, in conjunction with, or supported by ABMT/BMT, except as specifically provided under the Transplant Expense Benefits provision.

For eye refractive surgery, when the primary purpose is to correct nearsightedness, farsightedness, or astigmatism.

While confined for rehabilitation, custodial care, educational care, nursing services, or while at a residential treatment facility, except as provided for in the policy/certificate.

For eyeglasses, contact lenses, hearing aids, eye refraction, visual therapy, or any exam or fitting related to these devices, except as provided for in the policy/certificate.

Due to pregnancy (except complications), except as provided in the policy/certificate.

For diagnostic testing while confined primarily for well-baby care, except as provided in the policy/certificate.

For treatment of mental disorders or substance abuse including court-ordered treatment for programs, except as provided in the policy/certificate.

For preventive care or prophylactic care, including routine physical examinations, premarital examinations, and educational programs, except as provided in the policy/certificate.

Incurred outside of the U.S., except for emergency treatment.

Resulting from declared or undeclared war, intentionally self-inflicted bodily harm (whether sane or insane); or participation in a riot or felony (whether or not charged).

For or related to durable medical equipment or for its fitting, implantation, adjustment or removal or for complications therefrom, except as provided for in the policy/certificate.

For outpatient prescription drugs, except as provided for in the policy/certificate.

For surrogate parenting.

For treatments of hyperhidrosis (excessive sweating).

For alternative treatments, except as specifically covered by the policy/certificate, including: acupressure, acupuncture, aromatherapy, hypnosis, massage therapy, rolfing, and other alternative treatments defined by the Office of Alternative Medicine of the National Institutes of Health.

Resulting from or during employment for wage or profit, if covered or required to be covered by workers' compensation insurance under state or federal law. If you entered into a settlement that waives your right to recover future medical benefits under a

workers' compensation law or insurance plan, this exclusion will still apply.

Resulting from intoxication, as defined by state law where the illness or injury occurred, or while under the influence of illegal narcotics or controlled substances, unless administered or prescribed by a doctor.

For joint replacement, unless related to an injury covered by the policy/certificate.

For non-emergency treatment of tonsils, adenoids, hemorrhoids or hernia.

For injuries sustained during or due to participating, instructing, demonstrating, guiding, or accompanying others in any of the following: sports (professional, or semi-professional, or intercollegiate except for intramural), parachute jumping, hang-gliding, racing or speed testing any motorized vehicle or conveyance, scuba/skin diving (when diving 60 or more feet in depth), skydiving, bungee jumping, or rodeo sports.

For injuries sustained during or due to participating, instructing, demonstrating, guiding, or accompanying others in any of the following if the covered person is paid to participate or to instruct: operating or riding on a motorcycle, racing or speed testing any non-motorized vehicle or conveyance, horseback riding, rock or mountain climbing, or skiing.

For injuries sustained while performing the duties of an aircraft crew member, including giving or receiving training on an aircraft.

For vocational or recreational therapy, vocational rehabilitation, or occupational therapy, except as provided for in the policy/certificate.

Resulting from experimental or investigational treatments, or unproven services.

[From Bloomberg Businessweek, 2014-01-10]

#### THE TROUBLE WITH SHORT-TERM HEALTH PLANS IN THE AGE OF OBAMACARE

(By John Tozzi)

If you're shopping for health insurance, you may get a pitch for something called a short-term medical plan. These policies have been around forever and are aimed at recent college grads, people between jobs, and new employees waiting for group benefits to kick in. They're marketed by major insurers including UnitedHealthcare Services, Humana, some Blue Cross and Blue Shield carriers, and many smaller companies.

Short-term plans have become more visible as some insurers and brokers take advantage of the hoopla surrounding the Affordable Care Act to market them as alternatives to the policies available on the state and federal exchanges. Although the plans look a little like those approved under Obamacare, they provide less coverage and don't have to adhere to the same rules. The companies are allowed to turn away patients who are sick and refuse to cover preexisting conditions. They don't have to pay for preventative care and aren't required to renew a policy if a patient needs a lot of medical care. "If you get sick, it's not going to take care of you," says Karen Pollitz, a senior fellow at the Kaiser Family Foundation, a health researcher.

The short-term plans also don't satisfy the Obamacare requirement that people have adequate coverage, so people who buy them face the same tax penalties as the uninsured. Twenty percent of short-term policyholders believed, wrongly, that their coverage would be adequate under the ACA, according to a survey published in September by EHealth, an online brokerage that sells conventional and short-term policies. An additional 64 percent said they weren't sure.

There's plenty of cause for the confusion. Assurant, one of the larger sellers of the temporary medical plans, says on its website that "these plans do not meet minimum es-

sential coverage requirements" and customers may face tax penalties. But insurance agency Liberty Medicare in Wynnewood, Pa., called short-term plans "a viable alternative to Obamacare plans" in a recent blog post, although the company also noted that "their benefits are not as broad as Obamacare benefits." Even if the policies exclude preexisting conditions, says president Gregory Lazarev, for "healthy people who are not entitled to subsidies, it makes perfect sense to go and buy a short-term plan."

20 Percent of short-term policy holders wrongly believe their plan meets Obamacare standards.

"There definitely are some companies out there that are aggressively marketing these and [similar] policies," Pollitz says. One making expansive claims is Health Insurance Innovations, which connects consumers with short-term policies from third-party insurers. The Tampa company, which raised \$65 million in an initial offering about a year ago, is expecting a boost from the ACA, even though its plans don't meet the law's requirements for adequate coverage. "We want to be ready to take full advantage of this unprecedented degree of market expansion," Chief Executive Officer Michael Kosloske said in a November earnings call. In an interview, Kosloske says: "Our benefits are the same or better than what you're going to find, for example, on the exchanges."

A sample policy sold by Kosloske's company suggests otherwise. Unlike ACA plans, it doesn't cover immunizations and routine physicals, outpatient prescription drugs, pre-existing conditions, pregnancy or childbirth, sports injuries, substance abuse treatment, allergies, or kidney disease. It also comes with a \$2 million lifetime limit on benefits, a provision banned under Obamacare rules.

Buying the stripped-down, short-term policy could save a 30-year-old Florida man \$1,123 in premiums over a year, compared with a typical bronze-level HMO plan from Humana. If he earns \$46,000 a year, he'd have to pay about 41 percent of the savings in tax penalties for not having coverage authorized by the ACA. The penalty rate will double in 2015. If the hypothetical consumer earns \$23,000 or less, federal subsidies would make up the difference between the price of the bronze plan and the short-term policy.

Kosloske points out that the bronze plan has exclusions, too, and a limited network—it doesn't pay anything if you see a doctor outside the plan. In the plan his company sells, "covered benefits are paid the same way whether in or outside the broad and highly accessible provider network," he says. Pollitz advises consumers to stay away from short-term plans. "It may cover your claims until your term of coverage runs out," she says. But for anyone who gets sick and hopes to renew, "it's junk."

The bottom line: Consumers buying cheaper, short-term health plans get limited benefits and still have to pay Obamacare penalties.

THE PRESIDING OFFICER (Mr. SULLIVAN). The time of the majority has expired.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be acknowledged to speak for 10 minutes.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

S. 3021

Mr. INHOFE. Mr. President, I don't think that is necessary because I think I was scheduled to do that anyway.

What we are going to be addressing here in just a few minutes is a very significant piece of legislation. We do a



lot of things around here that some people think are important, but this is something that really is important. It is something that has a long history behind it.

America's water infrastructure bill, known as the WRDA bill, was started about 20 years ago, and we made a commitment at that time that we would actually have a WRDA bill every 2 years. We didn't do that up until 2014. In 2014, we had gone since 2007 since we had had one, and this needs to be done to keep our water infrastructure going and the things that we are supposed to be doing. So we did it in 2014 and 2016, and now we will do the 2018 bill. That is what we are supposed to be doing.

It is a great way to keep up the productive momentum that we have seen in Congress leading up to the midterm election and delivering on President Trump's promises.

The WRDA bill is another great example of what can happen when we work with our friends across the aisle on issues that affect every State of our Nation.

I was privileged to chair the Environment and Public Works Committee during that timeframe, when we went back to every other year, and it is something that has worked very well. People can depend on the resources being there when the time comes. So I think right now it is a bill that is sponsored by ourselves, along with the ranking members and the Senators of that committee, the EPW Committee, and the Transportation Subcommittee.

I want to take a moment to thank the members I just mentioned and their staffs. The staffs are the ones who do the heavy lifting because without our willingness to work together on this legislation, we wouldn't be able to discuss it here on the floor today, and I appreciate that dedication. It is going to happen today.

There are a lot of provisions in the bill that advance our Nation's infrastructure priorities. In addition, the State of Oklahoma would benefit in many ways as well.

One of the big secrets around the world and around America is that Oklahoma is actually navigable. We have a navigation way that goes from the Mississippi River all the way up to my hometown of Tulsa, with the Port of Catoosa.

I can remember many years ago, when I was in the State legislature, and some people came to me who were World War II veterans—one of the groups that was doing a very good job—and they said: We would like to be able to show and to demonstrate that we are navigable in Oklahoma. If you will get us a submarine, we will take it all the way up to Oklahoma.

So I went down to Orange, TX, and found the USS *Batfish*. This is a World War II submarine. They were able to do it without any help at all—without any help from government. They had to get on there, and they had to reduce it to get under bridges and lift it up in shal-

low places. All of my adversaries were saying: We will sink INHOFE and his submarine. But we did it, and it is there today.

So we do have the McClellan-Kerr Arkansas River Navigation System. We have some items in there under this to protect that resource from what they call the Three Rivers report, which provides a permanent solution for the situation we are experiencing near the mouth of the system, where the White River and the Arkansas River are trying to merge. If left alone, they would merge. That would destroy everything that goes up from that area in Arkansas. It includes language for Bartlesville to navigate the murky waters of water supply contracts and to change those contracts with everyone to get away from the idea that the Army Corps of Engineers is going to be able to do something that would be prohibitive cost-wise to the communities like Bartlesville, OK.

We support our Nation's economic competitiveness by increasing access to water storage and supply, providing protection from dangerous flood waters, deepening the nationally significant ports, and maintaining navigability in the inland waterways.

Since hurricane season is upon us, we have recently seen the cruel aftermath of these storms and the flooding that followed Hurricane Harvey, Irma, Florence, and now Michael. Right now they are preparing down there to evacuate as we speak. It could become a mandatory evacuation. This is something that is happening. Events like this show why it is utterly critical to maintain flood control and be able to protect against the floodwaters as much as possible.

That is what this bill we will be considering in a few minutes is all about. It will also further address the need for repairing our aging drinking water, wastewater and irrigation systems, improving conditions all across the United States in homes, farms, and businesses.

We have reauthorized WIFIA and authorized a new tool by including Senator BOOZMAN's SRF WIN Act, of which I am a very proud cosponsor. These provisions, along with technical assistance for our small and rural systems, will provide more help to our communities struggling to finance and upgrade our hidden infrastructure needs.

Maintaining critical infrastructure is one of the most important constitutionally required duties we have as Members of Congress. I sometimes have to remind people who often disregard a document called the Constitution that this is what we are supposed to be doing and what we are carrying out with the bill we are about to pass in the next few minutes.

I look forward to passing this legislation and sending it to the President to sign into law. It is another win for America.

I have to say, the committee has done so well. People are criticizing the

Senate all the time, saying nothing is being done. Our Environment and Public Works Committee gets things done—the FAST Act, the chemical act, the last WRDA bill, and now the 2018 WRDA bill. It is what we are supposed to be doing here, and it is a very significant vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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

Mrs. MURRAY. Mr. President, I come to the floor to support Senator BALDWIN's resolution to overturn President Trump's junk plans rule.

Since day one, President Trump has been relentless in his efforts to sabotage healthcare for people in our Nation. He has worked to drive up the costs, given power back to big insurance companies, and despite his recent campaign promise to fight for people with preexisting conditions, almost every single step he has taken has been in the opposite direction.

President Trump's awful junk plan rule, which went into effect last week, is the latest example. His decision to expand junk insurance plans actually gives insurance companies more power to sell plans that ignore protections for people with preexisting conditions. It gives insurance companies more power to discriminate based on age or on sex. It gives insurance companies even more power to avoid covering important medical needs like emergency care, mental health care, prescription drugs, or even maternity care. This rule also lets insurance companies spend less money on patients directly and more money on excessive administrative costs and executive bonuses. This new rule shows how empty President Trump's promises are when it comes to preexisting conditions.

It is not just President Trump. A lot of Republicans are claiming to stand for protections for preexisting conditions. However, when you compare how Democrats are fighting for these protections and how some Republicans are undermining them, the difference is as clear as night and day.

When President Trump tried to pass his TrumpCare bill and undermine preexisting condition protection, Democrats stood with families across the country and fought tirelessly to stop that awful bill. However, most of our Republican colleagues championed it. When President Trump's Justice Department chose to abandon these protections in court against the Republican-led lawsuit to strike them down, Democrats rallied around the bill to let the Senate join the lawsuit and defend protections for preexisting conditions. Not a single Republican joined in that

effort. Now President Trump is undermining these protections through the junk plan rule, and Democrats are again on the floor leading the charge against him with the resolution that is before us today.

Where are those Republican colleagues who have claimed to care so much about this issue but have done so little to fight for it? So far they have offered empty promises and even gimmicks, like a bill they claim protects people with preexisting conditions but actually allows insurance companies to discriminate based on age and sex.

If Republicans are serious about standing up for people with preexisting conditions, they will join us to pass this bill and fight for them. I am not holding my breath, but I am not giving up. Democrats are going to keep fighting for people across the country, for people with preexisting conditions. We are going to keep fighting for cancer patients and survivors, people living with diabetes and arthritis and other chronic diseases, and we are going to keep fighting for women who are pregnant or seniors who are facing the challenges of old age and for so many other families who might not be able to get the care they need without these important protections for people with preexisting conditions.

Finally, I thank Ms. BALDWIN for her leadership on this very important effort. I know this fight is personal for her, like it is for so many families across the country. I am grateful for her leading the charge.

Thank you.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of S.J. Res. 63, a resolution of disapproval on the Trump administration's final rule allowing the expansion of short-term junk health insurance plans.

My home State of California recently passed a law prohibiting these short-term plans to protect consumers because these plans do not offer real coverage and are allowed to only take healthy consumers.

One hundred thirty million non-elderly Americans have a preexisting condition, including 16 million in California. Among the most important provisions in the Affordable Care Act are the consumer protection requirements for health insurance plans that ensure preexisting conditions no longer dictate access to health coverage and essential benefits that ensure coverage is meaningful and comprehensive.

It does a cancer patient little good to have health insurance that doesn't cover chemotherapy, just as coverage without maternal care is meaningless to an expectant mother. In fact, before the Affordable Care Act was passed, three out of four plans on the individual market did not cover labor and delivery.

An analysis by Kaiser Family Foundation just this last April found that of the more than 600 short-term plans offered through two major insurance

websites, eHealth and Agile Health Insurance, across 45 States, none included maternity care. It gets worse: 71 percent offered no prescription drug coverage, and 43 percent of these plans didn't cover mental healthcare services.

To be frank, these plans are junk insurance. The major protections in the Affordable Care Act are basically tossed out the window, and we are reminded of why health reform was needed so badly in the first place. These plans can include annual and lifetime limits on care, meaning that, if you need an expensive medical treatment, you may be out of luck, even after paying your premiums. Women can once again be charged more than men for the same plan.

Insurance companies don't have to comply with medical loss ratio rules that limit administrative costs. In fact, short-term plans covering 80 percent of the market in 2016 only spent half of premium dollars on actual medical care.

Short-term plans have traditionally been used by some consumers for what the name implies, to bridge short gaps between long-term coverage for a matter of months. The final rule changes this to years. Given the severe shortfalls these plans have and significant consumer risk, they are simply not meant to be a substitute for real health insurance.

I urge my colleagues to support this resolution to protect consumers and look forward to working together to improve health coverage, not make it worse.

Mr. CARDIN. Mr. President, today I wish to discuss American's access to healthcare and the patient protections that are currently being threatened by the Trump administration, specifically expanding the availability of junk health insurance, also known as short-term limited duration plans.

Short-term limited duration insurance is a type of health insurance that was designed to fill temporary gaps in coverage, such as when an individual is transitioning from one plan or coverage to another plan or coverage.

The Obama administration limited these plans to 3 months to ensure they would be used only as a backstop for those who truly need temporary, limited duration coverage.

A major flaw of this insurance is that it is exempt from certain consumer protections provided through the Affordable Care Act.

Because of the Affordable Care Act, health insurance companies are required to offer essential health benefits such as emergency services, maternity care, mental health and substance use disorder services, and preventative services. Additionally, insurance companies are no longer allowed to place annual or lifetime dollar limits on coverage and cannot refuse to cover someone or charge someone more just because they have a preexisting condition.

Among the most common preexisting conditions are high blood pressure, behavioral health disorders, high cholesterol, asthma/chronic lung disease, heart conditions, diabetes, and cancer.

In 2017, HHS released a report stating that as many as 133 million non-elderly Americans have a preexisting condition. The Maryland Health Benefit Exchange estimates that there are approximately 2.5 million non-elderly Marylanders with a preexisting condition, 320,000 of which are children.

Expanding access to short-term limited duration plans is another in a long line of GOP healthcare sabotage efforts since President Trump took office. Short-term plans are allowed to have annual or lifetime dollar limits on coverage, and do not have to provide coverage of essential health benefits or provide coverage to those with preexisting conditions. These plans will lead to increased health insurance premiums for people buying insurance on the ACA marketplace. Healthy individuals may be deceived to leave the marketplace and buy these junk plans instead.

Short-term plans will impose an "age tax" on seniors because they are allowed to charge seniors more for coverage. Currently, the ACA limits how much more plans are allowed to charge seniors.

Short-term plans are junk insurance, plain and simple. People believe they have coverage, but when they get sick and need medical care, they suddenly realize the plan that they paid for won't allow them to receive the care they require.

These actions by the Trump administration to expand access to short-term plans is wrong. Not only do these actions directly threaten the 133 million Americans with preexisting conditions, but also any American who wishes to have strong, affordable, and comprehensive coverage.

S. 3021

Mrs. FEINSTEIN. Mr. President, I rise today to speak in support of the pending bill, America's Water Infrastructure Act.

I congratulate Chairman BARRASSO and Ranking Member CARPER of the Environment and Public Works Committee for completing this vitally important bill on time. It is critical that we reauthorize Army Corps projects and other water financing authorities every 2 years, as they have done.

The bill before us authorizes construction of 12 new water resource development projects and 65 studies.

America's Water Infrastructure Act also includes a number of provisions that will benefit California.

The bill includes a provision I authored that will require EPA and the Bureau of Reclamation to enter into an agreement within a year. The agreement must specify how the two agencies will jointly administer a Treasury-rate loan program for storage, water recycling, groundwater recharge, and other water supply projects.

This provision builds off EPA's success using Treasury-rate loans to fund projects under the Water Infrastructure Finance and Innovation Act, WIFIA. The idea is to extend these Treasury-rate loans to water supply projects.

There are three significant ways WIFIA loans will lower costs for local agencies wanting to build storage, water recycling, groundwater recharge, or other water supply projects:

No. 1, they will pay only 3.2 percent interest rate on their loans based on today's rates, versus 4 percent or greater rates for municipal bond financing;

No. 2, the districts would not need to start paying interest until 5 years after substantial completion of the project; and No. 3, loans are for 35 rather than 30 years, lowering annual debt service costs.

The combination of these benefits could reduce the costs of building a project by as much as 25 percent. For example, if a consortium of water districts takes out a loan to build Sites Reservoir, they would pay only \$512/acre-foot instead of \$682/acre-foot, a 25 percent saving.

These water district savings of up to 25 percent are a highly cost-effective use of taxpayer dollars because they can be obtained by appropriations of only 1-1.5 percent of the cost of the loan, as validated by OMB.

OMB has approved loans of \$5 billion backed only by appropriations of only 1 percent of that amount, or \$50 million for WIFIA, because there is a virtually nonexistent default rate for water projects.

Only four in a thousand water infrastructure projects default, based on a study conducted by Fitch credit rating agency.

Moreover, WIFIA loans include substantial taxpayer protections. Private sector loans have to cover at least 51 percent of the project cost, and the Federal loans would have senior status in the event of any default. These provisions protect the taxpayer in the event of any default.

The provision in the bill before us is a compromise, different in some significant ways from the provision I included in the Senate bill. Like the Senate bill, the bill before us requires EPA and the Bureau of Reclamation to enter into an agreement within a year on how they would jointly administer a Treasury-rate loan program for water supply projects.

However, the House was unwilling to allow the Bureau of Reclamation to recommend water supply projects for loans within EPA's existing WIFIA authority. As a result, additional legislation will be needed to authorize Reclamation loans for water supply projects once EPA and Reclamation reach their agreement.

While further legislation will be needed, the legislation before us today provides an important step forward. EPA has developed expertise in processing and administering water supply

loans, so it is more efficient if Reclamation can recommend the loans and EPA can administer them. Without the legislation before us, EPA and Reclamation would not reach an agreement on how they would jointly administer these water supply loans.

Now that we know that Reclamation and EPA will reach this agreement within a year, Congress can shortly thereafter move legislation with both agencies' support to extend the successful and cost-effective WIFIA loan program to water supply projects. I look forward to working with my colleagues on this additional legislation.

I am also pleased that this bill authorizes construction and studies and provides other needed modifications for many important water infrastructure projects in California.

One such project that received a construction authorization is the Lower San Joaquin River project, which provides critical flood control to the Stockton metropolitan area.

Additionally, this bill doubles Federal funding for the Harbor South Bay water recycling project, authorizing up to \$70 million in Federal funds.

This increase in Federal funding will meaningfully expand this project's capability to provide recycled water to surrounding communities. I am pleased to see Army Corps funding utilized for water recycling, which is truly a key for sustainability and water security in drought-prone California.

Other key California projects in this bill include authorization for a flood risk management, navigation, and ecosystem restoration project in the San Diego River and directing the Army Corps to expedite flood risk management, water conservation and ecosystem restoration studies at the Coyote Valley Dam, Lower Cache Creek, Lower San Joaquin River, South San Francisco, Tijuana River, Westminster-East Garden Grove, and San Luis Rey River.

Lastly, I would like to mention the two other very important provisions for California as well as the Nation that I strongly support.

This bill increases funding for the Army Corps' dam rehabilitation program for structures built before 1940 from \$10 million to \$40 million until fiscal year 2026. The United States is facing many challenges due to aging infrastructure, and in California, we saw the serious ramifications of that with the Oroville Dam disaster.

Additionally, this legislation reauthorizes and expands the Drinking Water State Revolving Loan Fund for the first time in 22 years to address aging or damaged drinking water infrastructure in communities across the country.

For all these reasons, I support the America's Water Infrastructure Act before us today. Thank you.

Mrs. MURRAY. 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. CARPER. 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. CARPER. Mr. President, I don't know what it is like in Alaska, Wyoming, or Tennessee these days, but a lot of times, when I am going home or back and forth, people are saying to me: I wouldn't want your job for all the tea in China.

I say: Well, I actually feel lucky to do this job. They ask: What do you like about it? I say: I like helping people. They say: Really? And they ask for examples.

Today is a good example. One of the best ways to help people is to make sure they have a job. There are a lot of different ways we provide that nurturing environment for job creation and preservation, and one of those ways is in the area of infrastructure. Sometimes an overlooked part of our infrastructure is the one we address directly in the Water Resources Development Act before us today.

Our water infrastructure is actually the forgotten leg on the infrastructure stool. We rightly worry about the infrastructure we can see: our bridges, highways, airports, and railroads, but our Nation's water infrastructure: our pipes, shipping channels, flood control structures, and the infrastructure we don't see, as we have learned, is in desperate need of investment.

Our Nation's drinking water systems, dams, reservoirs, levees, shipping lanes, and ports support and promote economic growth and job creation. These systems provide water for everything from families to agriculture to small businesses. This is infrastructure that Americans rely on every day, and it keeps our economy moving.

America's Water Infrastructure Act of 2018, the legislation that we will soon be voting on, makes water a priority from coast to coast. As my good friend, the chairman of our committee, JOHN BARRASSO, has said, America needs comprehensive water infrastructure legislation that will create jobs, keep communities safe, and make the Army Corps of Engineers and the EPA more accessible to stakeholders.

The legislation before the Senate today has received endorsement from industry, from environmental protection groups, and from everything in between. The U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties say that this bill drives investment in navigation, flood protection, and ecosystem restoration in communities and that it protects public health and safety and our natural resources. It is critical in helping our communities to build, maintain, and improve this critical infrastructure while growing our national and local economies.

I am here to applaud and thank, once again, our chairman, our staffs, and everyone who has worked on this from Alaska to Wyoming.

Mr. President, I ask unanimous consent that a list of congressional staff who deserve recognition for their work on S. 3021 be printed in the RECORD.

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

Thanks to the staff who worked tirelessly on this bill throughout the year, including the staff of Chairman John Barrasso: Richard Russell, Brian Clifford, Elizabeth Olsen, Andy Harding, Pauline Thorndike, Craig Thomas; Ranking Member Tom Carper: Mary Frances Repko, John Kane, Christina Baysinger, Skylar Bayer, Ashley Morgan, Avery Mulligan, Andrew Rogers; Subcommittee Chairman Jim Inhofe: Jennie Wright; Subcommittee Ranking Member Benjamin L. Cardin: Mae Stevens; Chairman Bill Shuster: Ian Bennett, Victor Sarmiento, Elizabeth Fox, Jon Pawlow, Geoff Gosselin, Peter Como, Chris Vieson; Ranking Member Peter A. DeFazio: Ryan Seiger, Michael Brain, Kathy Dedrick, David Napoliello; Chairman Greg Walden: Jerry Couri; and Ranking Member Frank Pallone: Jackie Cohen, Jean Fruci, Rick Kessler, Tuley Wright.

Mr. CARPER. I yield my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to complete my brief statement before the rollcall is taken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, it is time to vote on America's Water Infrastructure Act.

I thank my friend and colleague from Delaware, the senior Senator, Mr. CARPER, for his great contributions to this piece of legislation.

It is an important bill that has broad bipartisan, bicameral support. There are 95 groups that have endorsed it. They represent a broad cross-section of stakeholders from a wide variety of backgrounds. From the Sierra Club to the American Petroleum Institute to the U.S. Chamber of Commerce, they all agree that this important infrastructure legislation is good for our country, good for our communities, good for our economy, and good for our environment. The Wyoming Wool Growers Association, the Arkansas Rural Water Association, and the Milwaukee Metropolitan Sewerage District have all united in praise for a bill that will help all 50 States.

The water infrastructure bill passed our committee 21 to nothing, and it passed the House with a unanimous voice vote. It is time to send it to the President for his signature. I would just ask our Members to join us in supporting this important bipartisan infrastructure bill.

Mr. President, along with Ranking Member CARPER, I ask unanimous consent to have an explanatory statement to accompany S. 3021, America's Water Infrastructure Act, printed in the RECORD.

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

SENATE EXPLANATORY STATEMENT TO ACCOMPANY S. 3021, AMERICA'S WATER INFRASTRUCTURE ACT OF 2018

The following explanatory statement from the Senate supplements and provides additional views on the Managers' Joint Explanatory Statement accompanying S. 3021: America's Water Infrastructure Act of 2018 (AWIA), that was submitted as part of the Congressional Record during consideration in the House of Representatives on September 13, 2018.

#### SECTION 1144

Section 1144 on Levee Safety Initiative Reauthorization extends by five years the authorization of appropriations for the National Levee Safety Program, which includes the committee on levee safety, inventory and inspection of levees, and levee safety initiative. The Senate Managers urge the Army Corps of Engineers (the Corps) to improve the current levels of levee safety program transparency and local levee sponsor involvement.

By law and policy, local levee sponsors assure the day-to-day performance of levee systems. As such, local sponsors typically maintain abundant familiarity with localized flood and levee system conditions as well as local risk management and communication needs. For the levee safety program to be successful in achieving cost-beneficial flood damage reduction, the Corps must to the maximum extent practicable involve local sponsor expertise and rely on scientifically sound and technically rigorous analysis. The Senate Managers are aware of internal guidance drafted by the Corps to direct its district offices to engage public sponsors as participants in all levee safety program activities. The Corps is encouraged to execute this directive fully so that local sponsors and affected citizens derive maximum benefit from the levee safety program.

The Senate Managers are additionally concerned about the agency's decision to formulate and publicize Levee Safety Action Classification (LSAC) assignments for levee systems in the absence of site-specific solutions and corresponding cost estimates. It is difficult to perform effective risk characterization and communication about levee systems in the absence of identified corrective actions and their associated costs and benefits. The levee safety program must improve flood protection by driving requisite cooperation with local sponsors, transparency, objectivity, rigorous technical justification, and development of actual solutions that focus on the imperative of identifying cost-beneficial, engineered solutions. The Corps noted in a March 2018 Levee Portfolio Report that, "there may be reluctance to share risk information with the public when an immediate and viable risk management solution has not been identified." The Senate Managers urge the Corps to immediately rectify this shortfall by cooperating with local levee sponsors to produce viable levee system corrective actions and corresponding cost estimates along with LSAC assignments. Given the scope and potential impact of these levee system risk assessments, which could involve levee accreditation status by FEMA under the National Flood Insurance Program, the Corps should also seek out external peer review of the reliability and usefulness of the overall LSAC process.

#### SECTION 1170

Section 1170 contains a drafting error that was identified following the passage of S. 3021 as amended by the House of Representatives. The Senate Managers intend to ini-

tiate legislation to make a technical correction in the language of this section to replace the words "Arizona River Basin" with "Arkansas River Basin" to ensure the work is conducted in the Arkansas River Basin, located in Colorado and three other States. Further, the Senate Managers ask that the Corps prepare to implement this section as so modified pending the correction.

#### SECTION 1229

Section 1229 directs the Secretary to do a report on the status of a water supply contract for Wright Patman Lake, Texas. In addition to that provision, the Senate Managers believe that the Secretary should implement the Department of the Army, Civil Works Contract No. 29-68-A-0130, at Wright Patman Lake, Texas, in an expeditious manner and in accordance with all applicable Federal and State water laws. This includes the acceptance and expenditure of funds contributed by a non-Federal interest for any study required by law to implement the contract.

#### SECTION 1318

Section 1318 directs the Secretary of the Army to align the schedules of and ensure coordination between the Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas, project and the project for flood risk management in Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas Cities, Missouri arid Kansas. It is the Senate Managers' intent that these two flood control projects be considered to be a single project for budgeting purposes despite separate authorizations, and for the purposes of the Supplemental Appropriations in the Bipartisan Budget Act of 2018, P.L. 115-123, it is an ongoing construction project.

#### SECTION 2010

Section 2010 provides new authority to permit a State to require the owner or operator of certain public water systems to assess its options for consolidation, transfer of ownership, or other activities in order to get that system into compliance. The Senate Managers believe there is no requirement for systems to adhere to the results of these assessments.

#### SECTION 4103

Section 4103 provides technical assistance for treatment works in the Clean Water Act (CWA). It is the Senate Managers' view that, when determining which qualified and experienced nonprofit organizations will provide on-site training and technical assistance, the EPA should consult with the relevant State and the publicly owned treatment works to determine the forms of training and technical assistance they believe will be most effective and beneficial.

ADDITIONAL VIEWS OF THE SENATE MANAGERS ON WATER RESOURCE ISSUES AND THE DEVELOPMENT OF S. 3021

EPA's "Water Transfer Rule," 40 CFR §122.3(i), excludes discharges from "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use" from the National Pollutant Discharge Elimination System (NPDES) wastewater permitting requirements of the Clean Water Act, 33 USC §1342. The Second Circuit Court of Appeals held that EPA's interpretation of CWA is reasonable and EPA is entitled to Chevron deference in Catskill Mountain Chapter of Trout Unlimited v. EPA, 846 F.3d 492 (2nd Cir., 2017); cert denied, 138 S. CT. 1164-1165 (Feb. 26, 2018). The Supreme Court's denial of certiorari resolves the question of whether EPA's Rule complies with the CWA.

The Senate Managers encourage the Secretary to conduct a study on impediments to the U.S. Army Corps of Engineers' Water Infrastructure Finance and Innovation Act (33 U.S.C. 3901 et seq.) (WIFIA) program implementation. In the study, the Secretary should examine obstacles to the implementation of the Corps WIFIA program and to identify all projects that the Secretary determines are potentially viable to receive assistance. Additionally, the study should describe any amendments to the Act or other legislative or regulatory changes that would improve the Secretary's ability to implement the Corps' WIFIA program. The report should be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives no later than one year after enactment of AWIA 2018.

Water resources projects have historically not been able to be completed after construction commences due to the use of benefit-cost analyses in the budgeting of water resources development projects. During construction, costs accrue while benefits are not yet realized, which lowers the benefit-cost ratio stalling projects. The Senate Managers continue to be concerned with this matter, and ask that the Corps provide recommendations to Congress on how to address this concern within 180 days of enactment of this Act.

Several Chief's Reports were neither completed nor received by Congress before negotiations closed on AWIA, and the bill was passed by the United States House of Representatives. The final bill did not include these projects for that reason. The Senate Managers believe that the Corps should expedite the completion of these reports in an expedient manner so these projects can be included in the next Water Resources Development Act.

The Senate Managers believe that the Secretary should expedite the expected Chief's Report for the Souris River Basin, Minot, North Dakota, flood risk management project that was authorized by section 209 of the Flood Control Act of 1966 (80 Stat. 1423).

The Senate Managers believe that the Secretary should expedite the expected Chief's Report for the Delta Islands and Levees, California, ecosystem restoration project. It was authorized by a June 1, 1948, Committee on Public Works of the Senate resolution; the resolution adopted by the Committee on Public Works of the House of Representatives on May 8, 1948; and House Report 108-357 accompanying the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1827).

The Senate Managers believe that the Secretary should expedite the expected Chief's Report for the Anacostia Watershed, Prince George's County, Maryland, for flood control, navigation, and ecosystem restoration. The project was authorized by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives on September 8, 1988.

The Senate Managers believe that the Secretary should expedite the expected Chiefs Report for the Hashamomuck Cove, New York, project for coastal storm risk management, which was authorized in title X of division A of the Disaster Relief Appropriations Act, 2013 (Public Law 113-2; 127 Stat. 23).

The Senate Managers encourage the Secretary to expedite the completion of the post authorization change report (PACR) for the Howard A. Hanson Dam, Washington project for water supply and ecosystem restoration. This project was authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 180) and modified by section 101(b)(15) of WRDA 1999.

The Senate Managers encourage the Secretary to expedite the completion of the PACR for the Port Pierce, Florida, shore protection and harbor mitigation project. The project was authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092), section 102 of the River and Harbor Act of 1968 (82 Stat. 732), and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757), and modified by section 313 of the Water Resources Development Act of 1999 (113 Stat. 301).

The Senate Managers encourage the Secretary to expedite the completion of the PACR for the Port of Iberia navigation project, authorized by section 1001(25) of WRDA 2007 (121 Stat. 1053; 128 Stat. 1351).

The Senate Managers encourage the Secretary to expedite the completion of PACR for the Wrightsville Beach, North Carolina, hurricane and storm damage risk reduction project. It was authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and section 501 of WRDA 1986 (100 Stat. 4135).

The Senate Managers also encourage the Secretary to expedite the completion of the PACR for the Carolina Beach, North Carolina, hurricane and storm damage risk reduction that was authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

The Senate Managers note that a number of environmental infrastructure projects were unable to be included in the final text of AWIA due to the statutory requirements of the project vetting process established in WRDA 2014. As noted in the Joint Managers Statement on September 13, 2018, AWIA amends the WRDA 2014 project vetting process to allow for the consideration of environmental infrastructure projects prospectively. Although the requirements of WRDA 2014 limited the consideration of environmental infrastructure projects during the development of S. 3021, the Senate Managers encourage the Corps to vet such projects using the updated review process and resubmit them for inclusion in the next water resources authorization.

Though not authorized in S. 3021, the Senate Managers have also agreed to request and support a National Academies study on the Rio Grande River Basin. Such study should examine the Rio Grande River Basin as a holistic system to better understand how the Corps should manage this river system in the face of extreme weather events to better meet water needs of the region. The National Academies should conduct an evaluation of the capacity, operation and state of existing basin reservoirs; look for opportunities to promote water conservation through operation, regulation or physical improvements of the reservoirs; and examine the impacts of reservoir operation and management on species and habitats to the region. The study is expected to provide recommendations for future management scenarios and recommendations in accordance with the Rio Grande Compact to assist in establishing more flexible operation procedures to meet the water needs of the Rio Grande River Basin. The Corps is encouraged to initiate this study with the National Academies as soon as practicable.

Mr. BARRASSO. I yield the floor.

DESIGNATING THE UNITED STATES COURTHOUSE LOCATED AT 300 SOUTH FOURTH STREET IN MINNEAPOLIS, MINNESOTA, AS THE "DIANA E. MURPHY UNITED STATES COURTHOUSE"

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

The bill clerk read as follows:

House message to accompany S. 3021, a bill to designate the United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, as the "Diana E. Murphy United States Courthouse".

Pending:

McConnell motion to concur in the amendments of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell Amendment No. 4048 (to the motion to concur in the amendment of the House to the bill), to change the enactment date.

McConnell Amendment No. 4049 (to Amendment No. 4048), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, all postcloture time on the motion to concur in the House amendments to S. 3021 has expired, and the motion to concur with further amendments is withdrawn.

The question occurs on agreeing to the motion to concur in the House amendments to S. 3021.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—99

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

NAYS—1

Lee

The motion was agreed to.

VOTE ON S.J. RES. 63

The PRESIDING OFFICER (Mrs. ERNST). Under the previous order, all time on the joint resolution is considered expired.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.



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	McCormack	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	McCormack	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 Waukegan, 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 over 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 CO<sub>2</sub> 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

business, with Senators permitted to speak therein for up to 10 minutes each.

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

S.J. RES. 63

Ms. COLLINS. Mr. President, earlier today I voted in support of the resolution offered by Senator BALDWIN to roll back rules adopted in August by the Trump administration that would allow individuals to purchase so-called short-term, limited duration health insurance plans for up to 1 year. The Obama administration had previously limited the duration of such plans to 3 months. I rise now to explain why I chose to support the resolution and, beyond that, to note the critical need to take action to protect individuals who have no other affordable health insurance option.

First, as proponents of the resolution have noted, short-term limited duration plans do not provide protections for enrollees who suffer from pre-existing conditions. As I have often emphasized, it is essential that individuals who suffer from pre-existing conditions are covered. In June of this year, I wrote to Attorney General Sessions urging him to reconsider his decision not to defend provisions protecting individuals with pre-existing conditions in ongoing litigation challenging the Affordable Care Act in Federal court in Texas. As I noted in my letter, striking down these protections is no small matter:

“In 2016, the Kaiser Family Foundation estimated that 27 percent of American adults under age 65 have pre-existing conditions that would leave them uninsurable in the individual market. More recently, 57 percent of Americans responding to a poll said that they, or someone in their household, suffers from a pre-existing condition. These numbers include 590,000 Mainers, roughly 45 percent of the state’s population.”

Mr. President, I ask unanimous consent that my letter be printed in the RECORD immediately following my remarks.

At the same time, we cannot ignore the fact that many individuals lack an affordable health insurance option. For example, individuals who earn more than 400 percent of the Federal poverty level—about \$49,000—are not entitled to the ACA’s premium tax credits and must shoulder the full cost of plans they purchase in the exchange. For a 64-year-old male living in Caribou, ME, this amounts to about \$9,500 for the cheapest bronze plan—or nearly 20 percent of his income—far too expensive. Based on the statistics I have already cited, there is a better than even chance that this individual suffers from a preexisting condition.

Individuals who lose their jobs and their healthcare coverage along with it may also benefit from these plans. If someone is struggling to pay rent or a

mortgage and trying to keep up with other bills, a short-term plan can help them achieve some measure of coverage without compounding their financial worries. There is a role for these plans, and I believe that we should work together to address these real-world situations.

The underlying flaw in the Affordable Care Act is that it does not provide affordable coverage, but I believe this flaw can be addressed without jeopardizing protections for individuals with preexisting conditions. In fact, earlier this year, I offered legislation with my good friend LAMAR ALEXANDER that would have done exactly that. Our bill, would have funded cost-sharing reductions, reformed the section 1332 waiver program, and provided \$30 billion over 3 years to support State reinsurance or invisible high-risk pools—methods proven to reduce rates without discriminating against those with pre-existing conditions. Furthermore, healthcare experts at Oliver Wyman projected that our bill would have lowered individual health insurance premiums in the individual market by as much as 40 percent compared to what people would otherwise pay, while also expanding coverage to an additional 3.2 million individuals.

Unfortunately—and incredibly—when we tried to advance this legislation, the Democratic leaders blocked it.

I remain deeply disappointed that members on the other side of the aisle chose to derail legislation that could have lowered rates for the 18 million Americans who get their health insurance coverage from the individual market. I am also disappointed that we again find ourselves in an “all or nothing, take it or leave it” situation. I can only hope that some of the energy now stoking partisan animosity will be redirected soon toward finding healthcare solutions that work for all Americans.

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

U.S. SENATE,

Washington, DC, June 27, 2018.

Re Texas v. United States, No. 4:18-cv-00167-O (N.D. Tex.).

Hon. JEFF SESSIONS,  
Attorney General, U.S. Department of Justice,  
Washington, DC.

DEAR ATTORNEY GENERAL SESSIONS: I am writing regarding the Department’s recent decision not to defend critical consumer protections in ongoing litigation challenging the Affordable Care Act (ACA) before the United States District Court for the Northern District of Texas. I urge you to reconsider your position and to defend these critical protections for individuals with pre-existing conditions like asthma, arthritis, cancer, diabetes, and heart disease.

In your June 7, 2018, letter to Speaker Ryan explaining the Department’s decision, you argue that the ACA’s provisions protecting people with pre-existing conditions are not severable from the individual mandate, and cannot survive if that provision is struck down as unconstitutional. Respectfully, I disagree.

This is no small matter. In 2016, the Kaiser Family Foundation estimated that 27 per-

cent of American adults under age 65 have pre-existing conditions that would leave them uninsurable in the individual market. More recently, 57 percent of Americans responding to a poll said that they or someone in their household suffers from a pre-existing condition. These numbers include 590,000 Mainers, roughly 45 percent of the State’s population.

I want to make clear that my concern is to protect individuals with pre-existing conditions, not to defend the individual mandate. Data show that the individual mandate is highly regressive—80 percent of those who pay the fine make less than \$50,000 per year. The Supreme Court was right to find that the individual mandate is not within the powers granted to Congress under the Commerce Clause, and Congress was right in eliminating the individual mandate’s penalty through the passage of the Tax Cuts and Jobs Act, P.L. 115-97.

I do not dispute your contention that the individual mandate will cease to be constitutional as a tax when it no longer produces revenue, beginning in 2019. But it does not follow that eliminating this penalty requires that important consumer protections—such as provisions ensuring that Americans with pre-existing conditions have access to health insurance—must also fall. In my view, the severability argument you outlined in your letter is focused on the wrong period of time: severability should not be measured by Congress’s intent in 2010, when the Affordable Care Act was passed into law, but rather by Congress’s intent in 2017, when Congress amended it through the Tax Cuts and Jobs Act. It is implausible that Congress intended protections for those with pre-existing conditions to stand or fall together with the individual mandate, when Congress affirmatively eliminated the penalty while leaving these critical consumer protections in place. If Congress had intended to eliminate these consumer protections along with the individual mandate, it could have done so. It chose not to.

Your letter states that it is “rare” for the Department to forgo defense of duly enacted statutes. The Department should do its duty and defend the important consumer protections in the ACA, particularly those that ensure that people with pre-existing conditions can secure insurance.

Sincerely,

SUSAN M. COLLINS,  
United States Senator.

U.S.-ISRAEL RELATIONSHIP

Mr. MENENDEZ. Mr. President, today I want to once again reaffirm that the U.S. Congress stands firmly behind a strong U.S.-Israel relationship. As threats to Israel continue to increase, as her enemies continue to grow ever closer, the United States will stand firm in our commitments.

Despite partisanship interfering with so many pressing policy issues today, an overwhelming majority of members of all political parties continue to reaffirm congressional support for this relationship.

Congress continues to fully fund the unprecedented \$38 billion of memorandum of understanding for military aid and will continue to do so on a bipartisan basis.

Congress continues to authorize and fund missile codevelopment programs, like Iron Dome, David’s Sling, and Arrow 3, and will continue to do so on a bipartisan basis.

Congress passed the Taylor Force Act, making clear that the United States will not provide assistance that directly benefits the Palestinian Authority until it stops incentivizing violence by paying salaries to prisoners convicted of terrorism against Israeli or American citizens.

Should there be any question about where the entirety of the U.S. Senate—Democrats and Republicans—stand, all 100 Senators signed a letter calling for Israel's inclusion in the Global Entry Program.

Our relationship with Israel is rooted in this bipartisanship. We are stronger for it, and so is Israel. It is disappointing to see some try to drive a political wedge in this historical support.

Those who would try to use Israel or support for the U.S.-Israel relationship as a political football are not helping this relationship, nor are they helping promote either American or Israeli security. Along with my colleagues on both sides of the aisle, I will continue to be a vocal advocate for a robust U.S.-Israel relationship rooted in strong bipartisan support.

#### 90TH ANNIVERSARY OF THE LOEW'S THEATER BUILDING

Mr. REED. Mr. President, I join the city of Providence and the State of Rhode Island in celebrating the 90th anniversary of the Loew's Theatre Building, home of the Providence Center for the Performing Arts. From silent films to the Mighty Wurlitzer to live concerts and Broadway productions, the Loew's Theatre Building has delighted, educated, and entertained generations of Rhode Islanders.

On October 6, 1928, the theater opened its doors to more than 14,000 people who came to see its splendor and the silent film "Excess Baggage." Designed by the renowned theater architects George and C.W. Rapp, the Loew's Theatre featured marble columns, gilded plasterwork, and crystal chandeliers.

After early years of success, the theater saw a decline in its economic fortunes as movie attendance waned. The theater sustained damage during the hurricanes of 1938 and 1954 and barely escaped demolition in the 1970s. Fortunately, local leaders stepped in to save this landmark. In 1977, the Loew's Theatre Building was officially listed on the National Register of Historic Places, and the following year, a non-profit organization was founded to restore its luster and establish a performing arts center for the community to enjoy.

Today the Providence Performing Arts Center is a hub of cultural activity. It not only brings top-flight productions to town but also offers a broad selection of community outreach programs, fulfilling its mission of serving "the entertainment needs of the State's various populations by presenting the widest possible variety of arts and cultural events." The center

presents free, community concerts featuring the Mighty Wurlitzer, the rare 1927 pipe organ, one of only three ever made. There is a seats for servicemembers initiative that offers preferred orchestra seating to our military families. There are arts scholarships, summer theater programs, and special opportunities for students to experience live theater productions.

Ninety years ago, Rhode Islanders flocked to the Loew's Theatre Building to share in something grand. We are grateful for the steady leadership and many contributions of the board of directors, dedicated staff, and generous benefactors who have made this historic landmark a living institution that continues to enrich the cultural life of our community. The Providence Performing Arts Center is still grand. May it continue to be so for generations to come.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO LISA C. FREEMAN

• Ms. DUCKWORTH. Mr. President, I rise today to honor Lisa C. Freeman for becoming the first female president of Northern Illinois University, NIU.

Lisa C. Freeman was appointed president of NIU in September of 2018, becoming the first permanent female president in NIU's 123-year history. She has been a member of NIU's senior leadership team and a professor of biology since 2010. She became executive vice president and provost in May 2014. Throughout her time at NIU, Freeman has worked to support all aspects of the university's mission, emphasizing NIU's continued commitments to promoting the social mobility of students, producing high impact scholarship, and engaging with the region. Prior to joining NIU, Freeman dedicated 16 years to serving as a faculty member at Kansas State University. She also served as the associate vice president for innovation for K-State Olathe.

Freeman has been widely recognized for her important contributions to her professions. Among those honors and awards are Outstanding Veterinarian of the Year, 2002, Castle Bank Community Leader, 2015, and the NIU Trans-Action Ally, 2018.

I commend Lisa's hard work, passion, and commitment to inspiring and empowering our next generation of leaders, entrepreneurs, educators, artists, engineers, and professionals. May her continued leadership serve as an inspiration to us all.●

##### 160TH ANNIVERSARY OF YWCA USA

• Ms. HEITKAMP. Mr. President, I want to proudly applaud the work of YWCA USA as they celebrate an incredible milestone. For 160 years, they have been at the forefront of the Nation's most critical movements. They have led the charge in women's em-

powerment, the fight against racism and discrimination, and efforts to strengthen families and communities. From voting rights to civil rights, from affordable housing to pay equity, from violence prevention to healthcare reform, YWCA has been a force for progress for 160 years.

With the help of 210 local associations, across 46 States and the District of Columbia, this organization continues to serve over 2 million women, girls, and their families each year. Being one of the largest networks for domestic violence and sexual assault services in the country, the YWCA reaches over half a million women and girls annually. Furthermore, community YWCA associations reach over 260,000 women with economic empowerment programs and over 160,000 people through their racial justice education and training programs.

In my home State of North Dakota, the YWCA Cass Clay and the YWCA Minot have been a trusted place for women and children to turn as they escape violence, homelessness, and crisis. Through these services, they are fulfilling their mission to provide safety, security, and hope to those who need it most.

When I came to the Senate, the Violence Against Women Act, or VAWA, was the first bill that I cosponsored, and I am proud that it worked to give victims of abuse the resources they need to seek justice and recover from the trauma they experienced. I am still working to prevent those programs from expiring, and I am proud that the North Dakota chapters of YWCA have helped protect women and children, especially in the continuing crisis of violence against women in tribal communities.

I am grateful for my partnership with YWCA in advocating for children who have experienced trauma. Traumatic experiences, like abuse or a parent's substance use disorder, can lead to health and behavior complications later in life. Children and youth who have experienced four or more traumatic events are three times more at risk of heart disease or lung cancer, while those who have experienced six or more traumatic events are 30 times more likely to attempt suicide. The YWCA has promoted my Trauma Informed Care for Children and Families Act, which is a critical step to address childhood trauma in the United States.

I will continue to stand in solidarity with the YWCA in North Dakota and the rest of the country in strong support of their mission to eliminate racism, empower women, stand up for social justice, help families, and strengthen communities.

Congratulations to the YWCA on 160 years of improving the lives of women and girls all over the country.●

##### TRIBUTE TO GENO MARTINI

• Mr. HELLER. Mr. President, today I wish to recognize the retirement of



city of Sparks Mayor Geno Martini, a dedicated public servant, a proven leader in northern Nevada, and a friend. As a citizen of Sparks for 71 years, Mayor Martini has been an integral part of our community, and is a Nevadan through and through.

As a Sparks High School and University of Nevada, Reno, graduate, Mayor Martini has devoted his life to improving the community he is proud to call home. Mayor Martini served as mayor of Sparks for over 13 years and was also a member of the Sparks City Council. He has played an instrumental role in a number of projects that benefit the Sparks community. Whether it is his work on the North Truckee Drain project that helps prevent flooding for businesses and homeowners or his efforts to redevelop the Sparks Marina and transform an abandoned parking structure into a beautiful apartment home community, Mayor Martini's legacy of leadership will be preserved through the positive impact that his work will have on this community for generations to come.

His colleagues credit the development and revitalization of downtown Sparks to Mayor Martini's efforts. We have seen tremendous economic growth in the city of Sparks and much of that would not have been possible without the leadership of Mayor Martini.

Additionally, Mayor Martini is a longtime advocate for those who serve the city and has worked to provide support to the community's residents who are in need. For instance, he helped to increase funding for Sparks' police and fire departments and played a key role in the creation of the community assistance center to shelter and offer outreach to individuals and families who are homeless. Further, he helps at-risk children in our community who cannot otherwise participate in recreation programs due to financial hardships by raising funds for the Sparks Youth Scholarship Program.

I congratulate Mayor Martini on his retirement and thank him for his years of service to our community. Sparks and Nevada are better places because of Mayor Martini, and his efforts and stewardship will not be forgotten.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6772. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Vincent K. Brooks, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6773. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, a report entitled "Fiscal Year 2017 Inventory of Contracted Services"; to the Committee on Armed Services.

EC-6774. A communication from the Secretary of the Treasury, transmitting, pursu-

ant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-6775. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-6776. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Wassenaar Arrangement 2017 Plenary Agreements Implementation" (RIN0694-AH44) received in the Office of the President of the Senate on October 9, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-6777. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; Georgia; Acworth, City of, Cobb County, et al." ((44 CFR Part 64) (Docket No. FEMA-2018-0002)) received in the Office of the President of the Senate on October 4, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-6778. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation as an emergency requirement the amount (including the transfer of funds) so designated by the Congress in the FAA Reauthorization Act of 2018, pursuant to section 251 (b) (2) (A) of the Balanced Budget and Emergency Deficit Control Act of 1985, for the Community Development Fund; to the Committee on the Budget.

EC-6779. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled, "Review of Medicare's Program for Oversight of Accrediting Organizations and the Clinical Laboratory Improvement Validation Program: Fiscal Year 2017"; to the Committee on Finance.

EC-6780. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to Malaysia to support the transfer of six MD530G Scout/Attack helicopters, one MD530G Flight Training device, and MD530G training to Malaysian Army in the amount of \$50,000,000 or more (Transmittal No. DDTTC 18-044); to the Committee on Foreign Relations.

EC-6781. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; 25-Hydroxyvitamin D3" ((21 CFR Part 573) (Docket No. FDA-2013-F-1540 and FDA-2014-F-0296)) received in the Office of the President of the Senate on October 5, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-6782. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's annual submission regarding agency compliance with the Federal Managers' Financial Integrity Act and revised Office of Manage-

ment and Budget (OMB) Circular A-123; to the Committee on Homeland Security and Governmental Affairs.

EC-6783. A communication from the Director of Regulation, Legislation, and Interpretation, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Minimum Wage for Contractors; Updating Regulations to Reflect Executive Order 13838" (RIN1235-AA27) received in the Office of the President of the Senate on October 4, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-6784. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2017 Annual Report to the Congress on the Native Hawaiian Revolving Loan Fund"; to the Committee on Indian Affairs.

EC-6785. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board" (RIN0651-AD16) received in the Office of the President of the Senate on October 9, 2018; to the Committee on the Judiciary.

EC-6786. A communication from the Regulation Policy Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulation: Describing Agency Needs; Contract Financing" (RIN2900-AP81) received in the Office of the President of the Senate on October 4, 2018; to the Committee on Veterans' Affairs.

EC-6787. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Block Island and Newport, Rhode Island" ((MB Docket No. 18-153) (DA 18-962)) received in the Office of the President of the Senate on October 4, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6788. A communication from the Associate Chief of Infrastructure and Policy, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" ((FCC 18-133) (WT Docket No. 17-79; WC Docket No. 17-84)) received in the Office of the President of the Senate on October 4, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6789. A communication from the Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Toll Free Assignment Modernization" ((FCC 16-137) (WC Docket No. 17-192; CC Docket No. 95-155)) received in the Office of the President of the Senate on October 9, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6790. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that involved fiscal year 2006 Procurement Marine Corps (PMC) funds and was assigned case number 16-01; to the Committee on Appropriations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 2200. A bill to reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Armed Services.

Air Force nomination of Gen. Robert B. Abrams, to be General.

Navy nomination of Vice Adm. Craig S. Fallor, to be Admiral.

Air Force nomination of Lt. Gen. Jerry D. Harris, Jr., to be Lieutenant General.

Navy nomination of Vice Adm. Andrew L. Lewis, to be Vice Admiral.

Mr. INHOFE. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Bruce A. Abbott and ending with Shirley B. Ziser, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2018.

Air Force nominations beginning with Patrick C. Degraaf and ending with Christopher L. Pridgen, which nominations were received by the Senate and appeared in the Congressional Record on September 24, 2018.

Army nominations beginning with Gary W. Brock, Jr. and ending with John M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 20, 2018.

Army nomination of John J. Kaikkonen, to be Lieutenant Colonel.

Army nomination of Marc A. Patterson, to be Colonel.

Army nomination of James B. Elledge, to be Colonel.

Army nominations beginning with Micah B. Bell and ending with Tanya R. Trout, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 2018.

Navy nominations beginning with Capt. Marcus N. Fulton and ending with Capt. Frank D. Hutchison, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2018.

Navy nomination of Tilford L. Clark, to be Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. HEITKAMP (for herself, Mr. MORAN, and Ms. STABENOW):

S. 3563. A bill to amend the Internal Revenue Code of 1986 to provide the work oppor-

tunity tax credit with respect to hiring veterans who are receiving educational assistance under laws administered by the Secretary of Veterans Affairs or Defense; to the Committee on Finance.

By Mr. CARDIN (for himself and Mr. WICKER):

S. 3564. A bill to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish pilot programs to assist low-income households in maintaining access to sanitation services and drinking water, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. McCASKILL (for herself and Mr. CASSIDY):

S. 3565. A bill to amend title XI of the Social Security Act to include additional covered recipients for transparency reports required of manufacturers of opioids; to the Committee on Finance.

By Ms. HEITKAMP (for herself, Ms. SMITH, and Mr. MANCHIN):

S. 3566. A bill to amend the Internal Revenue Code of 1986 to modify the qualifying advanced coal project credit; to the Committee on Finance.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 3567. A bill to prohibit the use of funds for the operation or construction of internment camps, and for other purposes; to the Committee on the Judiciary.

By Ms. HEITKAMP:

S. 3568. A bill to amend the Social Security Act and Public Health Service Act to improve obstetric care in rural areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GARDNER:

S. 3569. A bill to amend the Commodity Exchange Act to extend the jurisdiction of the Commodity Futures Trading Commission to include the setting of reference prices for aluminum premiums, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TESTER:

S. 3570. A bill to establish a Federal cost share percentage for the St. Mary Storage Unit of the Milk River Project in the State of Montana; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND:

S. 3571. A bill to authorize the acquisition of land for addition to the Home of Franklin D. Roosevelt National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL:

S.J. Res. 65. A joint resolution relating to the disapproval of the proposed export to the Government of the Kingdom of Bahrain of certain defense articles and services; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TOOMEY (for himself and Mr. BENNET):

S. Res. 671. A resolution designating September 29, 2018, as "National Urban Wildlife Refuge Day"; considered and agreed to.

By Mr. COONS (for himself and Mr. GARDNER):

S. Res. 672. A resolution expressing the sense of Congress that electric cooperative voluntary energy reduction programs reduce energy consumption and save participants money; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 322

At the request of Mr. PETERS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 479

At the request of Mr. BROWN, the names of the Senator from California (Ms. HARRIS) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 1299

At the request of Mr. PETERS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1299, a bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes.

S. 1989

At the request of Ms. KLOBUCHAR, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2341

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2341, a bill to amend title 38, United States Code, to improve the processing of veterans benefits by the Department of Veterans Affairs, to limit the authority of the Secretary of Veterans Affairs to recover overpayments made by the Department and other amounts owed by veterans to the United States, to improve the due process accorded veterans with respect to such recovery, and for other purposes.

S. 2351

At the request of Mr. CARDIN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 2351, a bill to amend the Higher Education Act of 1965 to provide that an individual may remain eligible to participate in the teacher loan forgiveness program under title IV of such Act if the individual's period of consecutive years of employment as a full-time teacher is interrupted because the individual is the spouse of a member of the Armed Forces who is relocated during

the school year pursuant to military orders for a permanent change of duty station, and for other purposes.

S. 2432

At the request of Mr. YOUNG, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2432, a bill to amend the charter of the Future Farmers of America, and for other purposes.

S. 2884

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2884, a bill to require the Secretary of Veterans Affairs to develop a standard letter format to be provided to individuals who are indebted to the United States by virtue of their participation in benefits programs administered by the Secretary, to provide notice of debt by electronic means to such individuals when so elected, and for other purposes.

S. 2918

At the request of Ms. HARRIS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2918, a bill to amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

S. 2957

At the request of Mr. WARNER, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2957, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 2971

At the request of Mr. BOOKER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2971, a bill to amend the Animal Welfare Act to prohibit animal fighting in the United States territories.

S. 3020

At the request of Mr. MARKEY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3020, a bill to establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTI Peoples, and for other purposes.

S. 3063

At the request of Mr. BARRASSO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 3063, a bill to delay the re-imposition of the annual fee on health insurance providers until after 2020.

S. 3177

At the request of Mr. SCOTT, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 3177, a bill to amend the Financial Stability Act of 2010 to include the State insurance commissioner as a

voting member of the Financial Stability Oversight Council, and for other purposes.

S. 3215

At the request of Mr. VAN HOLLEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3215, a bill to amend title 49, United States Code, to require the development of a bus operations safety risk reduction program, and for other purposes.

S. 3257

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

S. 3258

At the request of Ms. HEITKAMP, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 3258, a bill to amend the Trade Act of 1974 to provide adjustment assistance to farmers adversely affected by reduced exports resulting from tariffs imposed as retaliation for United States tariff increases, and for other purposes.

S. 3321

At the request of Mr. COONS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3321, a bill to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden and to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson in recognition of their contributions to the success of the National Aeronautics and Space Administration during the Space Race.

S. 3338

At the request of Mr. CARPER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3338, a bill to direct the Secretary of Health and Human Services to finalize certain proposed provisions relating to the Programs of All-Inclusive Care for the Elderly (PACE) under the Medicare and Medicaid programs.

S. 3405

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 3405, a bill to reauthorize the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security.

S. 3407

At the request of Ms. HEITKAMP, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 3407, a bill to offset retaliatory duties against the United States by establishing a fund to promote the exports of United States agricultural commodities and products.

S. 3442

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor

of S. 3442, a bill to designate the facility of the United States Postal Service located at 105 Duff Street in Macon, Missouri, as the "Arla W. Harrell Post Office".

S. 3449

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 3449, a bill to amend the Internal Revenue Code of 1986 to extend certain tax credits related to electric cars, and for other purposes.

S. 3505

At the request of Mr. ISAKSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3505, a bill to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, and for other purposes.

S. 3517

At the request of Mr. UDALL, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 3517, a bill to limit the use of funds for kinetic military operations in or against Iran.

S. 3540

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3540, a bill to provide a coordinated regional response to manage effectively the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras.

S.J. RES. 64

At the request of Mr. TESTER, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. HEINRICH), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Minnesota (Ms. SMITH), the Senator from Maryland (Mr. CARDIN), the Senator from Maine (Mr. KING), the Senator from Colorado (Mr. BENNET), the Senator from Indiana (Mr. DONNELLY), the Senator from Pennsylvania (Mr. CASEY), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Ms. HASSAN), the Senator from Alabama (Mr. JONES), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Michigan (Mr. PETERS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Hawaii (Ms. HIRONO), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from New Jersey (Mr. BOOKER), the Senator from Virginia (Mr. Kaine) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S.J. Res. 64, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations".

S. CON. RES. 42

At the request of Ms. HARRIS, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. Con. Res. 42, a concurrent resolution supporting America's clean car standards and defending State authority under the Clean Air Act to protect their citizens from harmful air pollution.

S. RES. 220

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 220, a resolution expressing solidarity with Falun Gong practitioners who have lost lives, freedoms, and rights for adhering to their beliefs and practices and condemning the practice of non-consenting organ harvesting, and for other purposes.

S. RES. 606

At the request of Mr. BOOZMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. Res. 606, a resolution expressing the sense of the Senate that the United States condemns all forms of violence against children globally and recognizes the harmful impacts of violence against children.

S. RES. 629

At the request of Mr. COONS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 629, a resolution expressing the sense of the Senate with respect to enhanced relations with the Republic of Moldova and support for Moldova's territorial integrity.

S. RES. 633

At the request of Mrs. MCCASKILL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. Res. 633, a resolution expressing the sense of the Senate that Congress should take all appropriate measures to ensure that the United States Postal Service remains an independent establishment of the Federal Government and is not subject to privatization.

S. RES. 665

At the request of Ms. BALDWIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 665, a resolution designating October 2018 as "National Employee Ownership Month".

S. RES. 667

At the request of Mr. PERDUE, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 667, a resolution condemning persecution of religious minorities in the People's Republic of China and any actions that limit their free expression and practice of faith.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 671—DESIGNATING SEPTEMBER 29, 2018, AS "NATIONAL URBAN WILDLIFE REFUGE DAY"

Mr. TOOMEY (for himself and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 671

Whereas over 80 percent of people in the United States live in or near cities, which typically have limited opportunities for residents to access nature and experience outdoor recreation;

Whereas the National Wildlife Refuge System under the United States Fish and Wildlife Service manages 566 national wildlife refuges that constitute a national network of land and water managed for the conservation of fish, wildlife, and plants in the United States;

Whereas national wildlife refuges provide opportunities for people to discover and appreciate nature;

Whereas there is a refuge located within a 1-hour drive of every metropolitan area in the United States;

Whereas the Urban Wildlife Conservation Program under the United States Fish and Wildlife Service—

(1) focuses on introducing people living in densely populated areas to the more than 100 national wildlife refuges near urban areas; and

(2) promotes wildlife conservation and the enjoyment of hunting, fishing, and other wildlife-dependent recreational activities close to where people live;

Whereas the Urban Wildlife Conservation Program focuses on public-private partnerships—

(1) to improve wildlife conservation; and

(2) to promote access to recreation on and off national wildlife refuges, including recreational activities such as hunting and fishing; and

Whereas by exploring community-centered approaches to address local needs, engaging the next generation of anglers and hunters, and providing infrastructure and safe access, the Urban Wildlife Conservation Program helps local organizations, cities, and towns across the United States engage in conservation activities; Now, therefore, be it

Resolved, That the Senate—

(1) designates September 29, 2018, as "National Urban Wildlife Refuge Day";

(2) encourages the United States Fish and Wildlife Service to increase access to outdoor recreational opportunities for urban communities;

(3) encourages the people of the United States to visit and experience the more than 100 urban national wildlife refuges of the United States.

## SENATE RESOLUTION 672—EXPRESSING THE SENSE OF CONGRESS THAT ELECTRIC COOPERATIVE VOLUNTARY ENERGY REDUCTION PROGRAMS REDUCE ENERGY CONSUMPTION AND SAVE PARTICIPANTS MONEY

Mr. COONS (for himself and Mr. GARDNER) submitted the following resolution; which was considered and agreed to:

S. RES. 672

Whereas "Beat the Peak" is an electric cooperative voluntary energy reduction pro-

gram that saves participants money and encourages reduced energy usage by notifying participants of periods of peak energy consumption;

Whereas participants in electric cooperative voluntary energy reduction programs such as "Beat the Peak"—

(1) receive alerts during periods of peak energy usage when the price for energy is expected to be high; and

(2) have the opportunity to decrease power usage when demand and price are at the highest level;

Whereas participation in electric cooperative voluntary energy reduction programs reduces energy costs for all cooperative members;

Whereas electric cooperatives are non-profit utilities that transfer cost savings directly to cooperative members;

Whereas the 4 hottest summers on record have occurred during the 5-year period preceding the date of enactment of this resolution;

Whereas extreme temperatures produce sustained peak energy prices in competitive wholesale electricity markets;

Whereas electric cooperatives work to provide rural areas in the United States with safe, reliable, and affordable electricity;

Whereas electric cooperatives operate 833 electric distribution centers and 62 electric generation and transmission facilities;

Whereas electric cooperatives provide power to 42,000,000 people in the United States and cover 56 percent of the landmass of the United States;

Whereas Delaware Electric Cooperative, the first electric cooperative to create a "Beat the Peak" program, has saved members \$27,000,000 over the 10-year period preceding the date of enactment of this resolution and is on track to save members \$2,300,000 in 2018;

Whereas over 90 electric cooperatives across the United States offer "Beat the Peak" demand response programs; and

Whereas increased awareness of electric cooperative voluntary energy reduction programs may result in many more electric cooperatives adopting and offering those programs; Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the economic and conservation benefits of electric cooperative voluntary energy reduction programs such as "Beat the Peak";

(2) recognizes that voluntary energy reduction programs reduce energy usage, help the environment, and save money;

(3) encourages electric cooperatives across the United States—

(A) to adopt voluntary energy reduction programs such as "Beat the Peak"; and

(B) to promote those programs to members; and

(4) commends electric cooperatives that offer and support voluntary energy reduction programs.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4053. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 3523, to amend title 10, United States Code, to require a full military honors ceremony for certain deceased veterans, and for other purposes; which was referred to the Committee on Veterans' Affairs.

## TEXT OF AMENDMENTS

SA 4053. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 3523, to amend title

10, United States Code, to require a full military honors ceremony for certain deceased veterans, and for other purposes; which was referred to the Committee on Veterans' Affairs; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Honoring Our Heroes Act of 2018".

**SEC. 2. FULL MILITARY ESCORT AT FUNERALS OF CERTAIN VETERANS.**

Section 1491(b) of title 10, United States Code, is amended by adding at the end the following:

"(3) The Secretary concerned shall provide a full military escort (as determined by the Secretary concerned) for the funeral of a veteran who—

"(A) is first interred or first inurned in Arlington National Cemetery on or after the date of the enactment of the Honoring Our Heroes Act of 2018;

"(B) was awarded the medal of honor or the prisoner-of-war medal; and

"(C) is not otherwise entitled to a full military escort by the grade of that veteran."

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. CORNYN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 10 a.m., to conduct a hearing entitled "Consumer Data Privacy: Examining Lessons From the European Union's General Data Protection Regulation and the California Consumer Privacy Act."

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 10 a.m., to conduct a hearing entitled "From Yellowstone's Grizzly Bear to the Chesapeake's Delmarva Fox Squirrel—Successful State Conservation, Recovery, and Management of Wildlife."

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 8:30 a.m., to conduct a hearing entitled "Threats to the Homeland."

**COMMITTEE ON THE JUDICIARY**

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 10 a.m., to conduct a hearing on the following nominations: Eric E. Murphy, of Ohio, and Chad A. Readler,

of Ohio, both to be a United States Circuit Judge for the Sixth Circuit, Rossie David Alston, Jr., to be United States District Judge for the Eastern District of Virginia, Pamela A. Barker, to be United States District Judge for the Northern District of Ohio, and Sarah Daggett Morrison, to be United States District Judge for the Southern District of Ohio.

**SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT**

The Subcommittee on Readiness and Management Support of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 9:30 a.m., to conduct a hearing.

**PRIVILEGES OF THE FLOOR**

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following fellows on my HELP Committee staff be granted floor privileges for the remainder of the 115th Congress: Sheri Lou Santos, Garrett Devenney, and Brian Kaplun.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Ryan Edwards and Kim Binsted, AAAS fellows in my office, be granted floor privileges for the remainder of this Congress.

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

**THE TENTH ANNIVERSARY OF THE ENACTMENT OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. Res. 670 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 670) recognizing the tenth anniversary of the enactment of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 9, 2018, under "Submitted Resolutions.")

**NATIONAL URBAN WILDLIFE REFUGE DAY**

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. Res. 671, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 671) designating September 29, 2018, as "National Urban Wildlife Refuge Day."

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

**EXPRESSING THE SENSE OF CONGRESS THAT ELECTRIC COOPERATIVE VOLUNTARY ENERGY REDUCTION PROGRAMS REDUCE ENERGY CONSUMPTION AND SAVE PARTICIPANTS MONEY**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 672, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 672) expressing the sense of Congress that electric cooperative voluntary energy reduction programs reduce energy consumption and save participants money.

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

Mr. McCONNELL. I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 672) was agreed to.

Mr. McCONNELL. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

**U.S. CUSTOMS AND BORDER PROTECTION HIRING AND RETENTION ACT OF 2017**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 447, S. 1305.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1305) to provide U.S. Customs and Border Protection with adequate flexibility in its employment authorities.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “U.S. Customs and Border Protection Hiring and Retention Act of 2017” or the “CBP HiRe Act”.

**SEC. 2. FLEXIBILITY IN EMPLOYMENT AUTHORITIES.**

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

**“§9702. U.S. Customs and Border Protection employment authorities**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘CBP employee’ means an employee of U.S. Customs and Border Protection;

“(2) the term ‘Commissioner’ means the Commissioner of U.S. Customs and Border Protection;

“(3) the term ‘Director’ means the Director of the Office of Personnel Management;

“(4) the term ‘rural or remote area’ means an area within the United States that is not within an area defined and designated as an urbanized area by the Bureau of the Census in the most recently completed decennial census; and

“(5) the term ‘Secretary’ means the Secretary of Homeland Security.

“(b) DEMONSTRATION OF RECRUITMENT AND RETENTION DIFFICULTIES IN RURAL OR REMOTE AREAS.—

“(1) IN GENERAL.—For purposes of subsections (c) and (d), the Secretary shall determine, for a rural or remote area, whether there is—

“(A) a critical hiring need in the area; and

“(B) a direct relationship between—

“(i) the rural or remote nature of the area; and

“(ii) difficulty in the recruitment and retention of CBP employees in the area.

“(2) FACTORS.—To inform the determination of a direct relationship under paragraph (1)(B), the Secretary may consider evidence—

“(A) that the Secretary—

“(i) is unable to efficiently and effectively recruit individuals for positions as CBP employees, which may be demonstrated with various types of evidence, including—

“(I) evidence that multiple positions have been continuously vacant for significantly longer than the national average period for which similar positions in U.S. Customs and Border Protection are vacant; and

“(II) recruitment studies that demonstrate the inability of the Secretary to efficiently and effectively recruit CBP employees for positions in the area; or

“(ii) experiences a consistent inability to retain CBP employees that negatively impacts agency operations at a local or regional level; or

“(B) of any other inability, directly related to recruitment or retention difficulties, that the Secretary determines sufficient.

“(c) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

“(1) DIRECT HIRE AUTHORITY.—

“(A) IN GENERAL.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees, in a rural or remote area, if the Secretary—

“(i) determines that—

“(I) there is a critical hiring need; and

“(II) there exists a severe shortage of qualified candidates because of the direct relationship identified by the Secretary under subsection (b)(1)(B) of this section between—

“(aa) the rural or remote nature of the area; and

“(bb) difficulty in the recruitment and retention of CBP employees in the area; and

“(ii) has given public notice for the positions.

“(B) PRIORITIZATION OF HIRING VETERANS.—If the Secretary uses the direct hiring authority under subparagraph (A), the Secretary shall apply the principles of preference for the hiring of veterans established under subchapter I of chapter 33.

“(2) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a bonus to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

“(A) the Secretary determines that—

“(i) conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to any other provision of that section); and

“(ii) the position to which the individual is appointed or to which the individual moves or must relocate—

“(I) is a position as a CBP employee; and

“(II) is in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

“(aa) the rural or remote nature of the area; and

“(bb) difficulty in the recruitment and retention of CBP employees in the area; and

“(B) the individual enters into a written service agreement with the Secretary—

“(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

“(ii) that includes—

“(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

“(II) the amount of the bonus; and

“(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

“(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(bb) the effect of a termination described in item (aa).

“(3) RETENTION BONUSES.—The Secretary may pay a retention bonus to a CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

“(A) the Secretary determines that—

“(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

“(ii) the CBP employee is employed in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

“(I) the rural or remote nature of the area; and

“(II) difficulty in the recruitment and retention of CBP employees in the area; and

“(iii) in the absence of a retention bonus, the CBP employee would be likely to leave—

“(I) the Federal service; or

“(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

“(B) the individual enters into a written service agreement with the Secretary—

“(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

“(ii) that includes—

“(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

“(II) the amount of the bonus; and

“(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

“(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(bb) the effect of a termination described in item (aa).

“(4) RULES FOR BONUSES.—

“(A) MAXIMUM BONUS.—A bonus paid to an employee under—

“(i) paragraph (2) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

“(ii) paragraph (3) may not exceed 50 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period.

“(B) RELATION TO BASIC PAY.—A bonus paid to an employee under paragraph (2) or (3) shall not be considered part of the basic pay of the employee for any purpose.

“(5) OPM OVERSIGHT.—The Director shall, to the extent practicable—

“(A) set aside a determination of the Secretary under this subsection if the Director finds substantial evidence that the Secretary abused the discretion of the Secretary in making the determination; and

“(B) oversee the compliance of the Secretary with this subsection.

“(d) SPECIAL PAY AUTHORITY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section if the Director finds that the recruitment or retention efforts of the Secretary with respect to positions for CBP employees in an area or location are, or are likely to become, significantly handicapped because the positions are located in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

“(1) the rural or remote nature of the area; and

“(2) difficulty in the recruitment and retention of CBP employees in the area.

“(e) REGULAR CBP REVIEW.—

“(1) ENSURING FLEXIBILITIES MEET CBP NEEDS.—Each year, the Secretary shall review the use of hiring flexibilities under subsections (c) and (d) to fill positions at a location in a rural or remote area to determine—

“(A) the impact of the use of those flexibilities on solving hiring and retention challenges at the location;

“(B) whether hiring and retention challenges still exist at the location; and

“(C) whether the Secretary needs to continue to use those flexibilities at the location.

“(2) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider—

“(A) whether any CBP employee accepted an employment incentive under subsection (c) or (d) and then transferred to a new location or left U.S. Customs and Border Protection; and

“(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

“(3) DISTRIBUTION.—The Secretary shall submit to Congress a report on each review required under paragraph (1).

“(f) IMPROVING CBP HIRING AND RETENTION.—



“(1) *EDUCATION OF CBP HIRING OFFICIALS.*—Not later than 180 days after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2017, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

“(2) *ELEMENTS.*—Elements of the strategy under paragraph (1) shall include the following:

“(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

“(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

“(C) The development of pilot programs or other programs, as appropriate, to address identified hiring challenges in rural or remote areas.

“(D) Developing and enhancing strategic recruiting efforts through relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

“(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

“(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

“(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families.

“(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

“(3) *EVALUATION.*—

“(A) *IN GENERAL.*—Each year, the Secretary shall—

“(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

“(ii) make any appropriate updates to the strategy under paragraph (1).

“(B) *INFORMATION.*—The evaluation conducted under subparagraph (A) shall include—

“(i) any reduction in the time taken by the Secretary to fill mission-critical positions in rural or remote areas;

“(ii) a general assessment of the impact of the strategy developed and implemented under paragraph (1) on hiring challenges in rural or remote areas; and

“(iii) other information the Secretary determines relevant.

“(g) *INSPECTOR GENERAL REVIEW.*—Not later than 2 years after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2017, the Inspector General of the Department of Homeland Security shall review the use of hiring flexibilities by the Secretary under subsections (c) and (d) to determine whether the use of those flexibilities is helping the Secretary meet hiring and retention needs in rural and remote areas.

“(h) *REPORT ON POLYGRAPH REQUESTS.*—The Secretary shall report to Congress on the number of requests the Secretary receives from any other Federal agency for the file of an applicant for a position in U.S. Customs and Border Protection that includes the results of a polygraph examination.

“(i) *EXERCISE OF AUTHORITY.*—

“(1) *SOLE DISCRETION.*—The exercise of authority under subsection (c) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71.

“(2) *DELEGATION.*—

“(A) *IN GENERAL.*—Subject to subparagraph (B), the Secretary may delegate any authority under this section to the Commissioner.

“(B) *OVERSIGHT.*—The Commissioner may not make a determination under subsection (b)(1) unless the Secretary approves the determination.

“(j) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to exempt the Secretary or the Director from the applicability of the merit system principles under section 2301.

“(k) *SUNSET.*—The authorities under subsections (c) and (d) shall terminate on the date that is 5 years after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2017.”

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

“9702. U.S. Customs and Border Protection employment authorities.”

Mr. McCONNELL. I ask unanimous consent that the committee-reported substitute amendment be agreed to, that the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1305), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in accordance with Public Law 99–498, Section 1505(a)(1)(B)(ii), appoints the following Senator to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: The Honorable DEB FISCHER of Nebraska.

#### ORDERS FOR THURSDAY, OCTOBER 11, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, October 11; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, following leader remarks, the Senate proceed to executive session and resume consideration of the Clark nomination as under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Thursday, October 11, 2018, at 10 a.m.

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 11, 2018 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 15

Time to be announced

Committee on Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Steven Dillingham, of Virginia, to be Director of the Census, Department of Commerce, and Michael Kubayanda, of Ohio, to be a Commis-

sioner of the Postal Regulatory Commission.

S-216

### OCTOBER 16

10 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the nominations of Rita Baranwal, of Pennsylvania, to be an Assistant Secretary of Energy (Nuclear Energy), Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission, and Raymond David Vela, of Texas, to be Director of the National Park Service, Department of the Interior.

SD-366

### OCTOBER 17

10 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Ronald D. Vitiello, of Illinois, to be an Assistant Secretary of Homeland Security.

SD-342

Committee on the Judiciary

To hold hearings to examine pending nominations.

SD-226

2:30 p.m.

Committee on Indian Affairs

To hold hearings to examine S. 2788, to repeal the Act entitled "An Act to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation", H.R. 2606, to amend the Act of August 4, 1947 (commonly

known as the Stigler Act), with respect to restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and H.R. 4032, to confirm undocumented Federal rights-of-way or easements on the Gila River Indian Reservation, clarify the northern boundary of the Gila River Indian Community's Reservation, to take certain land located in Maricopa County and Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community.

SD-628

3 p.m.

Committee on Armed Services

Subcommittee on Emerging Threats and Capabilities

To hold hearings to examine implications of China's presence and investment in Africa.

SR-222

### OCTOBER 18

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine pilot programs at Fannie Mae and Freddie Mac.

SD-538

Committee on Homeland Security and Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine combating the opioid crisis, focusing on the price increase of an opioid overdose reversal drug and the cost to the United States healthcare system.

SD-342

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

# Daily Digest

## HIGHLIGHTS

Senate agreed to the motion to concur in the amendments of the House of Representatives to S. 3021, America's Water Infrastructure Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S6735–S6775*

**Measures Introduced:** Nine bills and three resolutions were introduced, as follows: S. 3563–3571, S.J. Res. 65, and S. Res. 671–672. **Page S6770**

#### Measures Reported:

H.R. 2200, to reauthorize the Trafficking Victims Protection Act of 2000, with an amendment in the nature of a substitute. **Pages S6769–70**

#### Measures Passed:

**MHPAEA 10th Anniversary:** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 670, recognizing the tenth anniversary of the enactment of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, and the resolution was then agreed to. **Page S6773**

**National Urban Wildlife Refuge Day:** Senate agreed to S. Res. 671, designating September 29, 2018, as “National Urban Wildlife Refuge Day”. **Page S6773**

**Energy Co-Ops:** Senate agreed to S. Res. 672, expressing the sense of Congress that electric cooperative voluntary energy reduction programs reduce energy consumption and save participants money. **Page S6773**

**CBP HiRe Act:** Senate passed S. 1305, to provide U.S. Customs and Border Protection with adequate flexibility in its employment authorities, after agreeing to the committee amendment in the nature of a substitute. **Pages S6774–75**

#### Measures Failed:

**Short-Term, Limited Duration Insurance:** By 50 yeas to 50 nays (Vote No. 226), Senate failed to pass S.J. Res. 63, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of the Treasury,

Secretary of Labor, and Secretary of Health and Human Services relating to “Short-Term, Limited Duration Insurance”, after agreeing to the motion to proceed. **Page S6748**

#### House Messages:

**America's Water Infrastructure Act:** By 99 yeas to 1 nay (Vote No. 225), Senate agreed to the motion to concur in the amendments of the House of Representatives to S. 3021, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, to provide for water pollution control activities, after taking action on the following motions and amendments proposed thereto: **Page S6747**

#### Withdrawn:

McConnell motion to concur in the amendment of the House to the bill, with McConnell Amendment No. 4048 (to the motion to concur in the amendment of the House to the bill), to change the enactment date. **Page S6747**

During consideration of this measure today, Senate also took the following action:

McConnell Amendment No. 4049 (to Amendment No. 4048), of a perfecting nature, fell when McConnell motion to concur in the amendment of the House to the bill, with McConnell Amendment No. 4048 (to the motion to concur in the amendment of the House to the bill) (listed above) was withdrawn. **Page S6747**

#### Appointments:

**Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:** The Chair, on behalf of the President pro tempore, in accordance with Public Law 99–498, Section 1505(a)(1)(B)(ii), appointed the following Senator to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Senator Fischer. **Page S6775**

**Clark Nomination—Agreement:** Senate resumed consideration of the nomination of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General. **Pages S6748–66**

During consideration of this nomination today, Senate also took the following action:

By 53 yeas to 44 nays (Vote No. 227), Senate agreed to the motion to close further debate on the nomination. **Page S6748**

A unanimous-consent agreement was reached providing that notwithstanding the provisions of rule XXII, all post-cloture time on the nomination be considered expired at 12:10 p.m., on Thursday, October 11, 2018. **Page S6766**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 10 a.m., on Thursday, October 11, 2018. **Page S6775**

**Executive Communications:** **Page S6769**

**Executive Reports of Committees:** **Page S6770**

**Additional Cosponsors:** **Pages S6770–72**

**Statements on Introduced Bills/Resolutions:**

**Additional Statements:** **Pages S6768–69**

**Amendments Submitted:** **Pages S6772–73**

**Authorities for Committees to Meet:** **Page S6773**

**Privileges of the Floor:** **Page S6773**

**Record Votes:** Three record votes were taken today. (Total—227) **Pages S6747–48**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:39 p.m., until 10 a.m. on Thursday, October 11, 2018. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6775.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported 212 nominations in the Army, Navy, and Air Force.

### AIR FORCE READINESS

*Committee on Armed Services:* Subcommittee on Readiness and Management Support concluded a hearing to examine Air Force readiness, including actions needed to rebuild readiness and prepare for the future, after receiving testimony from Heather Wilson, Secretary, and General Stephen W. Wilson, USAF, Vice Chief of Staff, both of the Air Force, Department of Defense; and John H. Pendleton, Director,

Defense Capabilities and Management, Government Accountability Office.

### CONSUMER DATA PRIVACY

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine consumer data privacy, focusing on lessons from the European Union's general data protection regulation and the California Consumer Privacy Act, after receiving testimony from Andrea Jelinek, European Data Protection Board, Vienna, Austria; Alastair Mactaggart, Californians for Consumer Privacy, San Francisco, California; and Laura Moy, Georgetown Law Center on Privacy and Technology, and Nuala O'Connor, Center for Democracy and Technology, both of Washington, D.C.

### STATE CONSERVATION, RECOVERY, AND MANAGEMENT

*Committee on Environment and Public Works:* Committee concluded a hearing to examine successful state conservation, recovery, and management of wildlife from Yellowstone's grizzly bear to the Chesapeake's Delmarva fox squirrel, after receiving testimony from John Kennedy, Wyoming Game and Fish Department Deputy Director, Cheyenne; Mike McCormick, Mississippi Farm Bureau Federation, Jackson, on behalf of the American Farm Bureau Federation; and Cynthia K. Dohner, Destin, Florida.

### THREATS TO THE HOMELAND

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine threats to the homeland, after receiving testimony from Kirstjen M. Nielsen, Secretary of Homeland Security; Christopher A. Wray, Director, Federal Bureau of Investigation, Department of Justice; and Russell Travers, Acting Director, National Counterterrorism Center, Office of the Director of National Intelligence.

### NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Eric E. Murphy, of Ohio, and Chad A. Readler, of Ohio, both to be a United States Circuit Judge for the Sixth Circuit, Pamela A. Barker, to be United States District Judge for the Northern District of Ohio, and Sarah Daggett Morrison, to be United States District Judge for the Southern District of Ohio, who were introduced by Senators Brown and Portman, and Rossie David Alston, Jr., to be United States District Judge for the Eastern District of Virginia, who was introduced by Senator Kaine, after the nominees testified and answered questions in their own behalf.

# House of Representatives

## Chamber Action

The House was not in session today. The House is scheduled to meet in Pro Forma Session at 9:30 a.m. on Friday, October 12, 2018.

## Committee Meetings

No hearings were held.

## Joint Meetings

No joint committee meetings were held.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1120)

H.R. 46, to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York. Signed on October 9, 2018. (Public Law 115–255)

H.R. 2259, to amend the Peace Corps Act to expand services and benefits for volunteers. Signed on October 9, 2018. (Public Law 115–256)

H.R. 4854, to amend the DNA Analysis Backlog Elimination Act of 2000 to provide additional resources to State and local prosecutors. Signed on October 9, 2018. (Public Law 115–257)

H.R. 4958, to increase, effective as of December 1, 2018, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. Signed on October 9, 2018. (Public Law 115–258)

S. 791, to amend the Small Business Act to expand intellectual property education and training for small businesses. Signed on October 9, 2018. (Public Law 115–259)

S. 1668, to rename a waterway in the State of New York as the “Joseph Sanford Jr. Channel”. Signed on October 9, 2018. (Public Law 115–260)

S. 2559, to amend title 17, United States Code, to implement the Marrakesh Treaty. Signed on October 9, 2018. (Public Law 115–261)

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## COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 11, 2018

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Armed Services:* to receive a closed briefing on the military threat posed by near peer adversaries China and Russia, 9:30 a.m., SVC–217.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine the cryptocurrency and blockchain ecosystem, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine the future of the fleets, focusing on Coast Guard and National Oceanic and Atmospheric Administration ship recapitalization, 9:30 a.m., SR–253.

*Committee on Energy and Natural Resources:* to hold hearings to examine blackstart and other system restoration plans in the electric utility industry, 10 a.m., SD–366.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of John Mark Pommersheim, of Florida, to be Ambassador to the Republic of Tajikistan, William H. Moser, of North Carolina, to be Ambassador to the Republic of Kazakhstan, and Donald Armin Blome, of Illinois, to be Ambassador to the Republic of Tunisia, all of the Department of State, 10:30 a.m., SD–419.

*Committee on the Judiciary:* business meeting to consider S. 2785, to designate foreign persons who improperly interfere in United States elections as inadmissible aliens, S. 3178, to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and the nominations of Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit, Kenneth D. Bell, to be United States District Judge for the Western District of North Carolina, Stephanie A. Gallagher, to be United States District Judge for the District of Maryland, Mary S. McElroy, to be United States District Judge for the District of Rhode Island, Carl J. Nichols, to be United States District Judge for the District of Columbia, John M. O'Connor, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma, and Martha Maria Pacold, Mary M. Rowland, and Steven C. Seeger, each to be a United States District Judge for the Northern District of Illinois, 10 a.m., SD–226.

*Committee on Small Business and Entrepreneurship:* business meeting to consider S. 2679, to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses, S. 3552, to amend the Small Business Act to adjust the real estate appraisal thresholds under the 7(a) program of the Small Business Administration to bring those thresholds into line with the thresholds used by the Federal banking regulators, S. 3553, to amend the Small Business Act to adjust the real estate appraisal thresholds under the section 504 program of the Small Business Administration to bring those thresholds into line with the thresholds used by the Federal banking regulators, S. 3554, to extend the effective date for the sunset for collateral requirements for Small Business Administration disaster loans, an original bill entitled, “National Guard and Reserve Entrepreneurship Act”, and an original bill entitled, “Small Business Runway Extension Act of 2018”, Time to be announced, Room to be announced.

*Select Committee on Intelligence:* to receive a closed briefing on certain intelligence matters, 2 p.m., SH-219.

**House**

No hearings are scheduled.



*Next Meeting of the SENATE*  
10 a.m., Thursday, October 11

*Next Meeting of the HOUSE OF REPRESENTATIVES*  
9:30 a.m., Friday, October 12

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Senate Chamber

**Program for Thursday:** Senate will continue consideration of the nomination of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General, post-cloture, and vote on confirmation of the nomination at 12:10 p.m.

Following disposition of the nomination of Jeffrey Bossert Clark, Senate will vote on the motion to invoke cloture on the nomination of Eric S. Dreiband, of Maryland, to be an Assistant Attorney General.

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House Chamber

**Program for Friday:** The House will meet in Pro Forma session at 9:30 a.m.



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