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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

O God, most holy, wise, and powerful, You are the Governor of the Universe. Keep our lawmakers this day in health of body, soundness of mind, and purity of heart. Infuse them with a spirit of courage that comes from believing that their times are in Your hands. Lord, strengthen them to labor for the fulfillment of Your purposes, empowered by You to navigate through life's turbulent waters. Direct them through every difficulty, comfort them in times of sorrow, and supply their needs according to the riches of Your grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General.

RECOGNITION OF THE MAJORITY LEADER

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

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Mr. President, yesterday I had an opportunity to meet with Judge Brett Kavanaugh as we begin preparations for his confirmation process to the Supreme Court. It is really impossible not to come away impressed. Judge Kavanaugh is the real deal. He has the all-star legal resume and the top-light academic credentials. His extensive judicial record is defined by fairness, thoughtfulness, thoroughness, and analytical precision. I was already confident the President had made an outstanding choice. Now I am even more confident. My colleagues here and Americans around the country won't have to take my word for it; just look to one of Judge Kavanaugh's former professors at Yale Law School. Here is what Professor Akhil Amar wrote in the New York Times: ''It is hard to name anyone with judicial credentials as strong as those of Judge Kavanaugh.''

Current faculty at Yale Law described him as a ''true intellectual,'' ''a leading thinker,'' and ''a wonderful mentor and teacher to our students.''

Even at Harvard, his alma mater's archrival, a scholar agrees that Judge Kavanaugh is ''a generous, honorable, kind person.''

Ask the legal professionals who have clerked for him on the DC Circuit. They are in a better position than most to speak to his writing as a jurist. In a letter to our colleagues on the Judiciary Committee, 34 of them share that Judge Kavanaugh ''drafts opinions painstakingly, writing and rewriting until he is satisfied each opinion is clear and well-reasoned, and can be understood not only by lawyers but by the parties and the public.''

As the confirmation process gets underway, I have a distinct feeling this isn't the only testimony of this sort that we will be hearing. Judge Kavanaugh seems to impress everyone with whom he crosses paths—at least those who haven't blindly announced in a fit of partisanship their opposition to this nomination before he was even named.

I am glad that President Trump has made such a strong selection, and I look forward to our colleagues in the Judiciary Committee taking up this nomination.

Mr. President, speaking of the personnel business, we are continuing this week to process President Trump's qualified nominees for other important positions in the judicial and executive branches. Yesterday, we confirmed the

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

22nd circuit court judge since January of 2017.

Now we are considering Brian Benczkowski, the President's choice to serve as Assistant Attorney General for the Criminal Division at the Department of Justice. His resume includes distinguished service in five different leadership positions at the Department of Justice under three Attorneys General. His nomination has won praise from a number of former Justice Department officials who served under Presidents of both parties. Their letter describes this nominee as ''a tireless worker . . . a fine leader and colleague . . . honest and a straight shooter.'' I look forward to voting to confirm him later today and to continuing to confirm more of the President's team.

JOB GROWTH

Mr. President, on one final matter, last week, the Labor Department released its monthly jobs report. As has become a pattern, it contained good news about the state of job opportunities across our country. In June alone, our economy created 213,000 new jobs, with contributions from nearly every sector. That continues a prolonged streak of strong jobs performance month after month, quarter after quarter.

The pro-growth, pro-jobs policies of this united Republican government—from historic tax relief to sweeping regulatory reform—are helping unleash this wave of new opportunity and new prosperity for America's workers and middle-class families.

More than 600,000 Americans entered the workforce last month alone—another sign that the Obama-era stagnation continues to lose its grip on our communities. The rate of hiring reached its highest level in more than a decade. Here is another promising sign: the rate at which Americans are quitting their jobs voluntarily. Economists tell us this is an important sign of a healthy job market because it indicates workers are moving upward, seeking better pay or superior benefits at a different employer. That number just hit its highest level in more than 17 years.

More jobs; more opportunities; more Americans coming off of the sidelines and getting back into the workforce; more Americans moving up the ladder to bigger and better things and opening up their current positions for other jobseekers at the same time—helping to produce conditions like these is what Republicans had in mind when we chipped away at the regulatory rust that kept American job creators from doing what they do best. That is what we had in mind when we used the Congressional Review Act a record 16 times to relieve bureaucratic bloat that had forced job creators and entrepreneurs to cut back or close up shop. That is what we had in mind when we overhauled our Tax Code so it better rewards workers and more strongly encourages job creators to deepen their roots in American soil. Republicans are proud of this thriving job market, and we are proud that our policies are playing a part in making it happen.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

THAI RESCUE MISSION

Mr. DURBIN. Mr. President, the world breathed a sigh of relief. For almost 2 weeks now, we have had our attention focused on 12 children, Thai soccer team players who were lured into a cave with their coach and were thought to be lost for days. They couldn't be found in that flooded cave.

Then came the good news that they were discovered. They were still alive. It was a miracle.

Then came an extraordinary challenge: how to safely bring these 12 children out of this trap they were in and bring them to safety. I cannot imagine the effort that was undertaken. It included countries from around the world and the United States coming together to provide extraordinary levels of assistance at great cost to save the lives of these 12 children, to bring them out of this trap they were in and reunite them with their families.

All the prayers and all the hard work, all the bravery and all the investment paid off. These children are safe, as is their coach. They are currently being tended to for medical care, but the day will soon come when they will be back in the warm embrace of their families.

It was a great illustration of the caring heart of people around the world for children they had never seen; children who, through no fault of their own, found themselves in a deadly circumstance; children separated from their families with no hope when it came to their future. People responded. It was a great moment for the world to reflect on those children.

FAMILY SEPARATION

Mr. President, I wish to reflect on some other children. I wish to reflect on the 3,000 children forcibly removed from their parents' arms at the borders of the United States of America over the last several months. These children were victims of the zero tolerance policy of the Trump administration—a policy which Attorney General Sessions announced that resulted in those who appeared at the border, whether or not they were there for legitimate claims of asylum, being treated as criminals, and, treated as criminals, their children were removed from them.

I met with some of those children. It was 2 weeks ago in Chicago. It was at one of the agencies that the Department of Health and Human Services has used for decades to provide safe care for children who are unaccompanied at our border. Historically, those children came to the borders of United States without an adult, but in this circumstance, there were 66 children in Chicago who fit a different definition. While at the border, they were actually removed by the U.S. Government from the arms of their parents. Of the 66 children in the Chicago facility, 22—one-third of them—were under the age of 5. It is an important fact to keep in mind as we consider what has happened.

I come to the floor to speak about the Trump administration's shameful policy of forcibly removing innocent children from their parents. Since our Nation's tragic failure during World War II to rescue Jewish refugees who fled Hitler, generations of Americans and leaders of both political parties—Republicans and Democrats—have tried to set an example for the world by providing safe haven to the world's most vulnerable people.

Ask the Cuban Americans which country opened its doors for them when they tried to escape the communism of Fidel Castro. It was the United States of America, and we are better for it. Three Members of the U.S. Senate are Cuban Americans who can trace their lineages to that refugee flow from the island to our shores.

Ask the Soviet Jews, who were persecuted under Soviet rule and who finally found freedom of religion and opportunity here in the United States, whether the U.S. refugee policy was good for them. Of course, it was, and it was good for America.

Ask those who came out of Vietnam, who stood by our side during that bloody war and came to this country as refugees to escape persecution, whether that was the right choice for them. It was, and it was the right choice for America, most certainly.

Now we face the worst refugee crisis in history, and what is the United States of America's official policy? The Trump administration is doing everything in its power to prevent innocent victims of war and terrorism from even seeking safe haven in our country.

The Northern Triangle countries of Honduras, El Salvador, and Guatemala are the sources of the vast majority of migrants who arrive at our southern border. These people are driven to our borders by horrific gang and sexual violence. What is at the root cause of that violence? It is the appetite for narcotics in the United States. It is the drug money that flows south from our border into Mexico and Central America. It is the firearms that flow by the thousands into South and Central America from the United States of America. This creates these gangs and creates these cartels that bring such violence on local people.

These countries have among the highest homicide rates in the world. Girls face a constant threat of sexual violence and rape and have little protection from local authorities. Is it any wonder that in desperation so many of them seek our shores and seek our country for the safety of their kids? This is why families are taking extraordinary risks to flee to our border. Any parent would do the same to save a child.

What has been the Trump administration's response to these families

who flee for their lives and to the mothers and fathers who try to protect their girls from sexual violence and rape?

On April 6, Attorney General Jeff Sessions announced that the Trump administration had adopted a new zero tolerance approach in prosecuting border cases, making family separation the official policy of the United States of America. It declares that all who present themselves at our borders, even those who legitimately seek asylum, are to be treated as criminals.

The goal is clear. White House Chief of Staff John Kelly said that separating families is a ''tough deterrent'' to parents who flee persecution. Kelly also dismissed any concerns because ''the children will be taken care of—put into foster care or whatever.''

Under this harsh and harmful policy, thousands of children have been forcibly removed from their parents by our government. They have been transferred to facilities all over the country, often thousands of miles away from their parents. The American Academy of Pediatrics and the American Medical Association have condemned this Trump policy. In the starkest terms, the President of the American Academy of Pediatrics has called it ''government-sanctioned child abuse.''

Two weeks ago, on June 26, a Federal court in California mercifully stepped in. Judge Dana Sabraw was appointed to the Federal bench by Republican President George W. Bush. Judge Sabraw held that these family separations result in ''irreparable harm.'' He ordered the children who were separated by the Trump administration under the zero tolerance policy be returned to their parents within 30 days and within 14 days for those kids who were under the age of 5.

The Trump administration has tried to paint a rosy picture of the situation. On June 26, Health and Human Services Secretary Alex Azar testified to the Senate Committee on Finance: ''Every parent has access to know where their child is.'' Secretary Azar said: ''There is no reason why any parent would not know where their child is located.'' He also claimed that HHS had 2,047 separated children in custody. Last Thursday, Secretary Azar admitted that, actually, ''up to 3,000'' separated kids are still in its custody. As has been documented in numerous heartbreaking reports, many parents of the separated kids still do not know where their children are, and their attempts to contact them have been unsuccessful.

Yesterday was the deadline imposed by Judge Sabraw for reuniting children under the age of 5. What did we learn? The Trump administration notified the court that it had identified 102 separated children under the age of 5 and that only 4 of those 102 children would be reunited before the deadline. The administration only has concrete plans to reunite about half of these 100 children. It has made no effort to contact 12 parents whom the government deported, and it can't even identify the parents of one toddler. We still don't know the fate of thousands of other children who are supposed to be reunited in just a few days.

This is an outrage. This is a toxic mix of cruelty and incompetence. The Trump administration continues to try to shift the blame for this humanitarian crisis to Congress and the courts, but Judge Sabraw said that this is a ''chaotic circumstance of the government's own making.'' He went on to say yesterday, as reported in the New York Times, that these are firm deadlines and not aspirational goals—admonishing the government.

In another Federal courtroom, the administration's real plan was made clear. Because of the backlash from the courts and the public, it is no longer separating families. Instead, this administration wants to jail these families indefinitely. Experts tell us that separation is child abuse, that jail is no place for children, and that even short-term detention can do permanent damage to a child's health and well-being.

The administration asked the Federal district court to set aside the Flores settlement—a legally binding agreement to protect the best interests of kids that has been in place for over two decades. On Monday, the Federal court rejected the Trump administration's request, saying it was ''wholly without merit.'' According to media reports, the Trump administration plans to appeal, and it is asking Congress to pass legislation to overturn the Flores agreement. Instead of putting social workers to work in reuniting families and children, the Trump administration wants to lawyer up so that it can be spared from the standards that Democratic and Republican administrations have faced in the humane treatment of children.

The Trump administration's goal is clear. In the midst of the world's worst refugee crisis, it wants to make the situation for families who flee persecution as painful as possible in order to deter them from seeking safe haven.

Let me be clear. This Senator will do everything in his power to stop legislation that would authorize the Trump administration to put migrant children in jail. It is immoral. It is shameful. It is un-American. I call on my colleagues—Republicans and Democrats—to join me in opposing the Trump administration's cruel immigration policy.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

THANKING THE SENATOR FROM ILLINOIS

Mr. SCHUMER. Mr. President, let me first thank my friend and colleague from Illinois. He is a lamp of light in this horrible moment when children are being separated from their parents, when we don't even know where they are, and when we don't even know who their parents are. He is showing the inhumanity and the incompetence of this administration rolled into one. He has been a constant and vigilant voice to reunite the families and bring some justice, some peace, some calm to these poor kids. So I thank him for the work he has done.

NOMINATION OF BRETT KAVANAUGH

Mr. President, President Trump's nomination of Judge Kavanaugh to the Supreme Court will bring up many issues. The next Justice on the Supreme Court will have an ability to impact labor rights, women's reproductive rights, LGBTQ rights, voting rights, civil rights, environmental rights, and so much more for generations to come. We need to know how Judge Kavanaugh views those issues.

On the issue of a woman's freedom to make her own health decisions, for example, yesterday, while shepherding Judge Kavanaugh around the Capitol, Vice President PENCE said that he wanted to see Roe v. Wade overturned. This isn't some ancient belief that the country has pushed aside. There are people in high parts of the government—the Vice President yesterday, the President constantly, and some others—who want to repeal Roe v. Wade tomorrow. Americans should not be complacent. The vast majority of Americans wants to see Roe in place, but there is an active movement here now, personified by Judge Kavanaugh's potential elevation to the Bench—I hope it doesn't happen—and we have to be vigilant.

Vice President PENCE's remarks that he wants Roe overturned was a prescient reminder that both the President and Vice President have explicitly promised to appoint ''strict constitutionalists to the Supreme Court'' who would ''consign Roe v. Wade to the ash heap of history.'' Those are the Vice President's words.

Judge Kavanaugh has also written some troubling things about environmental protections, consumer protections, commonsense gun safety laws, all of which should be carefully examined by this Senate and by the American people before we have any hearings. His history as a Republican partisan lawyer during the Clinton and Bush eras—documents, emails, writings—needs to be thoroughly examined, particularly his more recent writings about executive authority.

Judge Kavanaugh argued that a President should not be subject to an investigation while he is in office, that a President should be above criminal and civil indictments, even going so far as to say that a President need not enforce a law that the President deems unconstitutional.

Those are serious and dangerous beliefs. They are particularly dangerous—maybe even more dangerous now—because we have a President who clearly wishes to aggregate all power to himself regardless of the separation of powers, regardless of the norms this country has had for centuries, regardless of the rule of law. Senators from

both parties need to scrutinize what Judge Kavanaugh has said because, if he is the swing vote on any kind of rational check on this President, I worry. We should all worry.

Conservatism has always believed in small aggregations of power so that the individual would have more freedom. That is the core of conservatism. Yet, when conservatives embrace Donald Trump, who wishes to aggregate power and roll over any checks to his power and now chooses to get behind Judge Kavanaugh, who seems to have an almost monarchical view of Presidential power, we have trouble. We had better be awfully careful here in this country. The Senate is going to have to look at each and every one of these issues in due time.

Today, however, I want to focus on the issue that might have the most profound consequences for the average American most immediately—healthcare and the protections for Americans who have preexisting conditions. In a few minutes, I will be joined by some of my colleagues over in the Mansfield Room to discuss this issue at length. Right now, though, here is what I would like to say.

Prior to Judge Kavanaugh's selection, President Trump promised to nominate a judge who ''would do the right thing, unlike Judge Roberts on health care.'' Those are Trump's words.

He commissioned a list of judges from the Heritage Foundation—a far-right special interest group that is dedicated to dismantling government, including and especially the healthcare law. It is the place where the government spends a lot of money. These rich people who are behind the Heritage Foundation—the Kochs and others—don't want to pay any taxes. Those poor folks. They are struggling. Where do more taxes go than any other place? They go to healthcare. Why? Because that is what the American people want. Who wouldn't give everything they have if their spouse, their children, their relatives were sick and needed a lot of money to be cured?

That is why we have insurance, and that is why we have the government involved with things like Social Security and Medicare and Medicaid, but the Heritage Foundation—a handful of rich people who fund them and the so many Republicans who dance to their tune—don't want that. They hide it from the American people because the American people don't agree with it, but they don't want it. They have pushed forward Judge Kavanaugh to be the torchbearer on the Court for their mission.

The list of 25 that President Trump selected from was vetted and approved by this very Heritage Foundation. The Heritage Foundation would not give its stamp of approval to anyone who would maintain or grow our healthcare law, particularly protections for Americans with preexisting conditions.

The American people deserve to know where Judge Kavanaugh stands. This is a serious issue. This is not something we can allow a nominee to hide behind and say: I will follow existing law. We need to know their view of the government's ability to be involved in people's healthcare; to help it be funded when the average person can't afford it, given how high the costs are.

Right now, several cases that challenge the structure and constitutionality of the law are wending through our courts. If one or many reach the Supreme Court, I will say to my fellow Americans, your right to be protected if, God forbid, someone in your family is sick is at risk. Your right to have an insurance company not cut you off if, God forbid, someone in your family is sick is at risk if Judge Kavanaugh ascends to the Bench. That is probably the No. 1 reason he is opposed by so many of us on this side of the aisle.

Can you imagine a Supreme Court thrusting us back to a time when you could be denied health insurance precisely because you needed it so desperately, to a time when a mother with a child who has cancer is made to watch her daughter suffer in agony because they can't get affordable healthcare because no insurer will insure someone who has a child with cancer in their family? Do we want to go back to that? Come on. This is not Democrat or Republican; this is what America believes in. The hard right, through subterfuge and, to their credit, long-term diligence, is getting these people on the Court. They could never pass such a law in the Congress, the elected body of the people, even with the Republican majorities, but the Court, the unelected branch, is where they are headed, and that is why we have to be so vigilant.

Up to 130 million nonelderly Americans have a preexisting condition—more than one-third of Americans. For insurance companies, it used to be the case that a condition as commonplace as asthma was justification for jacking up rates to unaffordable levels. The law we wrote to prevent those despicable abuses by insurance companies is potentially on the chopping block, in my view, and likely to go if Judge Kavanaugh becomes Justice Kavanaugh. How can we afford that?

The American people should have their eyes wide open to the stakes. The Supreme Court may very well hear a challenge to the legal protections for people with preexisting conditions, and President Trump's own Justice Department is currently arguing in court that those protections are unconstitutional. I would like President Trump, at one of his rallies, to tell the people at the rally he is for taking away their protections when they have someone with a preexisting condition in their family. He wouldn't dare, but that is what his legal departments in HHS and Justice are doing.

The President doesn't tell people what he is doing. He brings these hard-right people in and says: I am with you. He whispers: I am with you. He doesn't dare tell the American people.

That is why it is our job in the minority, since the Republican side, by and large, has shown so little spine on this issue—it is our job to let the American people know the peril they are in, that their healthcare is in.

If anyone doesn't believe that President Trump is still intent on tearing down our healthcare system, just look at what the administration did yesterday. The President decimated funding that helps people sign up for health insurance, cutting it to one-sixth of what it was 2 years ago. This funding is used to help people navigate the complex landscape of health insurance and select the plan or program that is right for their family. Even worse, of the little funding that remains, Trump mandated that it be used to direct people into his junk insurance plans that don't cover basic essential healthcare. Yesterday's news should remind us that President Trump remains ruthlessly committed to tearing down our healthcare system. He will not admit it at his rallies. He does not dare talk about it, but that probably is the most important thing he is doing in terms of effect on the American people, and we are not going to let him hide it. Anyone who thinks President Trump did not make this Supreme Court nomination without an end goal of furthering healthcare sabotage is kidding themselves.

So while there are many rights and freedoms at stake on the Supreme Court, the right of all Americans to be able to afford healthcare is at the very top of the list. The selection process for Judge Kavanaugh and President Trump's own words should motivate Americans from all corners of the country to contact their Senators and urge them to oppose this nominee.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

CALLING FOR THE RELEASE OF PASTOR ANDREW BRUNSON

Mr. TILLIS. Mr. President, I come here in fulfillment of a promise that I made a couple of months ago to bring to the attention of the American people an injustice that is occurring in Turkey.

I am here to talk about an American pastor, Andrew Brunson. He is from a church. He is from western North Carolina. He spent 20 years in Turkey as a missionary. He started out just doing missionary work without a church. Then he built a very small church that maybe can house 100 people, in Izmir.

After the coup in 2016, Pastor Brunson was apprehended, and he has

been in prison ever since. He was imprisoned for almost 19 months without any charges. For the vast majority of that time, he was in a cell designed for 8 people that had 21 in it, without charges. Earlier this year there were charges levied against him that are just absolutely absurd. I know from firsthand experience.

After the indictment was issued, I heard through channels and through his wife Norine that Pastor Brunson was afraid that the American people were going to read this indictment, believe it, and turn their backs on him. So it was important for me to go to Turkey and let him know that is the last thing we are going to do and that I was going to bring this to the American people's attention until he was released.

I went back about a month later. I sat through a court proceeding in a Turkish courtroom for about 12 hours, and I heard some of the most absurd claims you can possibly imagine. They were charges that would not keep an American citizen or a foreign national in an American jail for the afternoon. Yet they have kept him in prison for 642 days.

This afternoon I am going to be traveling to Brussels to be a part of the NATO meeting that we have. I am going to seek to speak once again with the Turkish officials to tell them that justice needs to be served. Pastor Brunson needs to come home.

Pastor Brunson has a court date next week. It could be the last hearing, and he could be subject to a 35-year sentence. He is a little over 50 years old. So that is effectively a life sentence.

The charges are basically this. He has been a missionary. He has been providing humanitarian relief to Syrian refugees, to the Turkish people, and actually just offering and preaching the Word to those who want to hear it.

So I ask President Erdogan and the Turkish officials to please let justice be served. Let Andrew Brunson come home.

The last thing we are working on—and I hope it no longer has to be a provision in the NDAA—is that if he doesn't get released, we have to rethink our relationship with this NATO ally that has been in the NATO alliance since 1952. We have to ask ourselves about ramifications if a NATO ally will hold people illegally, imprison them, sweep them up—in a legitimate effort to tamp down an illegal coup—and hold this man hostage.

I hope I come to the floor in a couple of weeks thanking the Turkish Government, the Turkish people, and the Turkish judiciary for having justice served. The only way I believe justice will be served is when Andrew Brunson comes home. Until he does, I will come back here every week to continue to bring attention to this issue. It should be important to every American.

If any American is traveling to Turkey, right now I am not sure I would because you could have a meal, you could have a light on for a couple of hours in your hotel room. These are the types of charges that have been used as a basis for saying that this man was conspiring to plot a coup and was conspiring to support terrorist organizations—eating a meal that looks like a meal that certain terrorist organizations like, which, incidentally, is a very popular meal in the Middle East; having a light on upstairs, in a room, incidentally, that doesn't have windows that some secret witness said could only be on because they were plotting some nefarious activity.

I thank the Members of this body—some 70 Members—who signed on to a letter expressing their concern with his illegal detention. I promise Pastor Brunson and I promise any American citizen and some of those Turkish citizens who work with the State Department that as long as I am a Senator, I will be bringing attention to this injustice until justice is served.

IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. President, I wish to very quickly bring attention to something about which I think people need to speak up on the other side of the issue; that is, this movement now called End ICE, or Immigration and Customs Enforcement.

We have a gubernatorial candidate in New York who said ICE is a terrorist organization—not ISIS, which is a terrorist organization, but ICE. These men and women in uniform go out every day and put their lives on the line to protect the American people.

Let me tell my colleagues what people who are part of the End ICE movement are for. This chart represents what they are for if they are for ending ICE. These are 2017 numbers. They are for ending the arrest of some 143,000 people who have broken our laws. They are for ending the seizure of tons of fentanyl.

I will give you an idea of what that means in terms of potential risk of human life. You are talking about gangs—some 5,000 gang members who were arrested last year because they were clearly related to gang activity, with MS–13 being one of the first among them. They are for ending all of our protections and having all of these activities go unchallenged on American soil.

If you are for ending ICE, you are for ending almost 7,000 pounds of heroin seized, and that is only a fraction of what these criminal elements are bringing to this country.

If Members come to this floor and talk about fighting the opioid epidemic, I can't imagine anyone who is sincere about fighting the opioid epidemic saying that they want more poison on the streets. You can't have it both ways. You are either for solving the problem of the opioid epidemic, which means that we have to have law enforcement to specialize in seizing it, or you are against it. You are for poisoning our youth. You are for poisoning people who are addicted to opioids. You can't have it both ways. If you want to end ICE, you are for this.

If you want to end ICE, you are for people who have tattoos that clearly indicate that they are part of a gang on the streets. We have gangs that, actually, as a part of getting initiated, want you to kill or harm somebody to prove that you will when you are asked to. If you want to end ICE, you are for more of these folks on the streets—some 4,800 of them.

Again, if you want to end ICE, then you want to end the careers of people who have such a dangerous job that, oftentimes, when they do drug seizures, they have to wear HAZMAT suits because if they touch the fentanyl, they could die or go into an overdose. If you want to end ICE, you want that poison to be in the hands of a child or someone else who, if they touch it, is going to die or have a profound overdose.

That is what ending ICE means. Just to sum up, if you want to end ICE, you want that seizure of a ton of fentanyl coming across our border, mainly from Mexico, that has enough potency to kill 500 million people.

Now, I honestly believe that nobody in this body really means that they want to end ICE, that they want to cause human traffickers, gun traffickers, drug traffickers—more of them. But you can't have it both ways. If you want to go on the stump and say you want to end ICE, then add this to your stump speech. Add this to the logical consequence of what happens when you insult the men and women in uniform in ICE and you say you want to end what they are doing, because if you do, the negative consequences are clear. All you have to do is look at what ICE has done over the last year, and what they would not do this year, if you really believe what they say about ending ICE.

So I think they need to ice the ''end ICE'' narrative and start getting smart about making sure that we maybe make changes that we need to in any organization. But for people to go to such an extreme, to say that they want to end one of the most important law enforcement agencies combating illegal immigration and illegal trafficking across our border, you had better be honest on the stump. You had better let them know what you mean because that is what they mean.

I think it is important for our Members to step up and let people know the consequences of this ridiculous rhetoric and to show the men and women in uniform—police officers, ICE agents, and everybody else—that people like me care about them. People like me respect them for what they do.

We know that their assaults were up by three times last year. It is a dangerous job. Many of them don't even know if they are going to come home when they leave in the morning.

It is an insult for anybody in this body to come into this Chamber and say that they need to be ended. They

need to be thanked. They need to be revered. Agencies always need to be improved, but if you believe we should end ICE, you had better own the consequences.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, today the Senate is considering one of the most troubling executive branch nominations that this President has made to date—the nomination of Brian Benczkowski to lead the Criminal Division of the Justice Department.

For years, I have studied and have been aware of the Criminal Division. This is an amazing nomination. I think it is enough to oppose Mr. Benczkowski's nomination because he is objectively unqualified for this important position, but there are also compelling reasons to believe that it would be uniquely reckless to confirm him to this position.

Now, speaking about Mr. Benczkowski's lack of qualifications for this role is not meant to denigrate. Many of us know him, as I did, from his service in the Judiciary Committee as the staff director for the then Ranking Member Jeff Sessions. The fact is, this nominee to head the Criminal Division has virtually no criminal law experience. Even at this age, he has never tried a case. He has never served as a prosecutor. He has almost zero courtroom experience. Instead, his experience has been to serve as a political aide to various officials.

As a former prosecutor, I know there is no substitute for actual courtroom experience, actually going into a courtroom and trying a criminal case, arguing criminal cases on appeal, determining whether you bring a charge or don't bring a charge. These are things an experienced prosecutor has to do. For the last several decades, under Republican and Democratic administrations, every head of a criminal division—which is probably the most important litigating arm of the Justice Department—has had substantial prosecutorial experience, with the exception of one individual whose nomination I simply could not support. This shouldn't be a partisan issue. I voted for nominees in Republican administrations and in Democratic administrations because they were qualified, and there are countless qualified prosecutors the President could select.

For this reason alone, the Senate should not consent to Mr. Benczkowski's nomination. But there are two other reasons, aside from the fact that he has absolutely zero qualifications for this important position. It is sort of like sending somebody in to do brain surgery when their main experience has been clipping hedges. You have to have some experience in there, but aside from the fact that he has no experience, there are two other reasons he shouldn't be confirmed.

First, he has demonstrated, at a minimum, exceptionally poor judgment when it comes to perhaps our Nation's most critical ongoing national security investigation—the Russian Government's attack on our democracy. We all know, if we have read the intelligence reports, Russia attacked the U.S. democracy and vote in the last election.

After serving on Mr. Trump's transition team, Mr. Benczkowski represented a Putin-connected Russian bank, Alfa-Bank, regarding its bizarre server communications with the Trump organization during the height of the Presidential campaign. Alfa-Bank was at the very center of scrutiny into ties between the Trump campaign and Russia, even making an appearance in the Steele dossier. Yet Mr. Benczkowski took on Alfa-Bank as a client on an issue related to the Russia investigation at the same time he was being considered for a senior position in the Trump Justice Department, totally blinded to the obvious conflict of interest. In fact, he continued to represent Vladimir Putin's connected bank until the day he was formally nominated to lead the criminal division.

Now, some have said we should give Mr. Benczkowski the benefit of the doubt. Giving him the benefit of the doubt, you have to admit, at least demonstrates an embarrassingly poor sense of judgment for someone who is nominated to lead the Criminal Division to look into the criminal activities of places like Alfa-Bank. Now, we find Mr. Benczkowski has refused to recuse himself from matters related to the Russia investigation or the Steele dossier.

You can't make these things up. It is just conflict of interest 101. As Senator DURBIN and Senator WHITEHOUSE have warned, as head of the Criminal Division, Mr. Benczkowski would therefore have visibility and be able to look into investigations of individuals related to the Trump campaign. He could serve as a conduit of information to the Attorney General about these sensitive matters.

According to the Department of Justice, it is possible Special Counsel Mueller's office ''will seek approvals from the Criminal Division as required . . . or may simply want to consult with subject-matter experts in the Criminal Division as appropriate in the normal course of department investigations,'' and who would have availability to that? Mr. Benczkowski. He could even be in a position to share secret grand jury information directly with the President.

What is also concerning is that if Mr. Benczkowski were to be confirmed and Deputy Attorney General Rosenstein were then to be removed, the President, under the Federal Vacancies Reform Act, could simply install Mr. Benczkowski as the Acting Attorney General, with respect to the Russia investigation.

So what do we have? We have Mr. Benczkowski, under those circumstances, gaining direct control over the special counsel's investigation. He would even have the power to stop the special counsel's probe. Gosh, we wonder, could that ever occur to someone at the White House; that he could suddenly stop Mr. Mueller from his investigations?

On qualifications, the man who is going to be head of the Criminal Division has never tried a case, never handled any criminal matter, never had anything to do with criminal matters. He is really unqualified for this role by any objective measure. The only apparent qualification that Mr. Benczkowski has is his close relationship with, and political loyalty to, the Attorney General and the President. In fact, that is likely the very reason he was nominated to this critical position. That is all the more troubling given his terrible judgment with respect to the Russia investigation. We are putting someone in who has been involved as an attorney for a bank involved in this Russia investigation.

Many of my fellow Republican Senators, to their credit, have stated their commitment to ensuring that Special Counsel Mueller be allowed to carry out his investigation independently and without political interference. I hope they keep this commitment in mind when considering Mr. Benczkowski's nomination. I hope they join me in voting no. Apparently, his only qualification is he is going to be put in a position where he could stymie Mueller's investigation of Russia.

I have voted for a lot of nominees, both Republicans and Democrats, in this position because of their qualifications—not because of their ideology but their qualifications. No President of either party has ever nominated somebody for this critical position who is less qualified. In fact, it is pretty hard to find anybody in this country less qualified.

Mr. President, I see other Senators on the floor, so I yield to them.

The PRESIDING OFFICER. The Senator from Georgia.

SECTION 232

Mr. PERDUE. Mr. President, I rise to talk about my opposition to the section 232 motion which will be voted on later today.

I have utmost respect for my colleagues who are bringing this motion. I totally understand their logic, and I respect their point of view on this and many other issues. One of the great things about this deliberative body is that we deliberate. Unfortunately, I just don't understand why this body continues to try to tie the hands of this President at every turn.

We all know that enacting tariffs on imports is not the goal here. This

President is committed to creating a more level playing field for our workers and our companies here at home that compete on the unlevel playing field which exists in the trade world we know of today. We need to give this President, and every future President, frankly, room to negotiate.

The 1962 Trade Expansion Act was passed by Congress to give the executive branch the authority and flexibility to negotiate on trade. It was this authority that paved the way for negotiations on the General Agreement on Tariffs and Trade—GATT—which helped reduce global trade barriers.

Most of my career, I have dealt within the GATT restrictions and opportunities we have to trade across borders internationally. I think, more than anybody else in this body, I have actually transacted products across borders internationally. I am very concerned, in this era of entrenchment in Congress, where we are so paralyzed that we can't even fulfill our most basic constitutional function of funding the government on time—which we have only done four times in 44 years—in that environment, if we get the authority on trade back, that we will not be able to even hold a vote and have a debate and will hamstring any administration's negotiating efforts.

Credibility in negotiating trade terms is absolutely critical. Imagine a head of state in another part of the world dealing with our head of state, knowing that before he can make any deal, he has to wait on us in this body to act. I have been waiting 3 years to see this body act on healthcare. We haven't been able to find a way to even solve one of the most near crises we all know exists today. So imagine what a world would look like if we are trying to do that in the trade environment.

Like me, President Trump is an outsider to this political process. He is a business guy who has seen the impact of unfair trade practices in the real world. For years, he has seen how America has often been treated unfairly when it comes to trade. I know, and most people who have traded internationally in the last four decades know, these rules were written by us. We wrote these rules. It created an unlevel playing field that allowed the rest of the world to develop, but guess what. In the last 40 years, we have seen global poverty be reduced by almost two-thirds, while our poverty rate in the United States, since the Great Society was signed into law, has not been reduced one iota. That is partly a function of our trade practices.

This President has made it a priority to restore fairness and balance to this trade imbalance with our trading partners around the world. He needs credibility and he needs flexibility in order to achieve that.

Looking at what we are up against today, it is easy to see why the President is insisting on getting America a better deal. Today, Canada has a 270-percent tariff on U.S. milk; the EU keeps a 10-percent tariff on American autos; Brazil bans U.S. fresh, frozen, and processed pork products; China has a 15-percent tariff on American cars; the EU has a tariff of up to 26 percent on U.S. seafood; and you cannot sell fresh American potatoes in most of Mexico. I could do this all day.

We know there is an imbalance in trade around the world. This is about making sure America is treated fairly and is in the best place to do business in the world. It is about making America more competitive and secure. It is about ensuring our economic and national security for the next 100 years.

The President is taking a different approach, sometimes controversial, but I believe he is a pragmatist, and I believe he only wants one thing for America; that is, results and a level playing field with the rest of the world.

I believe we ought to give the executive branch—just like the 1962 act did—space to negotiate. We need to give him space to succeed for American workers and for American companies here at home.

With that, I urge my colleagues to oppose this motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise in support of the Corker-Toomey-Flake motion that we are going to be voting on soon. Let me be clear. This is a motion that simply would reflect—if it is adopted—the consensus of the Senate that Congress should have a role in determining the use of section 232 to impose tariffs.

Let me give a little bit of context. First of all, I want to be very clear that free trade is enormously constructive, enormously helpful for our economy and our standard of living. The United States has been a leader in promoting free trade around the world for many decades, and that is part of the reason we are the most affluent society on the globe by far, consistently outperforming the rest of the world. What it does is it provides our consumers with many choices and lower costs and therefore a more affordable standard of living, and it provides our workers with foreign markets.

Ninety-five percent of the world's population lives somewhere else. I want to sell to them, and we do that through an environment of free trade. Take NAFTA, for instance. Since NAFTA was enacted in 1994, Pennsylvanians have seen exports to Mexico increase by more than 500 percent. That is what happened because of the reduction in the barriers to trade that existed prior to NAFTA. Of course, it also encourages investment in the United States—new plants, factories, and all the jobs that come with that.

Tariffs and quotas and other obstacles to trade do the exact opposite. They reduce our consumers' choices. They raise costs. They limit our opportunity to sell our products, whether it is agricultural products or manufactured products. They reduce the opportunities to sell these abroad. Of course, inevitably, the imposition of these barriers involves the government's deciding which sectors and which industries will be winners and losers because very seldom are these broadly and uniformly applied. Individual sectors are usually selected.

So where are we today? It has been 16 weeks since the President invoked section 232 of our trade law to impose tariffs on imported steel and aluminum. First and foremost, I have to say this is a misuse of section 232 of our trade law.

Section 232 is supposed to be invoked when there is a specific threat to America's national security. Well, let's consider the case of steel. The United States produces domestically 75 percent of all the steel we consume. Our defense needs consume 3 percent of total steel consumption. How could one possibly make the case that we don't have a plentiful abundance of domestically produced steel to satisfy our defense needs? But it is not only that. Where are the biggest sources for the 25 percent of steel that we consume but we don't produce ourselves? Well, that would be Mexico and Canada. Those are the two countries that provide the most steel. With both of those countries, we have a surplus of trade in steel. The Canadians actually buy more steel from us than we buy from them, and so do the Mexicans.

Where is the security threat to America when my constituents choose to buy some portion of the steel we consume from Canada? We know the answer. There is no security threat from Canada and Mexico, and the fact that they provide a modest percentage of our steel needs does not constitute a national security threat, and we know it doesn't. Yet the administration invoked section 232 to impose this tax on American consumers when we choose to buy steel and aluminum from Canada and Mexico and the European Union, by the way, for that matter.

The harmful effects we have feared have already begun. We have increased prices on U.S. consumers and a real threat to workers and businesses. I have heard from many Pennsylvania manufacturers that happen to rely, for some portion of their products, on imported steel, and now their products are no longer competitive because they, alone in the world, are being forced to pay this additional tax when they import this steel.

I have to say this is part of what looks like a pattern to me—and this is one of my concerns—of this administration moving away from support for free trade. First, there was a sugar deal negotiated with Mexico which is designed to artificially inflate the price American consumers have to pay for sugar. It works out very well if you are one of the handful of people who produce sugar in the United States, but it is a terrible deal for everyone else. Then we had tariffs applied to solar panels and washing machines under a

different provision. Now we have an ongoing and apparently escalating trade war with China. This motion has absolutely nothing to do with China; I am just presenting that as a matter of context. And we are hearing that the administration is threatening now to again misuse section 232, in my view, to impose new taxes on Americans who choose to buy automobiles that originate in Europe. That would be terrible for our economy and for our consumers. It would be a bad idea, but we are told that is under active consideration.

My view is that it is about time Congress restores to Congress the constitutional responsibility we have to establish tariffs. The Constitution is completely unambiguous about this. Article I, section 8, clause 1, states that ''the Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises.'' Clause 3 says that ''the Congress shall have the power . . . to regulate Commerce with foreign Nations.'' We made a mistake in recent decades when we ceded this constitutional responsibility to the executive branch. I think that was a mistake, and I have argued that for a long time. Now we are seeing a price being paid as the administration, I think, is misusing this important tool.

What our motion does is it would simply take a step in the direction of restoring this responsibility the Constitution assigns to us in the first place. This does not tie the President's hands at all. The President is free to negotiate better trade agreements if he can, and I think he should. What it does say, though, is that if he wants to invoke national security as the reason for imposing taxes on Americans when they buy foreign products—when he wants to do that, Congress ought to have a role. That is all it says. That is what this motion to instruct says.

I am very pleased to be working with Senator CORKER from Tennessee and Senator FLAKE from Arizona. I think this is a very modest step. It takes us in a direction that would be very constructive, which is to restore the constitutional responsibility we have been shirking. I am pleased there is bipartisan support for this. I hope this motion to instruct our conferees will be adopted by a wide margin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak on the same topic on which my friend from Pennsylvania just spoke. I want to thank him for laying out the rationale for this vote. I also thank Senator FLAKE for his efforts. I know Senator ALEXANDER, the senior Senator from Tennessee and my friend, will speak on this topic in just a few moments. I do hope we will have an overwhelming vote for this motion to instruct. It is just a step in the direction that we would like to go relative to Congress's role.

Section 232 of the Trade Act was never intended to be used the way this administration is using it. The Senator from Pennsylvania laid out the fact that this certainly is not being imposed for national security reasons. As a matter of fact, the White House has said loosely on many occasions that they are only using section 232 in order to try to create some kind of leverage on NAFTA. I don't understand how putting tariffs in place on our allies in Europe has anything to do with NAFTA. I don't understand how putting tariffs on our neighbors has anything to do with combating what China is doing in stealing our intellectual property, and I know the Presiding Officer knows full well what is happening there. We do need to counter that kind of activity, and I don't know if we are doing it in the best way now.

This is an abuse of Presidential authority. It is an abuse of Presidential authority. What I hope is going to happen today is that, in a bipartisan way, in an overwhelming vote, we are going to pass this motion to instruct, moving Congress into its rightful role as it relates to this issue.

The reason the President, by the way—for those of you who may not be following this closely—is invoking section 232 is that under 232, no one has really an ability to oppose it. I mean, with the China tariffs—and this has nothing to do with the China tariffs that are being imposed today and that were recently imposed. They go under different sections of the Trade Act where you have to actually make a case for what you are doing. In January, the President used section 201 of the Trade Act, but he has to make a case to be successful there. He recently used section 301 on China tariffs. Again, this particular motion has nothing to do with China tariffs, but he has to make a case for that. He has to deal with the World Trade Organization and ITC.

Section 232—basically, he can just wake up and decide he is going to use section 232, the way it is now written. It has never been used in this manner by any President ever, but if we have a situation where we set up a rules-based society in dealing with trade, and any executive officer of a country can wake up and one day decide they have a national security issue and have to make no case, then, in effect, treaties relative to trade have no effect. You move into a place of not using rules to implement trade.

Now, as the Senator from Pennsylvania mentioned, our country has benefited greatly from trade. The State of Tennessee is one of the destinations for foreign direct investment in our country. It is a place where we export all around the world. And what the President is doing is shaking the very regime by not being able to even articulate where he is going.

The Senator from Georgia is my friend, and he has worked all around the world, and I am surprised that he would oppose Congress having a role only when section 232 is utilized. But the fact is that Congress should have a role.

We gave this authority away in the 1960s and again in 1974. It was a mistake for us to have done that. We never expected the President of the United States to use 232 in the way it is being utilized today. This is a vote for Congress to assume its rightful role. It is a baby step.

I hope to have legislation coming behind us where 15 Senators—Republicans, Democrats, and an Independent—have come together on a piece of legislation to absolutely ensure that Congress has a role. This is just a motion to instruct to say that we agree that Congress should have a role when 232 is invoked. We will decide what that role is down the road.

I urge all Senators to support this motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I join my colleagues today. I thank Senator TOOMEY from Pennsylvania and Senator CORKER from Tennessee especially for working this out.

Let's be clear. This is a rebuke of the President's abuse of trade authority. The President has abused section 232 to impose tariffs on steel and aluminum, impacting our allies, such as Canada, Mexico, and countries in the EU. Can you imagine being in Canada and being told that your steel and aluminum exports to the United States represent a national security threat? Canadian Prime Minister Justin Trudeau rightfully called the President's recent tariffs an ''affront to the longstanding security partnership between Canada and the United States'' and, he continued, ''kind of insulting.''

Canada is the largest consumer of U.S. goods. It buys more goods from the United States than China, Japan, and the UK combined. Canadian companies operating in the United States directly employ 500,000 Americans. Canada and the United States share more than 5,500 miles of a peaceful border. Close to 400,000 people cross that shared border each day for business, pleasure, or to maintain family ties. Canada has been our partner in the War on Terrorism since 2001. More than 40,000 Canadian Armed Forces members served alongside us in Afghanistan between 2001 and 2014. Canada has been our ally, our partner, and our friend, and now they are told that their steel and aluminum exports to us represent a national security threat. That is an abuse of section 232 of the Trade Act.

I am so glad that Congress is finally pushing back on this. We have neglected our constitutional role. We gave the President authority years ago, under the 1962 act, to exempt from that act imports that represent a true national security threat. These imports do not. This is an abuse of that authority, and that is why Congress needs to speak up today.

This is a nonbinding resolution. This will not have an effect that will actually get to the President in legislation. That is the next step, and we need to go there. We have to go there. Those voting on this today need to know that is where we will go. We have to rein in an abuse of Presidential authority and to restore Congress's constitutional authority in this regard.

I thank my colleagues for bringing this to the floor. I urge all of my colleagues to support it—not just that, but once we go from here, taking this symbolic step, this nonbinding resolution, to take actual steps on legislation that will return the actual authority to Congress once again to impose or to manage tariffs.

With that, I yield back.

The PRESIDING OFFICER. The Senator from Louisiana.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. CASSIDY. Mr. President, my motion to instruct conferees to the minibus appropriations bill, H.R. 5895, is a simple 6-month extension of the National Flood Insurance Program, currently set to expire July 31, 2018—in about 2 weeks. The same timeline in this motion was passed by the Senate a few weeks ago by unanimous consent during consideration of the farm bill.

The National Flood Insurance Program insures properties in every State, insuring over 5 million homes and businesses and $1.2 trillion in assets. If the NFIP is not extended, people will not be able to renew or purchase new flood insurance policies, and more people would be without flood insurance during peak hurricane season. This is so to the moment because, given the series of emergency supplemental appropriations bills the Senate has passed, an expiration of the NFIP puts the U.S. taxpayer in the very vulnerable position of funding more uninsured losses in emergency supplemental appropriations legislation.

I thank Senators CRAPO and BROWN for their work in providing a path forward to a bipartisan long-term reauthorization of the NFIP, which ideally includes commonsense reforms providing for greater investment in flood mitigation, updated flood mapping technology, greater accountability, and consumer choice. However, these discussions will not conclude in the next 2 weeks, prior to the upcoming NFIP expiration deadline.

It is imperative that Congress provide for a 6-month extension of NFIP now, so progress can continue on long-term reauthorization and reform of the NFIP through the Banking Committee.

I urge my colleagues to vote to protect the taxpayer, the homeowner, and to support this motion to instruct.

The PRESIDING OFFICER. The Senator from Tennessee.

ENERGY AND WATER, LEGISLATIVE AFFAIRS, AND MILITARY CONSTRUCTION APPROPRIATIONS LEGISLATION

Mr. ALEXANDER. Mr. President, in the next few minutes, the Senate will be taking the next steps on an appropriations process that is being conducted the way an appropriations process is supposed to be conducted. Boy Scouts shouldn't get a merit badge for telling the truth, and Senators shouldn't get a pat on the back for conducting an appropriations process the way it is supposed to be conducted. It is worth noting that we are doing it, since it has been a long time since we have done it.

The right way means we are moving ahead on three bills: Energy and Water, legislative affairs, and Military Construction. The right way means we have had hearings on all of these bills. We have consulted with Senators. I know that in our Energy and Water bill, Senator FEINSTEIN and I heard from 83 different Senators and tried to respond to them in our bill. We marked up the bills unanimously in most cases.

What was missing was allowing the other 70 Senators to participate on the floor. We did that this time; 40 amendments, 7 rollcall votes. We got off the floor without a cloture vote; that is, a motion to cut off debate. We are doing it the way it is supposed to be done. That was done by showing something that needs to be shown more in the Senate—restraint. Restraint means that when you have a lot of freedom, it doesn't mean you exercise all of your freedoms all at once because nothing will happen.

We avoided controversial riders. We even had 20 Republican Senators vote to table something we agree with, which is the waters of the United States provision, because we thought this was not the appropriate bill for it.

Now we are moving to motions to instruct, which are nonbinding resolutions. It is important, though, because they give the Senate a chance to say what Senators want to say. That is why we are here.

One of those issues has to do with tariffs. The administration has imposed tariffs on aluminum and steel, and now other products, provoking a response of tariffs on soybeans and other products grown and manufactured in our country. In general, these tariffs are a big mistake. Using national security as an excuse to impose them is an even bigger mistake.

I have urged President Trump instead to focus on reciprocity; tell other countries to do for our country what we do for you.

Imposing tariffs as a way of achieving that is like shooting ourselves in both feet as a way of solving our problem. Tariffs are taxes. They raise the price of what we buy and sell. Tariffs reduce revenues, profits, wages, and jobs.

U.S. tariffs on aluminum and steel hurt 136,000 Tennesseans who work in more than 900 auto plants in 88 of our 95 counties; that is, one-third of our manufacturing jobs. Retaliatory tariffs hurt Tennessee soybean farmers by lowering prices and making markets disappear.

Our goal should be to persuade our trading partners to do for us what we do for them. Shooting ourselves in both feet at once is not a good way to do that. There are better ways to achieve the goal.

This doesn't just hurt auto parts workers in Tennessee. I was in Springfield, TN, the other day. They had been excited about an expansion of an Electrolux plant, a $250 million expansion for that community. Electrolux canceled it when word of the steel tariffs came, even though Electrolux, which makes washing machines, buys all of their steel in the United States. Tariffs on imported steel raise the price of steel sold in United States.

In Chestnut Hill, Bush Brothers cans about one-third of all beans canned in the United States. You wouldn't think that is such a big deal, but it involves a lot of people and a lot of beans. They say that 8½ percent of their revenues will go down as a result of the tin-plated steel that is used for their cans. Not enough is produced in the United States.

Then, we have Bridgestone and Hankook. They make tires in Tennessee. They are big companies. They use steel wire in every tire, and none of it is produced in the United States. The price goes up.

For 40 years, I worked to bring the auto industry to Tennessee. It has done more than anything that has happened to raise our standard of living, to raise families' incomes. Tariffs will lower our standard of living. They will hurt our State more than almost any other State.

As respectfully and as effectively as I can, I have said to the President: Mr. President, we agree on taxes. We agree on regulations. We agree on judges. We are proud of having the best economy in 18 years, the lowest employment rate that anyone can remember. But these tariffs are a big mistake. They will take us in the wrong direction.

I have not been successful in talking with the President about this, but I intend to keep trying. There are other, better ways to persuade our trading partners to do for us what we do for them instead of shooting ourselves in both feet at once, which is what we do when we impose these tariffs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, before we vote this morning, I want to express my support for the appointment of conferees and my belief that this is yet another encouraging sign of a return to regular order in the appropriations process.

The package of appropriations bills that will be conferenced with the House received overwhelming bipartisan support in the Senate. This broad agreement was facilitated by a concerted effort by both parties to prevent partisan riders from poisoning the well. Thus far, we have been able to translate bipartisan cooperation among members of the Appropriations Committee into success on the Senate floor.

At this time, I want to recognize and to commend the continued efforts of the committee members in the process, especially the Republican and Democratic managers of this package. In particular, I want to thank Vice Chairman LEAHY for his strong partnership in this effort and Senator ALEXANDER, who is here on the floor, who has guided this process and will chair the conference committee.

We will continue to consolidate critical mass for a return to regular order, but we still have a long way to go. This is another step in the right direction. Senator ALEXANDER, Vice Chairman LEAHY, and I will have a strong slate of conferees joining us. On the Republican side, it will be Senators BOOZMAN, DAINES, and LANKFORD. On the Democratic side, it will be Senators FEINSTEIN, SCHATZ, and MURPHY.

Our objective will be to build upon the momentum we have generated in the Senate by urging the same type of bipartisan cooperation in the conference. We will aim to return to the Senate floor—hopefully, sooner than later—with a conference report that reflects bipartisan agreement and merits the support of our colleagues.

It is, I believe, the right thing to do for the American people. Whatever partisan fights may ensue in the coming weeks, I believe the appropriations process should not suffer those wounds, and we should continue our hope and work. Thus far, it has been immune from such a fate. It is my hope that we can continue on that path. That will be our goal in this conference committee. I hope others will join us.

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

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

LEGISLATIVE SESSION

ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2019

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 5895) entitled ''An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Senator from Alabama.

COMPOUND MOTION

Mr. SHELBY. Mr. President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

MOTION TO INSTRUCT

Mr. CASSIDY. Mr. President, I have a motion to instruct conferees at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Louisiana [Mr. CASSIDY] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5895 be instructed to insist that the final conference report include provisions that have the effect of extending the National Flood Insurance Program, and the authority of the Administrator of the Federal Emergency Management Agency to issue notes and obligations with respect to that Program, through January 31, 2019.

The PRESIDING OFFICER. The Senator from Tennessee.

MOTION TO INSTRUCT

Mr. CORKER. Mr. President, I have a motion to instruct conferees at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Tennessee [Mr. CORKER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5895 be instructed to include language providing a role for Congress in making a determination under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

MOTION TO INSTRUCT

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Cassidy motion to instruct.

The Senator from Louisiana.

Mr. CASSIDY. Mr. President, very briefly, this is a 6-month reauthorization of current law, which will allow continued work for a longer term reauthorization. It protects American families and the U.S. taxpayers from the consequences of a lapsed program during peak hurricane season.

I urge its adoption.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to instruct.

Mr. CASSIDY. 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.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—94

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

NAYS—5

Barrasso	Flake	Lee
Enzi	Lankford	

NOT VOTING—1

McCain

The motion was agreed to.

CHANGE OF VOTE

Mr. LEE. Mr. President, on rollcall vote No. 150, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

MOTION TO INSTRUCT

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Corker motion to instruct.

The Senator from Tennessee.

Mr. CORKER. Madam President, I rise to speak in favor of this motion, where Congress would have an appropriate role in section 232 of the Trade Act as invoked on national security grounds. This is something that anybody who supports the Senate playing its proper role should support.

I thank Senator TOOMEY, Senator FLAKE, and 15 other Senators who supported this overall effort. This is a baby step in a good direction for the U.S. Senate and for our country.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, you all know where I stand on section 232 steel tariffs. I strongly support them because thousands of steelworkers across the country have lost their jobs due to Chinese steel overcapacity. Tough trade enforcement against

China cheating has long been overdue. These tariffs are a tool to bring China to the table and to get long-term structural changes to support American jobs.

My colleagues know I strongly oppose the Corker-Toomey legislation, which would undo China's tariffs, let China off the hook, and gut the section 232 status. That is why I stood on the floor 2 weeks ago to block that.

What we are considering today is different. With this motion to instruct, the Senate will reaffirm that it has a role in section 232 determinations. Of course, we should. That is why I have talked regularly with Secretary Ross and Ambassador Lighthizer throughout this process.

I will vote for the motion to instruct not because I think it makes sense to consider trade policy on an appropriations bill that has nothing to do with tariffs but because, of course, Congress should have a role in 232 determinations. It should have a role in all trade policies. I have been saying that for years. I am glad my colleagues finally agree.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. BROWN. I ask unanimous consent for 10 seconds.

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

Mr. BROWN. Let me be clear. Today's vote is not a vote for undermining the trade agenda. It is not a vote to rescind steel tariffs. I will do everything in my power to defeat any efforts to do that.

I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, if there is any time remaining, let me just stress that this vote is a vote to move in the direction of restoring to Congress our constitutional authority and, ultimately, if we do that right, to revisiting the misuse of the section 232 provisions of our trade law, which is applying inappropriate tariffs on steel and aluminum from our allies and close friends.

I urge my colleagues to vote yes.

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

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 called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—88

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

NAYS—11

Barrasso	Graham	Perdue
Capito	Heller	Risch
Crapo	Hyde-Smith	Scott
Enzi	Inhofe	

NOT VOTING—1

McCain

The motion was agreed to.

The Presiding Officer appointed Mr. SHELBY, Mr. ALEXANDER, Mr. BOOZMAN, Mr. DAINES, Mr. LANKFORD, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHATZ, and Mr. MURPHY conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

The Senator from West Virginia.

NOMINATION OF BRETT KAVANAUGH

Mrs. CAPITO. Mr. President, I want to take a few moments to talk about what I believe is an excellent choice that President Trump made on Monday, and that is in selecting Judge Brett Kavanaugh to fill the vacancy on the Supreme Court.

Judge Kavanaugh's credentials are those of a person very well suited for the U.S. Supreme Court. He excelled as an undergraduate and as a law student at Yale and clerked for Justice Anthony Kennedy, who is retiring—the man he would replace—and was also a clerk for two Federal appeals court judges. He served in a very critical position in President George W. Bush's administration.

Beyond his resume is a record of respect and effectiveness. Judge Kavanaugh is highly regarded by his colleagues in the Federal judiciary. I think that says a lot about his potential and his character in terms of potential to become a Supreme Court Justice. He has also impressed others over his long and very prestigious career.

We saw his wonderful family on Monday night. We can tell they are very proud of their dad and their mom, and I was very honored to have the opportunity to meet all of them, along with Judge Kavanaugh's parents.

He has been very effective. As a matter of fact, this Supreme Court has adopted his reasoning in their opinions on 11 separate occasions, and the 300 opinions he has written are frequently cited by Federal judges all across the country.

But perhaps Judge Kavanaugh's most qualifying characteristic is something I heard him say at the White House on Monday evening. When the President announced his nomination, Judge Kavanaugh committed to be open-minded in the cases that come before him as a Supreme Court Justice. Open-minded—I think that is critical, and his record backs up that commitment.

He has a long and clear record of fairly applying the text of our Constitution and our laws. There will be a lot to consider on Judge Kavanaugh because he has such a long and very clear record of writing, and the President mentioned his very precise writing skills.

When I consider nominees for the Supreme Court, I don't look for a person who promises particular policy outcomes or someone who is out to actually create laws; what I look for is a person who reflects experience, fairness, and respect for the Constitution as it is written. That is because the Constitution assigns legislative authority to us, to elected representatives in the Congress. Accountability to the American people is diminished when unelected judges pursue their own policy goals.

A newspaper in the Northern Panhandle of our State, the Wheeling Intelligencer, editorialized today:

> Kavanaugh has said that if confirmed to the Supreme Court, his allegiance will be to the Constitution as it is written, not to his personal preferences. That is precisely what the Nation needs.

Another editorial appearing in West Virginia today—this one from the Daily Mail—said:

> A conservative Supreme Court justice interprets the U.S. Constitution for all, not just those on the right or the left.

I believe Judge Kavanaugh truly understands a Justice's and a judge's proper role, and I think no one puts that better than the judge himself. I would like to read a portion of a speech he gave last fall:

> One overarching goal for me is to make judging a more neutral, impartial process in all cases, not just statutory interpretation. The American rule of law, as I see it, depends on neutral, impartial judges who say what the law is, not what the law should be. Judges are umpires, or at least should always strive to be umpires. In a perfect world, at least as I envision it, the outcomes of [cases] would not often vary based solely on the backgrounds, political affiliations, or policy views of judges. This is the rule of law

as the law of rules; the judge as umpire; the judge who is not free to roam in the constitutional or statutory forest as he or she sees fit.

In my view, too, this goal is not merely a preference of mine but a constitutional mandate in a separation-of-powers system.

I believe that Judge Kavanaugh and I share the belief that faithfulness to the text of the law as written, not the pursuit of a particular policy outcome, should be the goal of a judge.

In the same speech last year, Judge Kavanaugh discussed his meeting with then-West Virginia Senator Robert C. Byrd during his confirmation process to the DC Circuit. Most West Virginians and Americans know the reverence that Senator Byrd had for the text of the Constitution. During his speech, Judge Kavanaugh spoke of reading the text of Article I with Senator Byrd. Senator Byrd was among the Democrats who voted to confirm Judge Kavanaugh to the DC Circuit. I think Judge Kavanaugh's record on the DC Circuit and his experience merit a bipartisan confirmation process—the same type of bipartisanship that Senator Byrd showed when he voted for Judge Kavanaugh.

For all of the noise and debate outside of this Chamber, the confirmation process for a well-qualified Supreme Court nominee does not have to focus on trying to guess how a Justice Kavanaugh might rule in a particular case. As a matter of fact, I think that will be a futile exercise and quite damaging to the process at the same time. If we are looking for a fair umpire, which we are looking for, there is no reason a nominee with a strong record of applying the text of the Constitution and the law should not be confirmed with overwhelming support.

President Trump made clear in his campaign that he would appoint judges with respect for the Constitution. I believe he kept his commitment when he nominated Brett Kavanaugh to become a Supreme Court Justice.

The process is just beginning where Judge Kavanaugh's record will be scrutinized to the nth degree. We are going to have hearings, and I hope all of us—and I am certainly putting myself in this category—will have the opportunity—and I think we will—to sit down one-on-one, to talk with Judge Kavanaugh, to make our own judgments about his qualifications and his abilities in terms of becoming a Supreme Court Justice.

I look forward to advancing the process, and I look forward to meeting with Judge Kavanaugh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I first wish to associate myself with the remarks from the outstanding Senator from West Virginia. We had a chance to be together on Monday night when the President announced the nomination of Judge Brett Kavanaugh to serve on the U.S. Supreme Court, and I agree with my colleague from West Virginia that it is a fantastic choice.

I said before that there are three things I want to see in any nominee for the Court: the appropriate judicial philosophy, a strong intellect, and a solid character. Everything I have seen so far confirms that Judge Kavanaugh satisfies all three of these requirements.

I would like to talk today about a few things I think we can expect to see over the next couple of months. First, I think it is safe to say that throughout this process, Judge Kavanaugh will not announce how he is going to rule on cases that might come before him on the Supreme Court. The Presiding Officer and I know—as we walked back from the visit at the White House and were heading home after having a chance to visit with the President of the United States before he actually told the country Judge Kavanaugh would be the nominee—that it is a very appropriate thing for the judge to do, to not announce how he is going to rule on cases that might come before him at the Supreme Court. In fact, the ethics rules say it is exactly what a nominee should do. They should avoid making these sorts of comments. The rules say that judges and nominees should not answer questions about how they would rule on a case they might consider, so I expect that Judge Kavanaugh will follow the rules and not get into specifics on which side he may favor.

It is what Ruth Bader Ginsburg, a current member of the Court, did during her confirmation process in 1993. She said that ''a judge sworn to decide impartially can offer no forecasts, no hints''—no hints, no forecasts, no previews. She said that this would ''display disdain for the entire judicial process,'' and she was confirmed. That is the Ginsburg standard. Every nominee since then has followed that standard.

Well, the second thing I expect to happen is that Democrats are going to complain that Judge Kavanaugh follows the Ginsburg standard, and we have heard it already. They are going to complain that he will not promise to take their side in cases that might come before the Court. They are going to complain—and have already—that some of the cases he has decided in the past didn't work out the way they wanted them to work out—not what the law said, not what was right, but what they wanted. That is what Democrats in the Judiciary Committee did when Neil Gorsuch was nominated to the Supreme Court last year.

We have seen this movie before. We know the playbook. They have criticized him for some of the rulings they didn't like. Even though the rulings followed the law, they didn't like the rulings, so they criticized the judge for following the law. They suggested he should have ignored the law, sided with the little guy, the sympathetic side in a case, regardless of what the law said. But Judge Gorsuch knew the same thing Judge Kavanaugh knows: Judges are absolutely not supposed to consider who they think is sympathetic in a case, where the empathy lies. It is where the law lies. They are supposed to be making decisions and rules based on the law.

Federal judges actually swear an oath, and the oath is to ''administer justice without respect to persons, and to do equal right to the poor and to the rich.'' That is what Judge Kavanaugh has done during his 12 years as a member of the DC Circuit Court.

The minority leader, Senator SCHUMER, has already said that is not good enough for him—not good enough for Senator SCHUMER. He wrote an op-ed in the New York Times on July 2, and he wrote this op-ed before the President had even made a decision as to who he might nominate. At the time, the President was considering a number of names. It didn't matter to Senator SCHUMER; he made it clear that he is going to fight any mainstream nominee unless he can confirm that the nominee will rule in a certain way. Judges don't do that. Judges shouldn't do it. Well, that is the litmus test now for liberal Democrats in the U.S. Senate. They are going to try to make people believe that they know how Judge Kavanaugh is going to rule in the Supreme Court.

When President Obama was picking people to serve as judges and Justices, he said that he was looking for people who would decide cases based on—this was his word—''empathy.'' Well, President Trump has consistently selected judges—and we have approved and confirmed quite a few now as we have been here since President Trump has taken office—and Justices who decide cases based upon the law and the Constitution of the land. Judge Kavanaugh is exactly that kind of judge. He understands that writing the laws is not his job. It hasn't been his job in the circuit court, and it would not be his job on the Supreme Court. He gave a speech last year in which he said that Congress and the President, not the courts, possess the authority and the responsibility to legislate. Let me repeat that. Congress and the President, not the courts, possess the authority and responsibility to legislate.

The third thing I expect to happen in this whole process is we will vote on Judge Kavanaugh's nomination before the next Supreme Court session starts in October. That is what the American people want us to do. NBC News did a recent poll, and they found that 62 percent of Americans want us to vote on this nomination before the November election, and only 33 percent said that we should wait. But Democrats want to delay. They want to delay the process. The American people are saying to get on with it.

It is early July now. We are going to work through the month of August. It gives us plenty of time to consider this nomination. When you look at the people serving on the Supreme Court today, we typically spend about 66 days to confirm each of them. That is going

to put it around the middle of September. There is no reason we need to take any longer than that.

Judge Kavanaugh has been through this process before and has been confirmed by the Senate before. He was confirmed to the circuit court by a vote of 57 to 36 in this body. Four Democrats supported his confirmation.

Judge Kavanaugh has served on the circuit court for over 12 years, has written a number of rulings—I think over 300. His background as a judge gives us powerful evidence of the kind of Justice he will be. He is going to take the law and the Constitution at face value. He is not going to treat them like blank pages on which he can rewrite the laws the way he wishes they were. In a speech last year, he made it very clear. He said: ''The judge's job is to interpret the law, not to make the law or make policy.'' This view—and every example I have seen from Judge Kavanaugh's record—is squarely in the mainstream of American legal thinking today. He is smart, he is fair, and I believe he is very well qualified.

Regrettably, none of this matters to some of the Democrats. They are going to use the same scare tactics they use every time a Republican President nominates someone to the Supreme Court. They did it 40 years ago when President Gerald Ford nominated John Paul Stevens to the Court. Liberals accused him of ''antagonism to women's rights.'' When President Reagan nominated Justice Kennedy 31 years ago, the Justice who has just retired from the Court, Democrats said his nomination ''should be unsettling to those concerned with the health and legal status of women in America.'' They have been using the same old lines for more than 40 years. It is never true; it is never reality. But apparently for the Democrats, it never gets old.

I hope the Democrats in the Senate will give Judge Kavanaugh a chance. I hope they will take the time to consider his qualifications and actually sit down and talk with him before they rush to condemn him, although quite a few rushed to condemn him even before the President had decided and he was named to the Court.

I also look forward to sitting down with the nominee and exploring some of his views more fully, but everything I have seen so far suggests to me that it is going to be a very good conversation and that Judge Kavanaugh would make an excellent Justice of the Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. 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. SANDERS. Mr. President, today I rise to oppose the nomination of Brett Kavanaugh to the Supreme Court. This is an issue I will return to in the coming weeks and months at greater length, but I did want to say a few words about why I am in opposition to Mr. Kavanaugh.

I think many Americans have a pretty good sense of what the function of Congress is and what the President of the United States does, but, in fact, I think many Americans do not fully appreciate the role that the Supreme Court plays in our lives. In the past decade alone, the Supreme Court has issued some incredibly controversial and, to my mind, disastrous decisions that have had a profound impact on the lives of the American people.

Let me review for a moment why this nomination is so very important by looking at what the Supreme Court, often by a 5-to-4 vote—a one-vote majority—has done in recent years. If you go out onto the streets of any community in the United States of America—whether it is a conservative area or a progressive area—what most people will tell you is that we have a corrupt campaign finance system—a system that today, as we speak, allows billionaires to spend hundreds of millions of dollars to buy elections. Most Americans, whether they are Democrats or Republicans or Independents, do not think that is what American democracy is supposed to be about. What most people think is that the majority should rule. Sometimes you win, and sometimes you lose, but everybody gets a vote—not a situation in which billionaires can spend unlimited sums of money to support candidates who represent their interests. That is, in fact, what goes on right now.

Many Americans may think that was a decision made by Congress, made by the President. That is not so. That disastrous decision that is undermining American democracy came about by a 5-to-4 vote of the U.S. Supreme Court in the Citizens United case.

That is what a Supreme Court decision can do. It can undermine American democracy and create a situation where the very wealthiest people in this country can buy politicians and influence legislation.

Several years ago, the Supreme Court upheld the constitutionality of the Affordable Care Act, but the Court also ruled that the Medicaid expansion as part of the Affordable Care Act had to be optional for States.

I am on the Health, Education, Labor, and Pensions Committee, which helped to write that bill. I can tell you that there was almost no discussion—I don't recall any discussion—about whether or not that legislation would apply and all elements of the legislation would apply to every State in the country.

The Supreme Court ruled that this was not the case. They said that the decision of expanding Medicaid was up to the States. Today, we have 17 States in our country that still have not expanded Medicaid. What that means in English—in real terms—is that today there are millions and millions of people, in 17 States in this country, who are ill, people who can't afford healthcare, people who are literally dying because they don't go to the doctor when they should, and that is all because of a decision of the U.S. Supreme Court.

It is not only the issue of campaign finance or the issue of Medicaid and healthcare where the Supreme Court has acted in a disastrous way. I think everybody knows that our country has a very, very shameful history in terms of civil rights. It has been a very long and hard struggle for us to finally say that in America, regardless of the color of your skin, regardless of your economic position, you have the right to vote. It is not a radical idea, but it is a struggle for which very brave people fought for many decades.

In 1965 the Congress finally passed the Voting Rights Act, which had the impact of eliminating racial discrimination in voting. That Act, passed by Congress, has been reauthorized multiple times since. In other words, what Congress said is that everybody in this country has the right to vote, regardless of the color of your skin.

In 2013 the Supreme Court—again, by a 5-to-4 vote—ruled that parts of the Voting Rights Act of 1965 were outdated, and they struck down a major part of that law that guaranteed that all Americans had the right to vote. Literally days after that decision was rendered by the Supreme Court, officials in State after State responded by enacting voting restrictions targeted at African Americans, poor people, young people, and other groups of citizens who don't traditionally vote Republican.

Literally days after that Supreme Court decision, State officials said: Wow, we now have the opportunity to make it harder for our political opponents to vote.

They moved very, very quickly with restrictive voting rights laws. That situation was created by, once again, a 5-to-4 vote by a conservative Supreme Court.

Just this year, we saw the Supreme Court rule against unions in a really outrageous decision in the Janus case, designed to weaken the ability of workers and public employees to negotiate fair contracts. Just this year, we saw the Supreme Court uphold President Trump's Muslim ban and other important pieces of legislation.

This is already a Supreme Court that, given the option, will rule, as they have time and again, often by a 5-to-4 vote, in favor of corporations and the wealthy and against working people; that will continue to undermine civil rights, voting rights, and access to healthcare; that are edging closer and closer to ruling that a person's religious beliefs should exempt them from following civil rights laws.

Having said that, let me say very briefly why I oppose the nomination of

Judge Kavanaugh. As it happens, I do not usually believe anything that President Trump says because I think, sadly, that he is a pathological liar, but I do think this is a moment where we should believe one thing that he said during the campaign. I think, in this instance, he was actually telling the truth. During the campaign, he was asked if he wanted to see the Court overturn Roe v. Wade, the landmark decision that protects a woman's right in this country to control her own body. He responded to that question:

Well, if we put another two or perhaps three justices on, that's really what's going to be—that will happen. And that'll happen automatically, in my opinion, because I am putting pro-life justices on the court.

That is Donald Trump during the campaign.

On a separate occasion, as many recall, Trump suggested that women who have abortions should be punished. I have very little doubt that while he may evade the question of whether or not he wants to overturn Roe v. Wade—I have zero doubt—he would not have been appointed by Donald Trump unless that is exactly what he will do.

As I think we all know, President Trump put forth a list of 25 potential justices, all of whom were handpicked by the Heritage Foundation and the Federalist Society. These two extreme rightwing groups claim they have ''no idea'' how any of the people on that list would rule on Roe v. Wade, but overruling Roe has been a Republican dream for 40 years. Please do not insult our intelligence by suggesting it is possible that any of these candidates could secretly support a woman's right to control her own body. That will not be the case.

That brings us to Judge Kavanaugh. You may remember that last year the Federal Government was sued by an undocumented teenage girl they were keeping in detention in Texas. She discovered that she was pregnant while in detention and tried to obtain an abortion. Judge Kavanaugh wanted to force her to delay the proceeding, presumably until it was no longer legal under Texas law for her to obtain an abortion in that State. When he was overruled by the full DC Circuit, he complained in a dissent that his colleagues were creating a right to ''abortion on demand.'' Does that sound like someone who is going to strike down State laws that create undue barriers to abortion access, or does it sound like somebody who had no problem with forcing a teenage girl to carry a pregnancy to term?

There is also another case percolating out of Texas that could have even graver consequences for tens of millions of Americans. The State of Texas and 17 other Republican States have sued the Federal Government, claiming that the Affordable Care Act is unconstitutional, and the Department of Justice under Donald Trump agrees with them. While I do not know how Judge Kavanaugh would rule on this case—nobody could, of course, know that—I will note that in another case about the ACA, he suggested that the President could simply refuse to enforce laws that he deems unconstitutional, regardless of what the Courts say.

What we are dealing with here is, literally, a life-and-death decision regarding preexisting conditions, regarding the issue of whether today you have cancer, heart disease, diabetes, or some other life-threatening illness. Before the Affordable Care Act, an insurance company could say to you: Oh, you have a history of cancer, we are not going to insure you because we can't make money out of you because that cancer might recur. It might be: You are too sick and we are going to lose money on your case and we are not going to insure you or, if we do insure you, your rates are going to be five times higher than somebody else's of your age.

One of the major achievements of the Affordable Care Act, which was supported by 90 percent of the American people, is that we must not end the protections the American people have today against insurance companies that would bring back preexisting conditions—that would discriminate against people who were ill. It is very likely that case will come before the U.S. Supreme Court. Yet 90 percent of the American people say we should not discriminate against people who have cancer or heart disease and that insurance companies should not be allowed to deny them coverage or raise their rates to levels that people cannot afford.

The Trump administration has supported the argument of the Republican Governors and will not defend the ACA in court, which will come to the Supreme Court. Unless I am very mistaken, Judge Kavanaugh will vote with the rightwing majority and allow discrimination against people who have serious illnesses to, once again, be the law of the land.

Time and again, Judge Kavanaugh has sided with the interests of corporations and the wealthy instead of the interests of ordinary Americans. He has sided with electric power utilities and chemical companies over protecting clean air and fighting climate change.

He has argued, if you can believe it, that the Consumer Financial Protection Bureau, which has saved consumers billions and billions of dollars from the greed and illegal behavior of Wall Street and financial institutions, is unconstitutional because its structure does not give enough power to the President. He has also argued against net neutrality.

He dissented in an OSHA case and argued that SeaWorld should not be fined for the death of one of its whale trainers because the trainer should have accepted the risk of death as a routine part of the job.

While nobody can predict the future, we can take a hard look at Judge Kavanaugh's record and extrapolate from his decisions what kind of Supreme Court Justice he will be. I think the evidence is overwhelming that he will be part of the 5-to-4 majority, which has cast decision after decision against the needs of working people, against the needs of the poor, and against the rights of the American people to vote freely, without restrictions.

This is an issue to which I will return. I just want the American people to understand, when they hear this debate taking place here and think, well, it is the same ol' same ol'—with people yelling at each other—that this is an enormously important decision which will impact the lives of tens and tens of millions of people. I hope very much that the American people become engaged on this issue, learn about Judge Kavanaugh's record, and join with those of us who are in opposition to his nomination.

I yield the floor.

Mr. GRASSLEY. Mr. President, I am pleased the Senate is considering Brian Benczkowski to serve as the Assistant Attorney General for the Criminal Division. This is a critical position at the Department of Justice and its extended vacancy has hindered the agency's effectiveness. Mr. Benczkowski has the experience and qualifications to lead the Criminal Division. I am proud to support his nomination on the floor today.

Mr. Benczkowski was nominated 400 days ago. The Judiciary Committee held his confirmation hearing nearly a year ago. A fully staffed and well-functioning Criminal Division is vitally important to the Department of Justice's mission.

Over a dozen former U.S. Attorneys, from both the Bush and Obama administrations, support his nomination. They wrote that the head of the criminal division is ''the nerve center of federal prosecution, and the absence of a confirmed occupant can diminish the effectiveness of our law enforcement program throughout the country.''

The former prosecutors went on to state: ''Those of us who know Brian recognize that he is the right person to provide that leadership and to be a strong and effective partner with the United States Attorneys' Offices.''

Mr. Benczkowski already has an impressive legal career. He previously served as the Republican staff director on the Senate Judiciary Committee from 2009–2010.

He also served as a counsel on the House Judiciary Committee. Before that time, he worked on the Senate Budget Committee and served as a counsel to Senator Domenici for 4 years.

Mr. Benczkowski excelled as a leader during his time on the Judiciary Committee. During his time as staff director, he was instrumental in passing the Fair Sentencing Act. This law reduced the disparity in federal criminal sentencing between crack and powder cocaine. His leadership was instrumental

in several pieces of bipartisan legislation, including the Crime Victims Fund Preservation Act of 2009, the Secure and Responsible Drug Disposal Act of 2009, the Judicial Survivors Protection Act of 2009, and the Combat Meth Enhancement Act of 2009.

Mr. Benczkowski also served in several different roles at the Department of Justice. In 2008, he became the chief of staff to the Attorney General and the Deputy Attorney General. He also served as the chief of staff to the ATF. In total, he held five senior leadership positions in different divisions in the Department of Justice, working with components and law enforcement agencies across the Department.

During Mr. Benczkowski's decade in the private sector, he gained extensive litigation management experience that will serve him well as he oversees the Criminal Division.

Some of my colleagues on the other side of the aisle have said they will not support his nomination because he allegedly lacks experience. They say this because Mr. Benczkowski was never a prosecutor.

But the head of the Criminal Division is not a prosecutor. The position oversees criminal matters and formulates and implements criminal enforcement policy. It requires a deep knowledge of Federal criminal law, experience in government investigations, and strong management skills. Mr. Benczkowski, with his years of experience in relevant fields, is clearly qualified for this position.

But don't just take my word for it. Five former heads of the Criminal Division appointed under the Bush and Obama administrations said this about Mr. Benczkowski's nomination: ''Mr. Benczkowski has the necessary leadership, management and substantive experience to lead the Division.'' They noted that, ''by virtue of our service in the position to which Mr. Benczkowski has been nominated, we are familiar with the qualifications and experience necessary for success in the job.''

They went on to say ''throughout his career, on the criminal defense side in private practice and in the Department, he has worked on complex criminal investigations on a range of issues; significant criminal legislation matters; important criminal policy matters; and domestic and international law enforcement matters.''

These former heads of the Criminal Division know better than anyone the background and qualifications required to do the job, and they think that Mr. Benczkowski is a good fit for this role.

Some of my colleagues have raised a different concern, related to Mr. Benczkowski's legal representation of Alfa Bank while he was working at the law firm of Kirkland and Ellis. The Senate learned of this matter when reviewing his FBI background investigation.

Normally the committee doesn't publicly discuss any matters contained in the background investigation but because this matter raised some concerns for some senators, Mr. Benczkowski voluntarily waived his privacy rights, so we could freely and publicly question him on this matter.

At his hearing, the committee members extensively questioned him about his representation of Alfa Bank. He answered all our questions. He was not evasive. His testimony was public. It was very credible and uncontroverted.

Mr. Benczkowski also then responded in writing to several rounds of written questions submitted to him.

After this hearing, I helped Senator DURBIN arrange an intelligence briefing with the Office of the Director of National Intelligence related to Alfa Bank.

I also helped arrange for the Deputy Attorney General to call Senator DURBIN to explain the Department's longstanding tradition that it does not confirm nor deny investigations, particularly when it comes to a nominee's client.

When clients are under investigation, they need lawyers to represent them. Are we now going to have a political litmus test for nominees based upon the clients they stepped forward to represent in private practice?

There is no credible allegation that Mr. Benczkowski did anything wrong or unethical related to his limited representation of Alfa Bank or otherwise. He has promised to recuse himself from handling any matters involving Alfa Bank, and he has promised to consult with ethics officials regarding any other times he may need to recuse.

I believe Mr. Benczkowski will be an outstanding head of the Criminal Division. I urge my colleagues to join me in supporting his nomination.

Mr. SANDERS. 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. COONS. 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. COONS. Mr. President, I come to the floor to raise concerns both about the next vote we will take—a vote that will or will not confirm President Trump's nominee Brian Benczkowski to be the Assistant Attorney General of the Criminal Division of the U.S. Department of Justice—and to express my concern about our President's actions at the NATO summit and his upcoming meeting with Vladimir Putin, the President of the Russian Federation.

Let me start with Mr. Benczkowski. I come to the floor to speak in opposition to our proceeding to his confirmation. Mr. Benczkowski has been nominated to serve as an Assistant Attorney General and will be in charge of the Criminal Division at the U.S. Department of Justice.

How big of a division is that—10, 50, 100? It actually has 900 employees and 600 career Federal prosecutors. The U.S. Department of Justice takes up, handles, investigates, and prosecutes cases of an unbelievable range, complexity, and sophistication in every district court in the entire United States. One would have to assume that to take on such a significant—such an important—role as overseeing, supervising, and managing 900 professionals and 600 career prosecutors that Mr. Benczkowski must be very qualified to serve.

As someone who is himself an admitted member of the Delaware bar and serves on the Judiciary Committee, I hesitate to suggest that I have the qualifications because I have never tried a criminal case in court, so I am not sure how I would directly supervise a whole team of career Federal prosecutors. Mr. Benczkowski has never prosecuted a case. He has never supervised a criminal prosecution. In fact, he has not ever appeared in Federal court, by his own admission, except for on one or two limited occasions in order to address routine scheduling or other matters.

Mr. Benczkowski is before us, in his having been nominated to supervise the single largest, most complex, most sophisticated law firm in America for criminal matters on behalf of the people of the United States, without his having the relevant experience. In my view, that alone is disqualifying. That alone should lead us to pause in terms of whether we should confirm this man to lead the Criminal Division as the Assistant AG.

Virtually all of the last several Senate-confirmed Assistant Attorneys General for the Criminal Division have had extensive prior experience as prosecutors, as former U.S. attorneys, as career or elected folks who have either been within the Department of Justice or have been attorneys general. This is for good reason, for the Federal Government holds enormous power and discretion when it comes to criminal prosecutions. The Assistant Attorney General is responsible for overseeing offices that investigate and prosecute money laundering, fraud, organized crime, public corruption, and a host of other serious offenses. It is that AAG who ultimately signs off on some of the edgiest or most difficult or most questionable prosecutorial decisions. Every American should expect that the person who is nominated for this important job is qualified to meet the weighty demands of this job.

Secondly, every American is entitled to the assurance that the Department of Justice will be independent and that criminal prosecutions will rise and fall with the facts and the law and nothing else. Sadly, Mr. Benczkowski fails to pass this test too.

He led the Department of Justice's transition team for the Trump administration. He previously served with our now-Attorney General and former Senator Jeff Sessions. Yet, after leaving the transition team for the Trump

administration, he went on to private practice in a law firm where he represented Alfa-Bank, which is one of the largest Russian banks. It is a Russian bank which, through its owner, a Russian oligarch, has close ties to Vladimir Putin.

At times, it is hard for me to believe how many people immediately around the President, his Cabinet, his campaign team, or around him personally have had concerning, inexplicable, difficult-to-understand ties to Russian entities, but here we are again. To be frank, I am concerned that Mr. Benczkowski's position—if confirmed by this Senate in just 5 minutes in a vote we are about to take—could enable him to directly interfere with Special Counsel Mueller's ongoing investigation into Russian interference.

I have raised concerns about this, about ensuring that Attorney General Sessions fully complies with his recusal from matters related to the last election. Adding Mr. Benczkowski to the mix in his absolutely central role as the Assistant Attorney General who will oversee the Criminal Division raises these concerns even further. Adding another senior person to the Justice Department's leadership team who raises these concerns about real independence gives me real pause.

I joined all of the Senate Judiciary Committee Democrats in a letter that asked the administration to move Mr. Benczkowski to some other position and to send us a qualified, capable nominee who does not have concerning Russian connections. Unfortunately, the administration hasn't done that. My friends on the other side of the aisle seem poised to confirm this gentleman today.

NATO

Mr. President, this concerns me more than ever because of what has just been said by our President in Europe to our vital NATO allies. There is a number I have been holding in my heart this week—1,044. That is the number of NATO troops who have died in combat in Afghanistan while having served shoulder to shoulder with the United States.

President Trump is correct to raise the issue of contributions to our mutual defense. President Trump has had a real impact. He has gotten our NATO allies to up the ante by more than $14 billion in the last year and a half. I wish he had gone to Brussels and simply said: Thank you, folks, for increasing your contributions. Now let's focus on interoperability and deployability and on linking arm-to-arm and facing our real adversary—Russia.

The NATO alliance exists for mutual defense. How can you successfully defend when you can't successfully identify your real adversary?

I have just returned from a bipartisan trip to visit Sweden, Denmark, Latvia, and Finland—two NATO allies and two very close security partners. All four of these countries have fought alongside us in Afghanistan and have suffered combat deaths. For two of those countries, they have been the first combat deaths since the Second World War.

When our President makes misleading, mistaken comments that NATO doesn't pay its fair share or is using us as a piggybank or, as he said in a campaign-style rally in Montana, that NATO is killing us, it really weighs upon the hearts of our vital allies that have sent their young men and women to serve alongside ours and, in 1,044 cases, to die.

We need to respect our vital allies and recognize that for seven decades, our NATO allies and our security partners—whether the 4 I just visited with the Republican chairman of the Foreign Relations Committee or the others among the 29 in NATO—are stepping up their investments, but they have already paid a price that few other countries have paid of sending their sons and daughters, alongside ours, into combat.

Rather than question their commitment to our mutual security, I wish our President would celebrate that they have increased their investments, thank them for their strong partnerships and alliances, and begin facing our country toward its true adversary—Russia.

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

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

Mr. HOEVEN. Mr. President, I ask unanimous consent that all time be yielded back.

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

All postcloture time is expired.

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

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

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

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 152 Ex.]

YEAS—51

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

NAYS—48

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
Coons	Leahy	Tester
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—1

McCain

The nomination was confirmed.

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

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. 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 Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense.

Mitch McConnell, Mike Crapo, Tom Cotton, Johnny Isakson, John Kennedy, John Thune, John Boozman, Tim Scott, Richard Burr, Thom Tillis, Roy Blunt, Cory Gardner, Roger F. Wicker, Mike Rounds, John Cornyn, John Barrasso, Jerry Moran.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense, 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. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 153 Ex.]

YEAS—74

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

NAYS—25

Baldwin	Harris	Sanders
Blumenthal	Hirono	Schatz
Booker	Leahy	Schumer
Brown	Lee	Stabenow
Casey	Markey	Sullivan
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Wyden
Feinstein	Paul	
Gillibrand	Peters	

NOT VOTING—1

McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 74, the nays are 25.

The motion is agreed to.

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense.

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

NOMINATION OF BRETT KAVANAUGH

Mr. BLUMENTHAL. Mr. President, we are at a crossroads, a historic turning point for the U.S. Supreme Court and our country. This body is often called upon to consider court nominations for the district courts and the courts of appeals, but we are at an extraordinary decision point for the U.S. Supreme Court—the highest Court in the land, a branch of government that can shape the law and culture of this country for generations to come.

When we are called upon to consider a Supreme Court nominee, ordinarily we have to read tea leaves. Ordinarily we have no way to know with certainty the values and beliefs that someone will bring to the Court. Ordinarily Presidents make every effort to persuade us that their nominees were picked on the basis of merit, not ideology. So ordinarily we look forward to hearing what nominees tell us about their beliefs and values, since they are unknown when we first hear their names.

We live in times that are the opposite of ordinary. These are not ordinary times. We live at a time when there is, right before our eyes, an ongoing assault on the rule of law in this country, coming from the President of the United States on down. We live at a time when the courts are critically important to our democracy because they are a bulwark for fundamental rights and liberty, and when the history of this era is written, I believe that our judiciary and our free press will be the heroes because they stood between the President defying the law and preserving those key freedoms and rights that are foundational to our democracy.

What we know about the President's nominee for the highest Court in the land—the most important to that effort against this assault on the rule of law—is that he will ''automatically'' vote to overturn Roe v. Wade. We know that he will vote effectively to eliminate the Affordable Care Act and to undermine protections for millions of Americans who suffer from diabetes, obesity, alcohol abuse, addiction to opioids, stroke, Parkinson's, and many other preexisting conditions. Millions of Americans suffer from those kinds of sicknesses, including more than 500,000 Connecticut residents. We are a State of about 3.5 million people, so you can do the math. There are a lot of Americans who suffer from preexisting conditions.

We know these facts because we have heard them from none other than the President of the United States, who said that his nominee would automatically overturn Roe v. Wade and who berated Chief Justice Roberts for upholding the Affordable Care Act in his decisive swing vote. When a President tells you he is trying to eliminate basic legal rights and liberties for the people of the United States, you better take him at his word, and I do. But in this case, actually we need not take the President at his word because we can review the facts—in fact, the circumstantial evidence surrounding this nomination.

The President has allowed himself to become a puppet of rightwing fringe groups—the Federalist Society and the Heritage Foundation, which have been trying to strike down Roe v. Wade and overturn it for decades. As one recent news story put it, if you want a seat on the Supreme Court, the man to see is not Donald Trump; it is Leonard Leo, the executive vice president of the Federalist Society.

Leonard Leo and the Federalist Society have made clear their desire to overturn Roe v. Wade for years, and Mr. Leo's friend, Ed Whelan, brags about Leo's efforts, stating: ''No one has been more dedicated to the enterprise of building a Supreme Court that will overturn Roe v. Wade than the Federalist Society's Leonard Leo.''

The President of the United States outsourced this decision to the Federalist Society and other groups long intent on overturning Roe v. Wade. They produced for him a list. He selected from that list, and the rest is an unfortunate, deeply tragic chapter in American history.

The Heritage Foundation has been vehement in its desire to overturn and strike down the Affordable Care Act and deny many Americans access to health insurance. It has fought to end protections for people who suffer from these conditions, and they are not only the ones I have mentioned but also many others that are common throughout our society. Its efforts to shape the Supreme Court are a part of a conscious, concerted strategy in a war on the ACA.

Perhaps as troubling as any other fact about this nominee, to many of us who have seen the horrific, unspeakable effects of gun violence, Judge Kavanaugh is the dream candidate of the NRA. He has taken the view that almost all commonsense, sensible measures to stop gun violence violate the Constitution.

He is the dream pick of the NRA. He is a nightmare for the students of Parkland, the survivors of Orlando, Columbine, San Bernardino, and all of the mass shootings, including Sandy Hook, and all of the victims and survivors, their loved ones, families, and friends, who know the tragic effects of those 90 people gunned down every day in America. Those 90 victims every day in this country who die as a result of gun violence bear witness to why we should reject this nominee.

Just minutes after Judge Kavanaugh's nomination was announced, the NRA endorsed him, showering praise on his extreme record against gun safety. As an appellate judge, Judge Kavanaugh heard the sequel to Heller, a case regarding the constitutionality of the District of Columbia's gun registration requirement and semiautomatic assault rifle ban. On a panel of all Republican appointees, Judge Kavanaugh was the only judge to vote to strike down both gun safety measures as unconstitutional.

His basic premise is that gun laws have to be similar or identical to laws that he considers ''traditional'' or ''longstanding.'' He rejects bans on assault weapons and gun registration requirements. He has no clear definition of what is ''longstanding'' and enables a statute to be upheld. But consider his logic. He has, in effect, ruled out any statute that bears no resemblance or connection to laws on gun violence on the books in 1789. That is a breathtaking concept of the constitutional test that should be applied to measures against gun violence.

The Founders almost certainly never considered the possibility of universal background checks at a time when it might have been impossible to do it anyway and when the kinds of firearms available were very different than they are now. By Judge Kavanaugh's logic,

Congress would seemingly be prohibited from requiring universal background checks, even though more than 90 percent of all Americans want them on the books.

That is a radical view, even for the far right. Should Judge Kavanaugh be confirmed to the U.S. Supreme Court, you can say good-bye to a slew of gun safety measures around the country in States like Connecticut, California, New York, or, now, Florida. Many other States are realizing that they should be on the right side of history and the right side of the American people and adopt commonsense, sensible measures. They would be struck down by the logic that Judge Kavanaugh would bring to the Supreme Court. We would have fewer safeguards against the scourge of gun violence.

There is now one mass shooting every day and 90 deaths every day in America. This country is in the midst of an epidemic of gun violence—a public health emergency. With Judge Kavanaugh as a member of the Nation's highest Court, this epidemic would continue unabated.

This nominee is part of a concerted, coordinated effort to roll back the clock, to take the Nation back to a time—one of our darkest eras—when abortion was criminalized, when women died and they were denied access to contraception and the morning-after pill, when Americans were denied healthcare because of those preexisting conditions, and when civil rights, LGBT rights, voting rights, and workers' rights were largely ignored.

That prospect is frightening. For President Trump, the nomination of Judge Kavanaugh is about more than just undermining or eviscerating these fundamental rights. It is about undermining and eviscerating the rule of law.

Judge Kavanaugh has written that the President can refuse to enforce a law if he believes that it is unconstitutional—if he alone believes it is unconstitutional—even if that law was duly passed by Congress and upheld by the courts. He has written that special counsels—like Robert Mueller, who is investigating the President—should be appointed only by the President and should be removable by the President. Under that rule, Robert Mueller never would have been appointed as special counsel, and the President would be able to fire him for no reason at all—except that he is investigating the President.

Finally, Judge Kavanaugh has written that the President should not have to deal with those responsibilities or burdens that the rest of us, ordinary Americans, fulfill. A President under Judge Kavanaugh's rule could not be investigated or indicted, could not be held accountable under the law, and would not have to respond to a civil suit, a subpoena, or a request to be investigated by law enforcement. He need not be interviewed by the FBI or cooperate with law enforcement because under Judge Kavanaugh's concept the President is above the law. Nothing is more fundamental, no principle more sacrosanct in this country—no one is above the law. No President. No one is above the law.

A President who has demonstrated unprecedented disdain for the rule of law has nominated a Justice who will tell him he can ignore the law. A President who has fought tooth and nail against the special counsel's investigating some of the most serious crimes has nominated a Justice who would allow him to fire the special counsel at will for no reason. A President who faces not only the prospect of indictment but an ongoing civil suit brought by nearly 200 Members of Congress—I am proud to be leading them—for his violation of the chief anti-corruption provision in the Constitution would be declared above the law, immune from lawsuit and accountability.

We are going to continue with that lawsuit to make sure that the President obeys the Constitution and comes to Congress for consent before he accepts the payments and benefits in the hundreds of millions of dollars that he is doing every day. Judge Kavanaugh would absolve him of accountability.

These are no ordinary times. In the coming days, I will be speaking out on other areas where Judge Kavanaugh would undermine the rights of everyday Americans and put the rights of corporations and special interests above them.

Judge Kavanaugh would prevent Congress and the States from passing commonsense gun violence laws that will save lives. He would invalidate a slew of existing laws in States across the country, and he would leave powerful corporations to prey on consumers, workers, and anybody who wants to breathe clean air or drink clean water.

These prospects are not imaginary or abstract. Read his opinions and his writings. In one area of law after another, Judge Kavanaugh poses a clear and present danger to our fundamental liberties, to effective government, and to the rule of law. To the people who say to me ''What can we do?'' our challenge is a call to action. It is to mobilize and galvanize America, just as we did during the healthcare debate, when they said the Affordable Care Act would be repealed, and we mustered Americans' sense of outrage and alarm.

I say to the students of Parkland who spoke so eloquently and movingly, your time has come; to the patients who came to my townhalls in Connecticut and spoke so powerfully about their fear of what would happen to them and their insurance coverage if preexisting conditions were declared in violation of those insurance policies, your time has come; to all who care about civil rights and civil liberties, workers' rights, and gay rights, your time has come. We need to hear your voice here, just as we did during the healthcare debate, as powerfully and eloquently. The challenge is yours in stopping this nomination, as it is our responsibility to demand specific answers that this nominee recuse himself from any consideration of the President's financial dealings or the special counsel and to reject the phony platitudes and the evasive and vague answers that have been accepted before, because we know that the old platitudes adhering to settled precedent is meaningless. We do not live in ordinary times. We need extraordinary efforts to make sure that the U.S. Supreme Court remains faithful to the rule of law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I definitely agree with one thing that my friend from Connecticut just said, which is that there is a long record here on the President's nominee. It is a record I want to look at. It is a record I want to be sure that I talk about to the people I work for as we go through this process. In this process, we will have some time. My guess is it will take about the same amount of time that it has taken for the last two nominees, which means sometime in the month of September, in all likelihood, we will be on the floor, voting, and we will see where that vote takes us.

A lot of people have jumped to a lot of conclusions here. It wasn't my friend Senator BLUMENTHAL at all, but somebody had a news release yesterday at a news conference I was in. One of our fellow Senators had, apparently, gotten it out a little too quickly. The news release read that Supreme Court nominee XXX is the most extreme candidate that the President could have possibly picked. Another one of our colleagues said yesterday that he didn't care who the President nominated but that he wouldn't be voting for him. We are going to hear a lot of that over the next few weeks.

At least going back to 1975, I think every single Republican nominee has supposedly been the nominee that would bring an end to so many things that people have tried to focus on when these nominations have come up. With Gerald Ford's nominee in 1975, who turned out to be Justice Stevens, these exact same things were said then. I don't know that it is what the President said during the campaign that matters as much as what the nominee will say during the next few days.

I do know of the job the nominee currently has. I want to talk to him, and I want to look at the record. I want to visit with him about his philosophy personally before I reach a final conclusion. I do know the job that Judge Kavanaugh currently has is often cited as the second most significant court in the country, the DC Court of Appeals. I do know that his 100 most often cited opinions have been cited by more than 210 judges around the country. I do know that the Supreme Court has endorsed his opinions of the law at least a dozen times and has adopted them as the opinions of the Supreme Court.

Remember the way this works with the job that Brett Kavanaugh currently has as a circuit judge with the court of appeals. Unlike all the others, it is the court that often has the real jurisdiction over a constitutional case. So there have been lots of cases, and we will be looking through the 12 years of what he has done as a judge.

I know there are some requests to see every piece of paper that Brett Kavanaugh had in his hands when he was the Staff Secretary, the Assistant to the President, when George W. Bush was President. That would be every piece of paper that had gone to the White House. Yet the job of the Staff Secretary is not to have an opinion on those pieces of paper. In fact, he is probably the highest level official appointed by the President in the White House whose job it is not to have an opinion but to facilitate the work, to get the paper to whom it needs to go. I suppose we could get, virtually, every piece of paper from the National Archives and the George W. Bush Library. That is possible but not necessary and not justified.

What is justified is to look at all of these opinions. What is justified is to look at the individual, to look at what he does on the court, to look at what he does in the community, to look at his opinions. These are, without any question, important responsibilities not just for the President but for the Senate.

Once again, Americans are reminded that it matters who is in the Senate. It matters who composes a majority in the Senate. My guess would be, in 2½ months or so from now, that a majority of votes will be cast for Judge Kavanaugh, that they will be bipartisan in nature, and that he will go to the Court, probably, before its new term begins on October 1. In fact, that should be one of our goals here—to have a Justice in place by that time.

Three of the current Justices on the Court, by the way, were put on the Court in an election year, in an off year—Justice Kagan in 2010. It was almost exactly analogous. A Democratic President and a Democratic Senate put a Democratic nominee on the Court who had, by the way, worked at the White House. The only difference was there was not as large a body of work to demonstrate the commitment we would hope to find to the Constitution and the law.

In my mind and, I think, in the minds of a vast majority of the people I work for, the goal of a Federal judge and a Supreme Court Justice is to judge a case based on the law and the Constitution. It is to look and be sure that those match up and to be sure that the law is applied as it is written, not as a judge thinks it should have been written. It is to be sure the Constitution is applied as it is written, not as a judge thinks it should be amended. There is a way to pass a new law, and there is a way to amend the Constitution, but that is not to be done by the Court.

It seems to me that in the Scalia tradition and in the Gorsuch nomination tradition, we have a judge here who appears to be committed in every way to looking at the law and enforcing the law. I think it was Judge Scalia who said and others who have said that good judges are often not happy with the opinions they have to render because the opinions they have to render are based on the facts of the cases and may not be the way they would have liked the cases to have worked out at all. It is not their job to decide how they would like the cases to work out. The job of a judge is to judge the application of the law and the application of the Constitution.

Seven Justices, including our most recent nominee to the Court, Justice Gorsuch, served as law clerks on the Supreme Court. If he is confirmed, Judge Kavanaugh will be the eighth. His background, his training, and his work as a circuit judge appear to qualify him in a significant way. He was a Supreme Court clerk for Justice Kennedy.

We ought to understand what is happening here. Justice Kennedy has been on the Court for 30 years. He filled a vacancy that was created in 1987. He served on the Court for 15 years after the person who nominated him to the Court had died. Talk about a long-term impact of both the President who nominates and the Senate that confirms. Three decades of impact on one of the branches of government is pretty substantial.

In addition to being the clerk for Justice Kennedy, Judge Kavanaugh was, as I said, not only in the private sector but, for 5 years, served in the Bush administration. Probably the most important job he held in that administration was, simply, of seeing that things got done in an orderly way to produce a result. In 2006, President Bush nominated him to serve on the DC Court of Appeals. Twelve years later, we are here today.

Judge Kavanaugh's opinions are cited by judges around the country. Again, the Supreme Court has endorsed his opinions at least a dozen times. He has written that the judge's job is to interpret the law, not to make the law or to make policy. It is to read the words of the statute as written and to read the text of the Constitution as written, being mindful of history and tradition—an important point. It is to be consistent with the law and the Constitution and to read the text of the Constitution as written while being mindful of history and tradition. Don't make up new constitutional rights that are not in the text of the Constitution. Don't shy away from enforcing constitutional rights that are in the text of the Constitution. That is in one of his many writings, and we have lots of things to look at here.

Since 2009, he has been the Samuel Williston Lecturer in Law at Harvard Law School. In addition to being a brilliant legal mind, he is devoted to his community and, as we saw the other night, to his family and to his faith. He spends his time coaching youth basketball and serving as a church volunteer, as well as mentoring in local schools. His mom was a schoolteacher and went to law school while she was a schoolteacher and, eventually, became a judge. He takes these qualifications to the Court.

I think this is an important part of our job—to advise and consent. Yet we have a lot of people who have rushed to a determination that they absolutely would not be for Judge Kavanaugh. I think a majority is likely to come to the determination that we should be for Judge Kavanaugh.

I look forward to visiting with him over the next few days. I look forward to learning more about his philosophy as a judge and how he thinks the Supreme Court would be different and how his job there may or may not vary from being on that second-most important court in the country. My guess is he will say that it doesn't vary at all. The job of a Supreme Court judge, just like the job of a court of appeals judge, is to apply the Constitution, apply the law, and not try to make the law or to rewrite the Constitution. I look forward to that opportunity. I look forward to looking at many of the judge's opinions.

I noticed two Pinocchios in the Washington Post today about one of the cases that has already been brought up—the determination of this argument about the right way to deal with a President while he is in office—certainly not a nuisance lawsuit. If the topic of a lawsuit is wrong, if it is the wrong thing for the President to do, there is clearly a way to remove the President.

That is the point, I think, in what will be a much discussed law journal article that Judge Kavanaugh was making. He didn't suggest that the law now prohibited a President from being indicted. He just said that there is a constitutional way to return a President to the status of a private citizen, and then the President will have all of the same vulnerabilities that a private citizen would have if 200 Members of Congress filed a lawsuit. There is a place in the Constitution that says what 200 Members of the Congress should do if they think the President should be removed. That place in the Constitution does not say you should harass the President all you can about everything you can whenever you can.

It is going to be an interesting debate for the American people. Once again, they are going to be reminded as to how important the courts are, as to the incredible impact of the appointing power and the nominating power to the Federal courts, and of the partnership responsibility and important impact that the U.S. Senate has.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I, along with the rest of the Senate, look

forward to going through the process with Brett Kavanaugh, who is an exceptionally qualified judge. He has been described as a judge of judges. He is one to whom judges look around the country to see what he has written and what his opinions have noted. In fact, historically, the Supreme Court has also looked to his opinions on the circuit court and has taken high notice of those and has quoted several of his opinions verbatim in Supreme Court opinions.

This person has had a lot of respect for what he has done and how he has done it in the process. I have enjoyed getting a chance to meet his family and to have been introduced to not only his personal faith but to his passion for people and his work with the homeless and other things that he has done for so many years.

This will be an interesting process. Over the next 2 months or so, this body should do as it has done before with Justice Gorsuch and Justice Sotomayor—about 66 days for both of them as we worked through their nomination processes until we actually got to the final votes.

We will see how this goes in the days ahead. I look forward to getting a chance to visit with Judge Kavanaugh in my office in the days ahead to ask him specific questions. I am reserving judgment on him until I have the opportunity to visit with him personally and to finish going through all the opinions he has written.

He seems like an exceptional candidate. I look forward to walking through this process judiciously.

IMMIGRATION

Mr. President, I did want to mention today, though—and to step back a little bit from the immigration conversation—there are a lot of issues with immigration that we deal with on a regular basis, but it is more conversation than it is solutions.

It has been my great frustration that we talk about H–2B visas, refugees in asylum, talk about overstaying visas, temporary protective status, illegal entry, quotas and diversity lottery, and families. We don't ever seem to resolve the issue. We talk about it.

The great frustration is, many of the issues we deal with right now on immigration are a direct result of Congress not fixing the issue. My encouragement to this body is to stop pointing the finger at the President and ask a very simple question: Why is there conversation about a zero tolerance policy and what does that really mean?

In its most simple form, I think we could agree that if someone illegally crosses the American border into the country, they should be stopped and at least asked: Who are you? Why are you here? Because in the last year, 1.1 million people became legal citizens of the United States. They made legal applications, worked through that process, received a green card, were evaluated with background checks, and became citizens of the United States.

Today, on the southern border between Mexico and the United States, there will be half a million legal crossings into the United States. The question is, for individuals who illegally cross the border, should we stop those individuals and ask: Who are you? What are you doing here? Why are you crossing into the country? Because not every person crossing into the country is just crossing for work that we would consider good work.

Today, U.S. Customs and Border Protection released an announcement that the officers referred a 38-year-old male for further inspection as he crossed into the United States. Following a positive alert from a K–9 unit, officers seized 21 pounds of cocaine from the vehicle's firewall. Not everyone who is entering the country is coming for a legal reason. Not everyone who is crossing our border is coming just to work. So the zero tolerance policy is really a question of should we stop individuals to evaluate someone who is illegally crossing the border—not one of the half a million people today who will legally cross the border? If you are one of the individuals not crossing the border legally, should we stop you, and should we prosecute you?

Previous administrations used what they called prosecutorial discretion. They have taken folks in, and they released them into the country until they determined who to prosecute and who to not prosecute. This administration has stepped up and said: Let's take a moment where we are going to prosecute everyone and try to slow down the process.

There has been a noticeable increase in something that a lot of people have not noticed, and that is the number of families coming across the border. Why would that be? It is not just individuals crossing the border as a family. It is individuals who are bringing children with them to cross the border because they have been treated differently over the past several years.

Over the first 5 months of this fiscal year, there has been a 315-percent increase in apprehensions of groups fraudulently claiming to be families. Let me run that past you again. This year, in the last 5 months, there has been a 315-percent increase in apprehensions of groups who fraudulently claim to be families—not a 315-percent increase in families. These are smugglers who bring a child with them because they know if you bring a child with you, then you are treated differently at the border. Historically, you have been released.

This administration has said to stop this. We are going to start prosecuting and try to figure out who is actually a family, who is not a family to figure out how to prosecute them because there has been such a dramatic change. The numbers are just increasing for family units that are coming.

Let me run some of the numbers past you. According to Customs and Border Patrol, there is a 407-percent increase in the number of family units detained in June 2018 compared to June 2017. In May, it was a 600-percent increase. In April, it was an 863-percent increase. We are seeing a dramatic shift in the number of units that are coming at us.

No matter your view on immigration reform, increases of this kind of magnitude should cause us to slow down and ask simple questions. Are the loopholes in our law and the prosecutorial discretion to release families to show up later for a hearing causing more individuals to pretend to be families or more families to come? I think it is causing more individuals to come who are coming not as a family unit but who are pretending to be a family unit, though we also have, obviously, family units that are coming as well.

A key issue we need to address is pretty straightforward. Of the 1 million-plus people who come here legally, should we have greater respect for those individuals who have gone through the legal process? I believe we should. In fact, I had a small townhall meeting in Lawton, OK, just last week. There were lots of questions about keeping families together. I am one of those individuals who says, as often as we possibly can, the default position should be keeping families together, but for those individuals who were at this meeting in Lawton, all the questions were about what are we doing about immigration. How are we handling this? How are we prosecuting this? Are we treating people humanely? Those are reasonable questions for us as Americans.

At the very end of the townhall meeting, one gentleman asked me: What about legal immigration? He asked it in a very specific way. Are there issues we should deal with, with that?

I followed up with him and asked: Why do you ask that?

The reason he asked that is because he is a legal immigrant. He went through the process and is in his final stages. In fact, just the week before, he had received his green card. He is a little frustrated with people who are treated differently—who came into the country illegally versus people who are actually doing it the right way.

It has been interesting to me to watch this whole movement about abolishing ICE and saying maybe we shouldn't have ICE enforcement at all—no immigration and customs enforcement at all. The entity was created after 9/11 because the 9/11 terrorists were individuals who came into the country, overstayed their visas, and they were not stopped. ICE was created to help us with our immigration enforcement because we had just been penetrated by a group of individuals who were terrorists and killed thousands of Americans.

After that was created in 2003, there is now this big movement, as if we have lost all we have learned since 2001. Now there is a whole group saying maybe we just need to abolish ICE entirely.

Let me run through a few things on that. Last year, ICE seized 2,370 pounds of fentanyl. That may not seem like a lot—just over a ton of fentanyl that they seized—but according to the DEA, 2 milligrams of fentanyl is a deadly amount to take in. Fentanyl is laced into heroin or into cocaine to dramatically increase the high, but if you have up to 2 milligrams of it, it is not going to increase your high. It will kill you.

The amount of fentanyl that ICE seized last year is a deadly dosage amount for just over 537 million people; 537 million people could have been killed with just the amount of fentanyl that ICE seized last year. On top of that, ICE agents seized almost 7,000 pounds of heroin, and a total of 1 million pounds of narcotics were seized just in 2017.

We also know that ICE freed 518 victims of human trafficking. They freed 904 children from child exploitation. They picked up 800 MS–13 gang members as an arrest, and almost 5,000 gang members were taken off the street just by ICE.

We hear a lot about ICE raids, as if ICE is wandering around neighborhoods looking to pick people up. I would like to remind folks, the majority of what ICE does is detain individuals at the border. In fact, last year, ICE agents removed 62,913 more people who were detained at the border than arrested in the United States.

ICE agents are law enforcement. They are enforcing the law of our country. It is quite remarkable to me to hear some people, even in this Chamber, discuss with seriousness abolishing Federal law enforcement that is taking human traffickers off the street, has taken gang members off the street, that is taking legal doses of fentanyl off the street, and taking tons of narcotics off the street. Why don't we show them some respect?

If there are things that need to be done to reform it, the ICE agents would be the first ones to step up to this body and say: Here are some ideas and things that can be done to reform it. Abolishing ICE is a ticket to lawlessness in our country.

As a reminder, the President asked Congress 21 days ago to enact legislation that would allow families to stay together. This Congress has failed to act on that at all. As we all know, over the course of 1 month, roughly 2,000 children were separated from their parents and placed in HHS custody while the parents were referred to the Department of Justice for prosecution. A great deal of attention, rightly so, has been focused on HHS to ensure that those children are reunited with those parents, especially those children under age 5. To do this, HHS has to first verify that adult is actually the parent of that child. As I mentioned before, just in the first 5 months of this fiscal year, there was a 315-percent increase of family units coming in that pretended to be family units but are really not family units.

I heard a lot of criticism saying put that adult back with that child again. This should be easy, but it is not that simple. Many of those adults who came with that child are really not their parent. They were using them as a vehicle to get easy access into the country.

What does that really look like? Well, let me give you a couple ideas on this. As we talk through the different numbers that are related to some of these children and how many of these children were connected or not connected with the adults who were with them, let me give you a few of these stats: Of those children who are 4 and under, 14 of those are not eligible for reunification because their parents have major issues—or those individuals claiming to be their parents.

Let's just talk about the people who are parents whom we know are parents. Eight of those parents had serious criminal history discovered when they did the background check, including child cruelty, narcotics, and human trafficking. One had a warrant for murder and robbery. So as Americans, we are not reconnecting those eight. Five adults were found not to be the parent of the accompanying child at all. These were of the children 4 and under. One of those individuals faced incredible evidence of child abuse in the process. We are not reconnecting those.

I hear a lot in the news of individuals saying every one of those folks needs to be reconnected as fast as possible. I hear a lot of criticism, saying they are doing DNA testing of these individuals. They are trying to figure out if that adult is really the parent of that child or has that adult picked up a child somewhere through Mexico or Central America to use them as a tool to try to get into the United States? I only wish that wasn't happening. It is.

Reconnecting families is a major priority. I said before, and would say it again, our default position should be keeping families together, but part of our struggle is determining who are the actual families we can keep together and who are individuals who could very well do that child harm?

So let's do this: Let's keep the attention on the reunification of families. Let's continue to ask very fair and reasonable questions of the administration as they are reconnecting these families. But let's also make sure this Congress actually acts on the issues that need to be addressed on immigration.

Twenty-one days ago, there was a request in this body to deal with the issue of family reunification. It still has not been acted on.

In February of this year, this body had a vote on dealing with what is called the Flores settlement. That is what causes the separation of these families. It is a settlement that goes all the way back to 1997. Every single administration since 1997 has struggled with the Flores settlement because the Flores settlement says that if you arrest a family illegally entering the country, the children of that family can be detained for only 20 days. That sounds reasonable, except that, on average, it takes 35 days just to have a hearing. So since that settlement all the way back in 1997, every administration has said: I either have to separate families, or I have to release those families into the country and hope they show up for a court hearing at a future date.

By the way, we called and checked on some of the future court dates. If you are in line to get a court date—if you are released into the country and told to come in for a court date—the longest period of time that you will wait, depending on the region you are headed to, is 4 years and 2 months from now. That is the next available date. So as a family unit, you are released into the country for 4 years, and then we hope you show up for your court date 4 years from now.

This body knows all these numbers, and we have not acted to solve the problem. We need to address these issues. We need to be a country that continues to be open to legal immigration. We need to be a country that is open to workers—even workers who cross the border on both sides, north and south. We need to be a nation that deals with things like H–2B visas and asylum and refugees. We need to continue to keep the promise that we are a nation built on a set of values and the American dream that says: If you want to come and live under the law and live in a land of freedom, where you can become anything you want to become, you are welcome to be here if you come legally.

We need to be that Nation, but we also need to not just ignore illegal immigration and assume there aren't real problems with gang violence, the movement of drugs, human trafficking, and child-trafficking, because they are real. Is it every family who comes across? Absolutely not. But are you OK with it happening at all? What if it is 1 in 10 who is child-trafficking or drug-smuggling? Is that an acceptable number, or should we know the people who are crossing the border and know the issues that are there?

We can do better than this. Let's solve this. Let's keep the debate going, and let's actually resolve this in the days ahead.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF BRETT KAVANAUGH

Mrs. GILLIBRAND. Mr. President, I rise to speak in opposition to President Trump's nominee to the Supreme Court, Judge Brett Kavanaugh.

In my home State of New York, more than 8 million people have health problems. That is almost half my State. They are living with diabetes. They have had treatment for cancer. They have a childhood disease.

Before the Affordable Care Act became law, if you had a health problem and you needed to see a doctor, health insurance companies were allowed to make you pay much more. The health insurance companies were allowed to turn you away. They were allowed to tell you ''Sorry, you are not profitable for us because you are sick,'' and they did it many times. Let's not forget that included women who were pregnant.

But they can't tell them that anymore because of the Affordable Care Act. The Affordable Care Act made that simple statement illegal.

Now insurance companies must cover you if you are sick. They must cover you if you have had a health problem in the past. And millions of Americans are better off now because of that fact.

So what does this have to do with the Supreme Court? President Trump has made it clear that one of his biggest goals as President is to destroy the Affordable Care Act. He has already tried hard to get Congress to repeal the law, and luckily for us, he failed. He failed because people don't want their health insurance taken away from them. It is really that simple.

Millions of Americans raised their voices and told Congress that if the Affordable Care Act were repealed, they would lose their insurance, and that would be devastating for them and their families. And Congress listened to them.

But now there is a new challenge to the law in Federal court, and the Trump administration is refusing to defend the Affordable Care Act.

When this case makes it to the Supreme Court in a few more years, then the next Supreme Court Justice could be the deciding vote on whether the Affordable Care Act is overturned. That means the next Supreme Court Justice could have the power to decide that insurance companies don't have to cover patients anymore if they have a health problem. He could have the power to decide that insurance companies don't have to cover you or your child anymore if your child is sick.

Healthcare costs in my State have already skyrocketed because of the fact that the Trump administration has attacked this law over and over again. But repealing the law would be absolutely devastating to so many families. More than 8 million New Yorkers could lose their health insurance or pay more for their coverage. So would millions more all across the country. I am very concerned that is exactly what Judge Kavanaugh would do if he were given this opportunity.

Just look at his record. When Judge Kavanaugh had a case before him that was attacking another part of the Affordable Care Act, he dissented in the case, and he said that even though the Affordable Care Act requires employers to cover birth control medicines for their workers, they shouldn't have to do it if they don't want to. He even took it so far as to say that if the President doesn't like a law—if the President doesn't like a law—then the President could ignore the law and ignore the courts.

Listen to this one opinion. This will interest the Presiding Officer, I am sure. Tell me if you think this is sound judicial judgment. He wrote: ''Under the Constitution, the President may decline to enforce a statute that regulates private individuals when the President deems the statute unconstitutional, even if a court has held or would hold the statute constitutional.''

Anyone with the most basic understanding of how the constitutional system of government works in this country knows that this is not what our Founding Fathers intended.

If this judge is confirmed, then there is a dangerously high likelihood that he will strike down the Affordable Care Act.

We must not go back to the days when an insurance company could charge a person more just because they have health problems. We cannot go back to the days when an insurance company could say no to a patient because they could say: You are just not going to make us enough money.

We must listen to our constituents—listen to the millions of men, women, and children all across this country who need access to basic healthcare, and they cannot afford to lose their insurance.

We must reject this nominee.

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

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

RESERVOIR PROJECT IN FLORIDA

Mr. NELSON. Mr. President, I received very good news for Florida this morning. The Army Corps of Engineers has signed off on a long-awaited report that will allow Congress to authorize a new reservoir project south of Lake Okeechobee in the upcoming Water Resources Development Act—what we refer to as the water bill. Many of us in Florida have been pushing the Army Corps and the Trump administration to approve this project for months and months.

Last week I was in the area of Lake Okeechobee visiting with folks affected by the algae blooms on the west coast over in Fort Myers on the Caloosahatchee River and on the east coast in Stuart on the St. Lucie River. They are facing a problem that seems to repeat itself almost every year.

The heat of summer and the excess nutrients in the water—put those together, and you get the algae blooms that suck the oxygen out of the river, making it a dead river because there is not enough oxygen in the water for the fish. There was a similarly bad algae bloom back in 2016, in 2013, and many times in years past.

The pollution in Lake Okeechobee created a toxic brew of a blue-green algae that blooms and that at one point this summer covered 90 percent of Lake Okeechobee. Because the lake has risen to a 14½-foot level, the Army Corps will most likely have to resume releasing water to the east in the St. Lucie and to the west in the Caloosahatchee because of the pressure on the dike around Lake Okeechobee. Thus, here we go again—more nutrient-laden water flowing into these waterways in the heat of summer, and then the algae blooms just keep going and going.

There is one of many projects that can help, which is definitely a step in the right direction. The reservoir project that the Army Corps approved today is so critical because once it is constructed, it will provide storage so that the Corps doesn't have to discharge as much water to the east and to the west. When you combine that with the fact that just last week, the Army Corps, through the White House budget office, let us know they have approved the funds to strengthen the dike and accelerate its construction—the combination of these kinds of things is going to help, so that the Army Corps of Engineers doesn't have to release that nutrient-rich water, which will cause the algae blooms.

This reservoir to the south of the lake will include water treatment features so that the water can be cleaned as well as stored before it is sent farther south in the long journey that Mother Nature intended—sending that water in a slow, gravity-drained, southward flow through the river of grass otherwise known as the Florida Everglades. Many of us were cheering the news today that this project will be ready for inclusion in the water bill, which the Senate will be taking up perhaps next week. It was interesting timing to get the Corps of Engineers' report so that we could get this project in as a part of the overall Everglades restoration project.

REMEMBERING NATHANIEL REED

Unfortunately, Mr. President, we received the very somber, sad news this afternoon that one of our great Everglades restoration advocates, Nathaniel Reed, has passed away. Nat Reed leaves behind a long legacy as an environmental champion.

Nat served as environmental adviser to Governor Claude Kirk beginning in 1967. In 1971, he became Assistant Secretary of the Interior for Fish, Wildlife and National Parks under President Nixon and stayed in that position through the Gerald Ford Presidency. Nat returned to Florida in 1977 and continued his career in public service by working under seven different Governors in various capacities, including

chairman of the Commission on Florida's Environmental Future, which was instrumental in the land acquisition projects that we now know as Everglades restoration. He also served as a board member for the National Audubon Society, the Nature Conservancy, the National Parks Conservation Association, and the Natural Resources Defense Council, as well as the National Geographic Society.

One of Nat Reed's most passionate projects was to expedite construction of this reservoir south of Lake Okeechobee—the project the Army Corps approved today. I had spoken to Nat numerous times about this important project and about our shared goal of restoring the Everglades.

We have lost a real environmental champion who was bipartisan in his approach. I mentioned that he served seven Governors. It didn't make any difference whether the Governor was a Republican or a Democrat—Nat was about restoring as much of Mother Nature as possible back to its functioning self.

Mr. President, I ask unanimous consent to have printed in the RECORD a column written by Nat in 2012 that lays out the history of the Everglades' environmental problems and how we can fix them.

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

[From TC Palm, Nov. 25, 2012]

NATHANIEL REED: DON'T BLAME THE ARMY CORPS OF ENGINEERS FOR OKEECHOBEE, EVERGLADES WOES

Until a few weeks ago, billions of gallons of polluted water was flowing into the St. Lucie River, the Indian River and the Caloosahatchee Estuary from Lake Okeechobee.

The environmental damage is massive. After four years of drought and no large releases of excess water from Lake Okeechobee, the near record rainy season again has quickly filled the lake. Every time there is a wet tropical storm or series of hurricanes such as those that hit Florida in 2004–05, the lake rapidly rises 3–4 feet within days, threatening the Hoover Dike and the communities south of the lake.

The Corps has no options. It must reduce the water level in Lake Okeechobee in case of a potential wet hurricane, common in even October like Hurricanes Wilma and Isaac.

Before we collectively blame the Corps for the incredible damage that is being inflicted on our once productive waters, especially the remarkable recovery of seagrasses and inland fisheries since the Okeechobee flood gates were last opened in 2010, we collectively need a short history lesson and then a firm guide on how to stop these all too frequent environmental outrages.

The great Everglades ecosystem has been brutalized by a number of thoughtless decisions.

The private construction of Tamiami Trail by the Collier family to open up Naples to east coast tourists in the 1915–20's formed a dike preventing natural water flow from the northern Everglades marshes into what have become Everglades National Park and the great fishery of Florida Bay.

Although there are gated discharge structures and culverts under Tamiami Trail, they allow a fraction of the excess rain water to flow south as the everglades system once functioned. Water is backed up throughout the Florida Everglades known as water conservation areas.

Overly high water is inundating the unique ''Tree Islands,'' a major feature of the everglades system which provides essential habitat for deer and other mammals indigenous to the Everglades during times of excessive rain water. The Tree Islands also are ''sacred sites'' for the Miccosukee Native Americans.

Before the 1928 great hurricane that destroyed the small dike that then surrounded much of Lake Okeechobee, small farming communities grew around the south side of the lake. Winter vegetables were the main crop, but thousands of acres were devoted to raising cattle on the lush grass that the muck fields provided. U.S. Sugar grew a total of 50,000-plus acres of sugar cane. Their main profit was made from the sale of some of the finest Brahma cattle raised in the world for warm weather cattle ranches in Cuba, Central America and South America. The King Ranch had a similar operation for their famous crossbred cattle.

The low dike failed during a 1926 hurricane, and once again in 1928, drowning 3,000 people. President Herbert Hoover requested the Congress to pass legislation authorizing the construction of a high dike around Lake Okeechobee.

When there were long, wet summer rain seasons and fall hurricanes in the 1940s, excess water flowed through the Everglades and even over Tamiami Trail into what is now the Everglades National Park. The Corps of Engineers studied the average size of Lake Okeechobee and designed a dike to surround it. The dike was made from local sand and gravel. The Corps then made a fateful engineering decision to cut off the natural flow-way from Lake Okeechobee to the downstream Everglades and dump it more ''efficiently'' to the east and west estuaries.

Perhaps the nearly 700,000 acres now known as the Everglades Agricultural Area of rich organic soils—the byproduct of centuries of dying marsh grasses—was the incentive, but this error in judgment has created a conflict that will continue until sufficient land is acquired to restore a flow-way from Lake Okeechobee to the northern Florida Everglades and is then allowed to flow south and under Tamiami Trail into Everglades National Park.

The decision by the power brokers to persuade the then-governor of Florida and the congressional delegation to dredge the Kissimmee River to allow drainage in the headwaters of Lake Okeechobee was an ecological disaster. Thousands of acres of wetlands that served as storage for Lake Okeechobee and slowed down rain-driven floods moving south into the Kissimmee chain of lakes allowed developers to sell real estate around those lakes, guaranteeing an unnatural low water level. The Kissimmee chain of lakes during high rainfall periods used to hold billions of gallons of water that was slowly released down the Kissimmee into Lake Okeechobee naturally. The wetland marshes flanking the Kissimmee's two-mile-wide flood plain were wildlife treasures that were drained and turned into cattle pastures when the project was completed. Excessive rainwater then flowed at unnatural speed into the lake, raising it to dangerous levels and carrying a pollution-filled muck that now covers half the lake's bottom.

The Caloosahatchee River first was connected to Lake Okeechobee by Hamilton Disston, one of Florida's pioneer speculators who envisioned steamboats moving up from Ft. Myers and then the Kissimmee River to pick up winter crops and bring their loads back to Ft. Myers for shipment north.

After about 10 years, the St. Lucie Canal was completed in 1926 to provide easy access from the lake to Stuart, where ships would carry vegetables and fruit to the upper east coast and provide access for the east to the west coast for pleasure boats.

It did not take any length of time for the Corps to realize that an overflowing Lake Okeechobee threatened the ''suspect construction'' of the Hoover Dike and that the two outlets—the St. Lucie Canal and the Caloosahatchee River—would serve as escape valves whenever there was excessive rainfall and a rising lake that could threaten the integrity of the Hoover Dike, especially on the south side, where farming communities had grown in size. With the connection to the Everglades now severed, the present day colonel of the Corps of Engineers and his staff have no options other than releasing billions of gallons of water that is polluted from years of agricultural back-pumping from the Everglades Agricultural Area and now large amounts of nutrients flowing down the Kissimmee and the other headwaters of the lake.

During his tenure, Gov. Bob Graham announced in the early 1980s a major effort to restore the Everglades system. Each successive governor has made a contribution toward that goal. The state has spent $1.8 billion acquiring land to clean up the excess water flowing from the 500,000 acres of sugar cane—a crop that enjoys a federal taxpayer guaranteed price. The amount of cane sugar that is permitted to be imported into the United States is controlled by the sugar cartel to guarantee them maximum profit. Their leadership is unrelenting in its efforts to produce maximum profits at the Everglades' expense.

Unless excessive Lake Okeechobee water is cleansed through a vast series of pollution-control artificial marsh systems built principally by the taxpayers of the 16 counties of South Florida for the sugar cane and winter crop growers, drainage cannot be allowed to flow into the Everglades, as it will change the botanical makeup of the River of Grass within months.

So where are we?

Before the flow way and the pollution control marshes are built and are operational, additional storage—both upstream in the lake's headwaters and within the Everglades Agricultural Area—must be acquired, and a number of other priorities must be addressed.

First, Tamiami Trail must be modified to allow massive amounts of water to flow southward into the park. A one-mile bridge and limited road raising are currently under construction. While this is a very positive first step, more needs to done! The trail needs more bridges and road raising (up to another 2 feet) so that it is protected when the Everglades and the lake are once again connected.

Additionally, the southeast corner of the vast Everglades system known as Water Conservation Area 3B has a vital role in delivering Okeechobee and Florida Everglades' excess water to flow under the proposed five-mile bridge. The Corps admits that when the eastern dike of Water Conservation Area 3B was constructed, it did not consider leakage to be a potential problem, as no one farmed or lived near the dike. Now, there are hundreds of acres of fruit trees and thousands of homes that could be impacted if the dike allowed significant seepage.

This problem must be solved before excess water can be released into Everglades National Park, relieving the entire system of too much water which forces the discharges of billions of gallons of water down the Caloosahatchee and St. Lucie rivers.

We also have some local problems that must be faced with private drainage systems

that drain millions of gallons of excess water into the St. Lucie River. Canals C–23, 24 and 25 were built at the urging of the Martin and St. Lucie County citrus growers and developers, who wanted their lands drained at public expense. Together with the C–44 and the St. Lucie Canal, more than 498,000 acres drain through canals into the estuary and lagoon.

These decisions have all combined to seriously add damaging amounts of polluted runoff into the St. Lucie and Indian rivers. There are plans to complete a pair of reservoirs? one on the St Lucie, the other on the Caloosahatchee? to capture local runoff, hold it and clean it before slowly releasing it to flow into the two estuaries.

What is the hope for the two rivers that are being used as drainage escape routes?

The federal and state governments must pay for the cost of modifications of the eastern dike of Water Conservation 3B to prevent seepage.

The Federal government should use fuel tax revenue to raise Tamiami Trail and build additional bridges to allow water to flow into ENP.

The state of Florida must acquire significant amounts of additional land both north and south of the lake or, at minimum, enforceable easements to contain excessive water until it can be leaked slowly down to the lake from the north and south through a flow-way into the Everglades system.

The gross pollution of Lake Okeechobee must become a state priority. Recent phosphorus loads to Lake Okeechobee have been in the 500-ton range, more than three times the goal of 140 tons. Today, estimates are that so much phosphorus has already been spread in the watershed to keep these heavy loads coming for decades. Today, nutrients from the EAA are less than 5 percent of the total into Lake Okeechobee. More than 90 percent is from the northern Lake Okeechobee watersheds. The failure to control phosphorus runoff is shared by the Florida Department of Agriculture and the Department of Environmental Regulation.

Agricultural and water utility interests must accept the fact that Lake Okeechobee's level must be held below 16 feet and that 'back pumping' polluted water from the EAA even in times of drought must not be permitted. Lake Okeechobee cannot continue to be considered a sewer.

Additional lands within the vast EAA must be acquired by the state and the South Florida Water Management District to construct major additional storage capacity and pollution control marshes that will dramatically reduce the nutrients flowing off the sugar cane plantations into the Everglades system.

The sugar cane plantations should be forced to control and treat the thousands of gallons of polluted water on their land before they discharge it into the waters of the state. They should pay a far greater share for cleaning up their wastes for the needed additional pollution control marshes.

These are tall orders, but think for a moment before we continue to rail against the Corps' decision to lower Lake Okeechobee to protect the integrity of the Hoover Dike.

Everything on my ''must do'' list represents one week of the Afghanistan War expenses.

Everything on my wish list is obtainable.

Our congressional delegation has significant power in Congress. Our governor and Florida commissioner of agriculture are very persuasive with our legislature, even in times of recession.

Despite the need to reduce the incredible national deficit, don't you think manmade disasters like what is threatening our rivers and the Everglades ecosystem are worthy of national and state investments?

Mr. NELSON. Nat recommended focusing on projects like bridging the Tamiami Trail, which is U.S. 41—virtually a dike across the southern peninsula of Florida. It is now being bridged, first with a mile-long bridge, and now—under construction—with a 2½-mile bridge so the water can flow under the road into the water-starved Everglades National Park.

He recommended focusing on projects like restoring the Kissimmee River to its natural meandering state. Half a century ago, when all the emphasis was on flood control, getting the water off the land, they took this meandering stream called the Kissimmee River that cleansed the water as it oozed south in all of the marsh grasses, and what did they do? They dug a straight ditch. Nat was one of the leaders in advocating restoring the river to its natural meandering state so that by the time the water gets to Lake Okeechobee, it will have been cleaned up by natural processes.

Both of those projects—Tamiami Trail and the Kissimmee River—are now well underway, and we are already seeing the benefits to the environment and to the wildlife.

Nat also wrote about the importance of water storage and treatment projects both north and south of the lake—a refrain this Senator often repeats as well. That is why I not only respect and appreciate so much what Nat contributed to our country and to our State but also loved him as a friend. His untimely death today in an accident in Canada is a huge loss. Nat and I had been so focused on advancing this new reservoir project south of Lake Okeechobee. It saddens me so much to announce this good news at the same time that I announce the death of one of the Nation's true environmental champions. In the years to come, as we go about actually constructing that reservoir, it would be a fitting tribute to name that project in Nat Reed's honor. All we can do is try to continue his life's work protecting Florida's unique environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I spoke before the Fourth of July recess about two financial risks that are coming our way thanks to not getting anything done on climate change.

One, of course, is the risk to coastal properties—not something the Presiding Officer has to worry too much about given his home State but something that Rhode Island, the Ocean State, has to care a lot about and that the distinguished Senator from Florida and his constituents have to care a lot about.

There is a point where rising sea levels intrude on the saleability, the mortgageability, and the insurability of houses. None other than Freddie Mac, the huge Federal housing corporation, is predicting that there will be a coastal property meltdown.

The other risk is that of a carbon bubble. There is a lot of talk in the economic literature about a carbon bubble. One recent financial study reports that ''the potential effects of a carbon bubble on financial stability have been recently discussed in the academic literature and are increasingly on the agenda of [bank] regulators and supervisors.'' Indeed, in an official statement, the Bank of England has warned that ''investments in fossil fuels and related technologies . . . may take a huge hit.'' That huge hit is the other side of a carbon bubble: It pops, and you have a crash. So let's look at the prospects for not just a carbon bubble but a carbon crash.

There are several elements in the runup to a crash. Some of these we witnessed in the crash of the housing bubble back in 2008. When these conditions exist, we should take warning.

One condition is whether you can trust the players. In the housing crash, the rating agencies were in bed with the banks, and you couldn't trust their risk evaluations. The whole thing was cooked. The big fees the rating agencies were taking also took their eye off the ball, and they gave wildly erroneous ratings to high-risk investments. So at the heart of the 2018 housing crash was a failure of trustworthiness.

Can we trust the fossil fuel industry any better than those rating agencies? There is no reason to think so, and there is plenty of reason to think not. This is an industry that has been lying about fossil fuel's effect on our climate for decades, and once you get used to lying about one thing, it is hard to contain the spread of the rot. Exxon even once gave its CEO the infamous, phony Oregon Petition, which urged the United States to reject the Kyoto Protocol, to cite to shareholders at an annual meeting.

I have spoken before about what I consider to be the untrustworthiness of Exxon's response to the BlackRock shareholder resolution, which required Exxon to report the predicted effect of climate policies on Exxon's business model. As fossil fuels are priced out of the market by renewable energy and as nations enact carbon emissions restrictions, fossil fuel reserves now claimed as assets by energy companies may become undevelopable stranded assets.

In a nutshell, Exxon seems to have wildly—indeed, so wildly, you can only conclude deliberately—overestimated the adoption of carbon capture utilization and storage, wildly underestimated the adoption of electric vehicles, and wildly underestimated renewable energy growth, all to reach its rosy conclusions that its assets were more or less secure.

On the subject of trustworthiness, right now big oil companies are still being untrustworthy, telling the world they want a price on carbon, while at the same time telling their political fixers in Congress to kill any such thing. Who knows how much they push around their analysts and others who

are curious about a carbon bubble. What we know is that trusting this industry is asking a lot. That is condition one for a bubble in a crash—untrustworthy actors.

Condition two is market failure. Markets usually correct and have a smoothing effect. If there is market failure, markets can go off course until the correction comes, and then the correction is so immediate and so big that it amounts to a crash. There is market failure in fossil fuel that props up this bubble. Indeed, there are several. The biggest is that the fossil fuel industry rides on what the IMF calculates is a global multitrillion-dollar annual subsidy: $700 billion in subsidy every year in the United States alone, says the International Monetary Fund. That subsidy massively warps the operation of the market.

There is also what appears to be a methodological issue. The oil industry is ordinarily measured financially by net asset value analysis. As one paper noted, this is an ''industry valuation methodology [that] assumes full extraction of fossil fuel reserves.'' A methodology that assumes full extraction of fossil fuel reserves becomes a problem when the question is whether extraction of those reserves is even possible.

There is also what I would call a ''massiveness factor'' at work here. Lehman Brothers and Bear Stearns were so massive that it was hard to imagine them vanishing, but they did. The market value of fossil fuel reserves that can't be burned is around $20 trillion, according to the World Bank. That is such a big wipeout that it is hard to comprehend, let alone anticipate. People wait until tomorrow. Then, the tomorrows pile up into a bubble, and then the crash comes when the first person panics and everybody runs.

One other market failure is actually how the crooked political pressure of this industry is causing us not to focus on the 2-degree Celsius ceiling that scientists warn us about for global warming, or, actually, safer yet is the 1.5-degree Celsius ceiling, which burning existing reserves will blow us through. We cannot have both a safe planet and full extraction, and the fossil fuel industry is choosing extraction.

That political castle of climate denial will fall sooner or later. It is false. Not only is condition one met—untrustworthy players—but condition two is met: There is a massive, multiple market failure in fossil fuel awaiting correction, which brings us to condition three: The energy market is undermining fossil fuels as a technology.

We are reaching a tipping point. Here is Lazard's cost curve for onshore wind energy. It shows, over 8 years, a 67-percent decrease in cost. This line shows the cost of wind energy steadily declining from 2009 until 2017.

At the same time these wind costs were dramatically declining, utility-scale solar costs and rooftop solar costs also declined dramatically. This line represents rooftop solar costs. This line below it represents utility-scale solar costs. Again, there was a percentage decrease of 86 percent.

New solar and wind energy projects are already becoming more economical than existing coal plants, as we just saw in Colorado. New solar and wind projects now compete on price with new natural gas plants, as a recent auction in Arizona showed.

The cost trajectory for renewables continues steeply downward. When you compare U.S. wind and solar to other energy sources, you see the trend is clear, and here is the result. On cost, the lowest cost providers are onshore wind and utility-scale solar. More expensive than them is natural gas. More expensive is coal. More expensive still is nuclear. That is not counting the subsidy. That is apparent price.

This same trend is also happening globally. This graphic is prepared by the World Economic Forum, and it shows the same thing for renewables. In particular, here is the rapidly declining cost of solar photovoltaic. Here is the cost of coal, and here, right now, they cross over. We are at the tipping point, where it is cheaper worldwide to develop solar and wind than it is to burn coal.

Stanford economist Tony Seba studies economic disruptions, and he likes to see these two photographs. It will be hard to see from where you are. This is Fifth Avenue in New York City in 1900. If you look at the photograph, you can see that every vehicle there is drawn by a horse. In 1900, every vehicle was drawn by a horse. If you look very closely, it appears there is one leading-edge, non-horse-drawn vehicle. The whole street is filled with horse-drawn carriages and wagons in 1900. Thirteen years later, on Fifth Avenue in New York City, every single vehicle in that street is now an automobile. In only 13 years, there was a complete transition in transportation. If you were a harness maker, this was a tough transition for you. In just 13 years, the world changed, illustrating the point that major economic disruptions can take place fast. Think land lines and cell phones, if you want a modern example.

People still ride horses, and they probably always will, but our transportation sector shifted rapidly from horse-drawn conveyance to automobiles because horse-drawn conveyance was an antiquated technology that got left behind. People still have landlines. I have one at home. We hardly ever use it. The communications industry shifted rapidly, as antiquated landline technology got left behind.

As the energy market shifts to cleaner, cheaper, more efficient renewable technologies, fossil fuels soon will not compete in the marketplace. There is our third condition: not just untrustworthy players, not just market distortion, but also a technological tipping point making the fossil fuel technology obsolete.

There is a fourth condition. This fourth condition basically puts an accelerator on condition three in certain sectors of the energy market. Condition four is based on the fact that the marginal cost of production of a unit of fossil fuel energy varies considerably. Some fuels are low cost and high cost to produce. Some geographical locations are low cost and high cost locations. In this variance, coal is pretty much dead already at the hands of oil and gas, purely because of cost. We can set coal aside for a moment.

In the world's oil markets, much of this cost of production variant is masked right now by energy cartels that prop up the price of oil. Cartel behavior to prop up the price of your product makes economic sense if you can maintain monopoly pressure to prop up the price, but it also only makes sense for the cartel participants if you can anticipate that you can sell your product out into the future. You hold back your output to drive up price and to maximize your return in the hopes that in the future you will be able to keep doing the same thing and you will be able to sell your product.

If you are not sure that there will be another day to sell your product at the propped-up price, you start to get anxious about your product becoming stranded and about your product becoming valueless. At that point, it doesn't make sense to engage in cartel behavior. What makes sense is to maximize your output and to sell as much as you can while your commodity still has value—basically, to have a fire sale.

Low-cost fossil fuel energy producers would be rational to drop their prices and maximize their market-share, fire-sale pricing while their fossil fuel still has value. Get the dammed stuff out the door while you still can. That behavior—dropping the cost, pricing at your marginal cost of production, and selling as much of your product as you can—will fend off the inevitable for low-cost producers for a while. However, for those producers that can't match that fire-sale price, the downward trajectory of their crash steepens catastrophically. As soon as you can't produce not at the cartel price but at the lowered fire-sale price—as soon as you cannot meet that price—you are out of business. There still is a fossil fuel market. You are just not in it. The bad news for the United States is that this is where much of our market is. Economists looking at this carbon bubble mess warn that high-cost regions like the United States could ''lose almost their entire oil and gas industry.'' Let me quote that again: ''lose almost their entire oil and gas industry.''

To recap about a fossil fuel ''carbon bubble,'' the players aren't trustworthy; the fossil fuel markets aren't efficient in the economic sense; fossil fuels as a technology are now tipping into being obsolete, priced out by renewables; and our U.S. industry is particularly vulnerable to an accelerated market meltdown when the tide shifts.

Those four conditions don't make a great scenario. That is a warning we need to start considering. What should we do?

Everyone seems to agree on two safety measures. First, there is one sensible hedge: Don't invest all in fossil fuel. Invest more in renewables. Be on the winning side of the shift. Start making carburetors, not just a mule harness. There is also one important, sensible economic strategy; that is, to manage the transition.

As one paper on this subject concluded, ''The issue of concern is the lack of any transitional strategy. . . . Inadequate, conflicting or slow responses to climate change in investment and finance can entail risks that could be avoided under a more orderly transition.''

You could equate it to jumping out of an airplane. You are going to end up on the ground anyway. Wouldn't you like a parachute to make it a gentler and more survivable voyage? What is the parachute but a transition plan for managing this shift? The best one is a price on carbon.

This takes us back to the discreditable conduct of the fossil fuel industry, which, far from leading through this transition, far from trying to build itself a parachute, is busily still trying to deny that there is any such transition, including, in my view, their falsely reporting to shareholders that this is all going to be OK, and we are going to be able to extract and sell all of our reserves. This is an industry that is still fighting like a wounded bear to prevent anyone from organizing the orderly transition they need.

At some point, there has to be a grownup in the room. The fossil fuel industry has shown no capacity for that role, which makes it up to us in Congress to help America prepare for both the predicted crash in coastal property values, as sea level begins to enter the mortgage and insurance horizon for those properties, and the predicted carbon bubble we see coming and that economists write about coming that we can manage our way through if we are responsible. In that regard, it is time for us to wake up.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

NOMINAION OF BRETT KAVANAUGH

Ms. HIRONO. Mr. President, there was a time when Blacks and Whites couldn't get married or go to the same school. The Supreme Court changed that. There was a time when gay people could be arrested for loving one another and when it was illegal for them to get married. The Supreme Court changed that. There was a time when thousands of women died from having illegal, unsafe abortions. The Supreme Court changed that.

The Justices on the Supreme Court matter to each and every one of our lives. That is why there is so much concern over President Trump's nominee to fill the vacancy on the Supreme Court—Judge Brett Kavanaugh.

Rightwing groups, like the Heritage Foundation and the Federalist Society, have been working for decades to set the stage to pack our Federal courts with ideologically driven conservatives. They have invested millions of dollars and decades of time in this effort. These two organizations have played the primary role in vetting and selecting Donald Trump's nominees to the Supreme Court. By including Judge Kavanaugh on their list of potential nominees, these two organizations certainly expect that he will reflect their own ideological perspectives, which include overturning Roe v. Wade and repealing the Affordable Care Act, the ACA. They certainly expected Neil Gorsuch—another name on their list—to do the same when he got on the Supreme Court. In the short time he has been on the Court, Justice Gorsuch has not disappointed them.

Is it any wonder that millions of people across the country are raising concerns over the nomination of yet another nominee on the Federalist Society and Heritage Foundation's wish list? Isn't it reasonable to conclude that Judge Kavanaugh will also reflect the ideological agendas of these organizations?

This is why Judge Kavanaugh does not deserve the benefit of the doubt. He has the exceptionally high burden of proof to assure the American people he can be fair and objective. The Senate has a constitutional obligation that is equal to the President's to vet a President's nominee to the Supreme Court and fulfill its advice and consent obligation responsibilities. I take this responsibility seriously because a fight for the future of the Supreme Court will have ramifications for so many issues that we care about.

Our Federal courts have been at the center of the Republican Party's strategy to dismantle, gut, and weaken the Affordable Care Act, the ACA, since it was passed over 8 years ago. The Supreme Court narrowly upheld the constitutionality of the ACA's core provisions in 2012. The ACA provides affordable, accessible health insurance to millions of people in our country who would otherwise not have such insurance. But the Republican Party's effort to sabotage this critically important law through the courts continues unabated.

Right now, Texas and 19 other States have a lawsuit pending in Federal court that claims, among other things, that the Affordable Care Act's protections for Americans living with preexisting conditions—illnesses such as diabetes, asthma, and cancer—are invalid. The Trump administration filed a brief supporting Texas in its attack on the ACA's protections for millions of people in our country with preexisting conditions. This case will likely end up before the Supreme Court. If Texas wins its lawsuit, the healthcare of millions of Americans will be at stake—meaning one in four Americans could either lose their health coverage or pay exponentially more for healthcare.

The outcome of this case is personal to millions of Americans and their families, and it is certainly personal to me. A little over 1 year ago, I was diagnosed with kidney cancer. I was fortunate. I have health insurance that allows me to focus on fighting my illness rather than worrying about how I will pay for my treatment. I now join the millions of Americans living with a preexisting condition—illnesses that don't discriminate on the basis of age, gender, or political ideology.

As this case makes its way to the Supreme Court, the American people should not forget that Donald Trump and this administration have been openly hostile to the ACA, a law that has helped millions of people. In fact, the President has openly bragged about all the things he has done to gut the ACA. Does the President expect his nominee, Judge Kavanaugh, to protect the ACA? I don't think so—quite the opposite.

The next Supreme Court Justice will also play a determining role in the future of a woman's right to make her own reproductive health decisions. I remember vividly the stories of women dying in America, unable to access safe, legal abortions. The fight for reproductive freedom, prompted by these stories, was one of the reasons I got involved in politics.

When I was in college, the first letter I ever wrote to Hawaii's congressional delegation was about abortion at a time when our State legislature was debating whether to legalize abortion. Hawaii became the first State in the country to do so. Those of us who lived in a time before Roe v. Wade, when a woman was forced to have a child against her will, are deeply concerned about the future of a woman's right to have an abortion, to have that freedom of choice.

Throughout his campaign for the Presidency, Donald Trump repeatedly promised to appoint Justices to the Supreme Court who would favor overturning the core holding in Roe v. Wade. The Heritage Foundation and Federalist Society share this goal, and it is not a stretch to assume that the names they included on their Supreme Court wish list hold the same views.

Judge Kavanaugh's record on this issue is deeply troubling and of significant concern. Last year, Judge Kavanaugh issued a dissent in a case that granted a 17-year-old immigrant in the custody of the Department of Health and Human Services, HHS, the right to get an abortion. Kavanaugh argued in his dissent that holding the

young woman in custody, refusing to release her for a medical appointment for a procedure until HHS was able to find her a sponsor who would serve as a foster parent, was not an undue burden under the Supreme Court's legal test.

He did not consider holding someone in government custody to be an undue burden. This is the view of someone who will not follow the law as it is currently set forth by the Supreme Court if confronted with challenges to Roe. Let us remember, it is the Supreme Court that sets precedent, and that can happen if Judge Kavanaugh is on the Court. Really, his dissent in this case is a view of someone chosen for a reason, ready to fulfill Donald Trump's campaign promise to see Roe v. Wade overturned.

This fight matters. Who sits on our courts matters. How we exercise our constitutional duty to examine a nominee for the highest Court in our land matters. Just as well-financed conservative interests have spent decades setting the stage for the court packing going on today, those of us who oppose this agenda need to mobilize, resist, and stay engaged for the long haul in the fight for a fair and independent judiciary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DEPARTMENT OF DEFENSE OVERSIGHT

Mr. GRASSLEY. Mr. President, I come to the floor today to discuss the continuing need for addressing hard-hitting oversight of the Department of Defense. That need for oversight is as great today as it ever was. Waste is alive and very well at the Pentagon.

I have a poster, a blowup of a cartoon published in the Washington Post in 1985, during my early years in the U.S. Senate. It shows Ernie Fitzgerald, a famous whistleblower, confronting what are quite obviously his chief adversaries, the big spenders at the Pentagon.

As a senior Air Force official, Ernie Fitzgerald committed a crime. He says he ''committed truth.'' Ernie Fitzgerald is famous for, in 1968, exposing a $2.3 billion cost overrun on the C–5 aircraft program. In those days, having a senior Pentagon official like Ernie Fitzgerald speak the truth about a cost overrun on a high visibility program was unheard of. In fact, it was dangerous. It was so dangerous that it cost Ernie Fitzgerald his job. That is why I like to call Ernie Fitzgerald the father of whistleblowers.

The cartoon also depicts the infamous $640 toilet seat that made history back in those days as one example of the terrible waste at the Defense Department. That happened in 1985, when I, as a first-term Senator, began watchdogging the Pentagon. After a report uncovered a $640 toilet seat and a $400 hammer, I began asking very tough questions, such as: How could the bureaucrats possibly justify paying such exorbitant prices? I am still waiting for a straight answer.

A lot has changed since the 1980s. The internet, which was in its infancy in the 1980s, is now a part of everyday life. Mobile phones back then were once the size of bricks. Now those mobile phones can fit in the palm of your hand and do a lot more work than just making telephone calls. But one thing hasn't changed in all those decades—wasteful Department of Defense procurement practices.

Since I began my work on this issue, there have been 6 Presidents and 12 Secretaries of Defense, yet the problem of wasteful spending at the Defense Department keeps going on. Since those earliest revelations, there has been a steady flow of new reports on spare part rip-offs. No political party is immune from these horror stories.

During the administration of George H.W. Bush, oversight efforts uncovered soap dishes that cost $117 and pliers that cost nearly $1,000. In some cases the Department of Defense admitted that some high prices didn't pass the smell test.

True, better deals were negotiated. People tried to make some changes, but to offset losses on lower prices, the contractors jacked up overhead and management charges, making the overall contract price the same.

Exercising oversight on these contracts is like working with a balloon. You know the famous balloon—when you squeeze it in one place, the problem pops out someplace else.

Under President Bill Clinton, a report by the Government Accountability Office—we know it here as the GAO—revealed that one defense contractor paid its top executives more than $33 million a year, an amount that was reimbursed by the Federal Government as part of a contract.

I happen to agree that a company has a right to pay its executives whatever it wants; however, when the government enters into cost-reimbursement contracts, those contracts in which the government directly repays the company for costs incurred instead of paying a fixed price, the contractor loses incentive to control costs, and top executives draw sky-high salaries at the taxpayers' expense.

I introduced an amendment in the 1997 Defense authorization bill to curb executive compensation billed directly to the taxpayers, but as you might expect, with the respect the Defense Department has in this body, that amendment was voted down.

During the Bush administration in the early 2000s, I worked with the GAO to expose abuse of government charge cards by Defense Department employees. We found some truly egregious expenditures—for examples, over $20,000 at a jewelry store, over $34,000 on gambling, and over $70,000 on tickets to sporting events and Broadway shows. In some cases, employees who spent thousands of taxpayer dollars on personal expenses—way beyond anything that was an ordinary business expense—were not only not asked to repay the money to the taxpayers but oddly were promoted and even issued new charge cards. Instead of being held accountable, it is quite obvious they were rewarded for their illegal activity.

During the Presidency of President Obama, I pressed the Pentagon to answer for a $43 million gas station built in Afghanistan. This project was revealed as part of an audit conducted by the Special Inspector General for Afghan Reconstruction. When I pressed for answers, the Defense Department responded by saying that the direct cost was actually only $5 million, but the number didn't include the massive overhead costs charged to the project, which pushed the overall price tag up to that $43 million. Anybody anywhere else—outside the beltway—knows that doesn't meet the smell test, and that is not even a commonsense answer to my overall question. How did we waste $43 million there?

Even more alarming is what happened to the rest of the $800 million provided for other business development projects in our efforts to help Afghanistan recover. Auditors could only find documentation to support about half of the money spent, leaving about $400 million unaccounted for. This kind of sloppy bookkeeping means we may never know how the rest of the money was spent. Was it used for unauthorized purposes or pocketed by crooked people? We will probably never know.

Now, under the Presidency of Donald Trump, over 30 years since all this started with me, the overpriced airborne toilet seat has really gained altitude. Instead of the $640 that this cost, the new pricetag was reported by the Air Force to be $10,000, and that happens to be only for the lid of the toilet stool. Any American can tell you that $10,000 for a toilet seat cover is ridiculous. Americans work too hard to see their precious tax dollars flushed down the toilet.

I asked the Department of Defense for confirmation that the seats cost $10,000. They still haven't answered my letter, but after my inquiry, the Department of Defense has changed their story. They clarified to the media that they are now 3D printing the toilet seat lids for much less, but they never answered my questions. We don't know how many seat covers were purchased at the $10,000 pricetag; we don't know when they moved to 3D printing instead of purchasing; and we still don't have documentation or official confirmation on the true price of toilet seat lids.

Even if the issue of the toilet seat has been sorted out, it is clear the Department of Defense still does not have a grip on spending. OIG reports have revealed that the Pentagon frequently overpays for simple parts and does not perform adequate cost analysis.

One of the primary culprits for continuing waste and misuse of tax dollars is the Department of Defense's noncompliance with the congressional

mandate to pass an audit. The Department of Defense has a very bad record. It is impossible to know how much things cost or what is being bought when nobody is keeping good track of the money being shoveled out the door.

For nearly 30 years, we have been pushing the Pentagon to earn a clean opinion on any of their audits. Way back in 1990, Congress passed the Chief Financial Officers Act, which required all departments of the government to present a financial statement to an inspector general for audit by March 1992. All departments have complied and earned clean opinions except one and that is the Department of Defense. Instead of clean opinions, the Department of Defense has earned a long string of failing opinions called disclaimers. It boils down to the fact that the books at the Department of Defense are unauditable.

In 2010, 20 years after that 1990 congressional action, Congress finally got fed up and passed a new law requiring the Pentagon to be ready for audit by September 2017. The Department was given 7 long years to get its act together and to meet the same requirements as every other Federal agency entrusted with public money. Obviously, that deadline has come and gone like other deadlines have come and gone. According to the Comptroller and Chief Financial Officer, Mr. David Norquist, a clean audit is still at least 10 years away. That is 10 years of not being able to follow the money. If you can't follow the money, you don't know whether it is spent legally.

There is a longstanding, underlying problem preventing the Pentagon from reaching the goal of a clean audit. This is the so-called feeder system. I will not describe a feeder system, but feeder systems are supposed to capture transaction data, but those feeder systems are broken. Auditors cannot connect the dots between contracts and payments. You can't follow the money because there is no reliable transaction data and little or no supporting documentation. You tend to spend money without knowing what you even bought. The Pentagon will never earn a clean opinion until those accounting systems are able to produce reliable financial data that meet accepted standards.

Over the last 25 years, the Department of Defense has spent billions trying to fix these outdated accounting systems but with no success. How is it that the very mighty Pentagon can develop the most advanced weapons in the world but can't seem to acquire something as simple as an accounting system? We need to get to the bottom of this problem and fix it.

I am working with my colleagues on the Budget Committee to get the Government Accountability Office to conduct an independent review of the Pentagon's effort to acquire modern accounting systems. What is the problem? That is what we are trying to find out. Should the Defense Department keep trying to fix the antiquated feeder systems or is it time to develop new, fully integrated systems that can deliver reliable financial information? We need and we want some answers.

The Department of Defense is currently attempting to conduct a full financial audit. Secretary Mattis has directed all employees to support the audit, and the results are expected in November. Although the new Chief Financial Officer appears to be making a good-faith effort to get a handle on the problem, he also happens to be spending hundreds of millions of dollars a year for audits with a zero probability of success. It could be very wasteful spending that kind of money if they don't have a feeder system in place.

The first priority of our Federal Government remains and ought to be national security. We must ensure that our military forces remain strong enough to deter any potential aggressor and, as a result, preserve the peace.

The men and women on the frontlines deserve fair compensation and the best weapons and equipment money can buy. We want to field the most capable military force in the world. Because national defense is so very important, congressional watchdogging of defense spending is very essential. We don't want one single dollar to be wasted—not even a penny.

Until the Defense Department is able to earn a clean opinion on a very regular basis, we have no assurance that Defense dollars are being spent wisely and, most importantly, according to law. Report after report shows that precious Defense dollars are being wasted, misused, and unaccounted for. Reforms have been made, but very clearly the war on waste has not been won. Much more work needs to be done.

From my oversight post in the Senate, I will continue to apply pressure on the Pentagon to step up the war on waste. I don't expect much help from the inspector general. Mr. Fine seems to be AWOL on waste. I raised the issue of the $10,000 toilet seat cover with him over a month ago and still haven't received an answer. His office found the time to update the media about the toilet seat cover. Yet my letter has gone unanswered.

However, after revelations about the $43 million gas station, Secretary Mattis's reaction was sweet music to my ears. He issued an all-hands memo. In that memo, he stated flatout: I will not tolerate that kind of waste. Known for being a man of your word, Secretary Mattis, I am counting on you for your help. Maybe together we can wipe out the culture of indifference toward the American people's money by the Pentagon.

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.

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

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

FAMILY SEPARATION

Ms. CORTEZ MASTO. Mr. President, I want to share with my colleagues and the American people what I witnessed on a visit to a couple of immigration detention facilities on our southern border and the stories of the people, children, and infants being held there.

On a visit to an adult detention facility, I sat down with a group of six mothers whose children had been taken from them. One of them, Anna, had a 5-year-old daughter she brought with her to the United States. After witnessing a brutal murder in her neighborhood and receiving death threats in her home country, she decided to leave that country to keep her 5-year-old daughter safe.

She traveled 3,000 miles to get to our southern border, and when she finally arrived, she thought: I am safe. I made it. I am going to tell them who I am and why I am here because I know I finally made it to safety.

She flagged down Customs and Border Patrol agents thinking that they would help her, but when she did, CBP officials arrested her. They took her into custody, and then they separated her from her daughter. Anna's daughter was put on a bus and driven hundreds of miles away.

As Anna was telling this story to me, every single one of the mothers began to cry. Anna told me this was the first time she had ever been separated from her 5-year-old daughter, and she had no idea—no idea—where her daughter was and what they were doing with her. All of the women, as Anna was telling me the story, had experienced the same thing.

Each one of the women I spoke with had children under the age of 12 who were taken away from them. Their stories were the same. They had all faced horrific gang violence and abuse in their home country and fled to protect their families. They had been raped and tortured. They saw loved ones killed before their very eyes.

Another one of the women I spoke with, Griselda, explained that in her community, the gangs expect extortion payments every week from business owners, such as herself, and if you can't pay, they come to your house and kidnap or rape or kill your children.

One day, gang members came and started threatening her son. She knew in that moment she had two options: stay and watch her son die or pack up her children and run.

I asked the group of women: Why didn't you go to the police for help? They explained to me that the police in their country are just as corrupt as the gangs. In their country, there is no rule of law. There are no protections. If you want to save your children's lives, your only option is to run, and that is what these women did.

They came to the United States expecting to find freedom and protection, but instead they were thrown in jail, and their children were loaded on buses and driven away. These parents want to now know, where are their children?

When they asked me, I told them I didn't have the information they needed, and that I, too, was asking the same questions, but I promised them I would take their stories back with me to Washington, DC, and share them with the American people.

Because of President Trump's inhumane family separation policy, we have almost 3,000 children separated from their parents. Their moms and dads just want to have their children back in their arms.

Just recently, Secretary Azar testified that there is no reason why any parent would not know where their child is located. Well, that is absolutely false. I spoke with 10 mothers and fathers who have no clue where their children are. They look at me with tears running down their faces. They pleaded with me to help them find their children.

This administration gave no thought to the damage inflicted on these families, and they clearly had no plan for how they would reunite them.

We have three different entities working to reunify these families. Two are under the umbrella of the Department of Homeland Security, U.S. Customs and Border Protection and Immigration and Customs Enforcement, and one under the Department of Health and Human Services, the Office of Refugee Resettlement, but none of them are working together. As a result, the Trump administration has missed its court-ordered deadline to reunite young children under 5 with their parents.

There are 102 children under 5 years old waiting to be reunited with their families, but as far as we know, only 4 families have been united.

The Trump administration has been ordered to reunite up to 3,000 children with their parents by July 26, but they are on track to miss that deadline too.

In the midst of all of this, HHS officials discovered they have been holding a toddler, who may be a U.S. citizen, in detention for over a year. How could that be possible? How could the reunification process be so erratic, inefficient, and slow?

This administration has been making excuses left and right, trying to pin the blame on anyone but themselves. They have suggested that the reunification process is slow because too many Members of Congress are taking tours of these detention facilities. I couldn't help but laugh when I heard that because I can guarantee you, I was not taking a tour when I tried to enter a children's detention facility, and they locked me out. They would not let me in. I was not allowed in to check on the condition of these children or even to talk to anyone in charge about how they were taking care of children, toddlers, and infants—kids under the age of 12 who have been separated from their parents, many for the first time.

I was there to find out how taxpayer money was being spent and how the kids were being treated, but the facilities manager locked the door and gave me the number for a communications director to call to seek assistance. With a handful of exceptions, most of my colleagues have also been turned away.

The Trump administration is also saying they are having trouble locating some of the parents. Part of the problem is, at least 12 of the parents with children under 5 years old have already been deported. Can you imagine that? Babies who can't even speak have no clue where their moms and dads went, and they might never know.

The Trump administration can't pin the blame for this on Congress, Democrats, or anyone else. They are missing the deadline for one reason and one reason only: because they never made a plan to reunite these families. They never intended to.

They didn't have a plan 2 weeks ago, when I went down to the border, and they don't have one now. They created this chaos with no plan to put the broken pieces back together.

They had to start from scratch trying to locate parents and children detained across the country, and now we are hearing heartbreaking stories of reunification—toddlers who do not recognize their mothers anymore. The physiological trauma this administration has inflicted on these children will last a lifetime.

So, today, I am calling on President Trump to finally do his job and provide us with a concrete plan. I want to see results, and I will not stop fighting until every child has been reunited with their parents. Stop making excuses. Stop blaming Democrats for the crisis you created, President Trump.

The other thing I keep hearing from this administration and from President Trump's allies is, the Democrats want open borders. This is not about open borders. I support strong, secure borders. I have spent my career fighting to uphold the law as the attorney general of the State of Nevada for 8 years, fighting to secure our borders. It is not about secure borders. We need a plan to reunite these families because this is about our values. This is about human rights. This is about who we are as a country, and separating families is not who we are. We do not tear babies out of their mothers' arms.

We have always—always—had a guiding principle when it comes to children: We do no harm. Whether they are Honduran children, Guatemalan children, Salvadoran children, or American children, we do no harm.

I call on President Trump, abandon your inhumane, zero tolerance immigration policy; abandon the heartless decision to separate families.

We should be looking for humane, cost-effective alternatives to detention for families fleeing violence. We don't need the Department of Defense to build internment camps for babies, toddlers, and kids.

Locking up families who are seeking asylum under the laws we have put in place to protect them will be a moral stain on our country for generations to come.

President Trump, the American people demand that you explain how you plan to reunite these families you have scarred forever and whom you ripped apart. Work with Democrats to solve the refugee crisis in Central America. Don't treat innocent parents and children as political pawns. Don't turn your back on everything this country stands for.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

REMEMBERING ROGER L. SHERMAN

Mrs. CAPITO. Mr. President, I wish to acknowledge the loss of one of West Virginia's brightest and recognize the life of a dedicated advocate, educator, veteran, and good man: Roger L. Sherman.

Throughout his life, Roger was known for his dedication to responsible forestry and the people of rural West Virginia. From championing economic development to advancing graduate-level education, Roger made significant contributions in the areas of public advocacy, education, and community service that benefit West Virginians to this day. Above all, Roger was highly regarded as a man of conscience, whose integrity pervaded every aspect of his life and work.

A veteran, Roger served in the U.S. Army for 3 years until 1969. He graduated from North Carolina State University with a bachelor's of science in forestry and went on to obtain a master's degree in forestry from Yale University. He joined Westvaco as public affairs forester in 1977, and from there, embarked on a more than 40-year career advancing the interests of private landowners in West Virginia. During this time, he served as volunteer chair of the legislative committee of the West Virginia Forestry Association, WVFA, a position he held for 38 years. He also received numerous awards and recognitions, including the Outstanding Service to Forestry Award

and the President's Service Award from the WVFA and the Society of American Foresters' John A. Beale Memorial Award; and in 2011, he was inducted into the West Virginia Agriculture and Forestry Hall of Fame.

In addition to his storied career, Roger was an active participant in his community and various organizations. He was a board member of the West Virginia Chamber of Commerce and forcefully advocated for the interests of rural West Virginia, organizing the informal rural caucus in the West Virginia House of Delegates. He also organized and obtained funding for a graduate-level course in economics that he cotaught with professors at West Virginia University.

Above all, Roger was a man of faith and family. He is survived by his beloved wife, Marlo, and son, Zachary, as well as his mother and sister.

Roger's love of forestry and West Virginia lives on through the positive impacts he made on the State and countless West Virginians. He approached his job with integrity and positivity, and I think I speak for many when I say he will be sorely missed. It was an honor to call him a friend and fellow West Virginian.

ADDITIONAL STATEMENTS

TRIBUTE TO BRIGADIER GENERAL MICHAEL T. HESTON

● Mr. SANDERS. Mr. President, today I wish to honor BG Michael T. Heston of Richmond, VT. This Sunday, July 15, 2018, Brigadier General Heston will relinquish command of the Vermont Army National Guard and celebrate his military retirement. We are truly fortunate to have such a dedicated leader as Brigadier General Heston serving in our Armed Forces, and I sincerely thank him for his 32 years of extraordinary service to Vermont and our country.

Brigadier General Heston began his military career as an enlisted member of the U.S. Marine Corps Reserve. He received his commission from Vermont's officer candidate school in 1990 as a second lieutenant and then swiftly rose through the ranks, reaching his current rank of brigadier general in 2014.

Throughout his career, Brigadier General Heston has commanded at all levels, from platoon leader of an armor platoon to commanding the entire Vermont Army National Guard, leading the women and men of the Green Mountain Boys in critical missions within our State of Vermont, as well as overseas, including three deployments to Afghanistan in support of Operation Enduring Freedom. His unwavering leadership and dedication has been recognized with numerous awards and decorations, including the Bronze Star Medal with bronze oakleaf cluster, the Meritorious Service Medal with three oakleaf clusters, the Army Commendation Medal with three oakleaf clusters, the Army Reserve Components Achievement Medal with silver oakleaf cluster and two oakleaf clusters, the Vermont Career Service Award, and many others.

In addition to his military service, Brigadier General Heston served as a member of the Vermont State police from 1983 until his retirement in 2009. He has also served as the deputy adjutant general of the Vermont National Guard since 2014, a position he will continue to fill as he enters civilian life. We are fortunate to continue benefiting from Brigadier General Heston's many years of experience as he mentors leaders and members of Vermont's National Guard and provides invaluable advice and support to the adjutant general.

There is no doubt that Brigadier General Heston's decades of dedication, leadership, and service will be long remembered by a grateful State and Nation. I know his wife, June, their children Kelsey and Keegan, and his fellow members of the Vermont National Guard join me in congratulating him on his many accomplishments so far and wishing him well in the next phase of his career. The State of Vermont is lucky to count him as one of our own, and we look forward to his continued presence with the Vermont National Guard.●

MESSAGE FROM THE HOUSE

At 11:18 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1700. An act to amend the Small Business Act to reauthorize the SCORE program, and for other purposes.

H.R. 1861. An act to award a Congressional Gold Medal in honor of Lawrence Eugene ''Larry'' Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

H.R. 2259. An act to amend the Peace Corps Act to expand services and benefits for volunteers, and for other purposes.

H.R. 2655. An act to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

H.R. 4537. An act to preserve the State-based system of insurance regulation and provide greater oversight of and transparency on international insurance standards setting processes, and for other purposes.

H.R. 5626. An act to amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and for other purposes.

H.R. 5729. An act to restrict the department in which the Coast Guard is operating from implementing any rule requiring the use of biometric readers for biometric transportation security cards until after submission to Congress of the results of an assessment of the effectiveness of the transportation security card program.

H.R. 5749. An act to require the appropriate Federal banking agencies to increase the risk-sensitivity of the capital treatment of certain centrally cleared exchange-listed options and derivatives, and for other purposes.

H.R. 5793. An act to authorize the Secretary of Housing and Urban Development to carry out a housing choice voucher mobility demonstration to encourage families receiving such voucher assistance to move to lower-poverty areas and expand access to opportunity areas.

H.R. 5877. An act to amend the Securities Exchange Act of 1934 to allow for the registration of venture exchanges, and for other purposes.

H.R. 5953. An act to provide regulatory relief to charitable organizations that provide housing assistance, and for other purposes.

H.R. 5970. An act to require the Securities and Exchange Commission to carry out a cost benefit analysis of the use of Form 10–Q and for other purposes.

H.R. 6139. An act to require the Securities and Exchange Commission to carry out a study to evaluate the issues affecting the provision of and reliance upon investment research into small issuers.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. HATCH) announced that on today, July 11, 2018, he has signed the following enrolled bills, which were previously signed by the Speaker pro tempore (Mr. MCHENRY) of the House:

H.R. 1496. An act to designate the facility of the United States Postal Service located at 3585 South Vermont Avenue in Los Angeles, California, as the ''Marvin Gaye Post Office''.

H.R. 2673. An act to designate the facility of the United States Postal Service located at 514 Broadway Street in Pekin, Illinois, as the ''Lance Corporal Jordan S. Bastean Post Office''.

H.R. 3183. An act to designate the facility of the United States Postal Service located at 13683 James Madison Highway in Palmyra, Virginia, as the ''U.S. Navy Seaman Dakota Kyle Rigsby Post Office''.

H.R. 4301. An act to designate the facility of the United States Postal Service located at 201 Tom Hall Street in Fort Mill, South Carolina, as the ''J. Elliott Williams Post Office Building''.

H.R. 4406. An act to designate the facility of the United States Postal Service located at 99 Macombs Place in New York, New York, as the ''Tuskegee Airmen Post Office Building''.

H.R. 4463. An act to designate the facility of the United States Postal Service located at 6 Doyers Street in New York, New York, as the ''Mabel Lee Memorial Post Office''.

H.R. 4574. An act to designate the facility of the United States Postal Service located at 108 West Schick Road in Bloomingdale, Illinois, as the ''Bloomingdale Veterans Memorial Post Office Building''.

H.R. 4646. An act to designate the facility of the United States Postal Service located at 1900 Corporate Drive in Birmingham, Alabama, as the ''Lance Corporal Thomas E. Rivers, Jr. Post Office Building''.

H.R. 4685. An act to designate the facility of the United States Postal Service located at 515 Hope Street in Bristol, Rhode Island, as the ''First Sergeant P. Andrew McKenna Jr. Post Office''.

H.R. 4722. An act to designate the facility of the United States Postal Service located at 111 Market Street in Saugerties, New York, as the ''Maurice D. Hinchey Post Office Building''.

H.R. 4840. An act to designate the facility of the United States Postal Service located

at 567 East Franklin Street in Oviedo, Florida, as the ''Sergeant First Class Alwyn Crendall Cashe Post Office Building''.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. HATCH) announced that on today, July 11, 2018, he has signed the following enrolled bills, which were previously signed by the Speaker pro tempore (Mr. MITCHELL) of the House:

H.R. 219. An act to correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

H.R. 220. An act to authorize the expansion of an existing hydroelectric project, and for other purposes.

H.R. 446. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 447. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 951. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 2122. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam.

H.R. 2292. An act to extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam.

H.R. 5956. An act to incentivize the hiring of United States workers in the Commonwealth of the Northern Mariana Islands, and for other purposes.

MEASURES REFERRED

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

H.R. 1700. An act to amend the Small Business Act to reauthorize the SCORE program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 4537. An act to preserve the State-based system of insurance regulation and provide greater oversight of and transparency on international insurance standards setting processes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5626. An act to amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and for other purposes; to the Committee on Foreign Relations.

H.R. 5749. An act to require the appropriate Federal banking agencies to increase the risk-sensitivity of the capital treatment of certain centrally cleared exchange-listed options and derivatives, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5793. An act to authorize the Secretary of Housing and Urban Development to carry out a housing choice voucher mobility demonstration to encourage families receiving such voucher assistance to move to lower-poverty areas and expand access to opportunity areas; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5877. An act to amend the Securities Exchange Act of 1934 to allow for the registration of venture exchanges, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5953. An act to provide regulatory relief to charitable organizations that provide housing assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5970. An act to require the Securities and Exchange Commission to carry out a cost benefit analysis of the use of Form 10–Q and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6139. An act to require the Securities and Exchange Commission to carry out a study to evaluate the issues affecting the provision of and reliance upon investment research into small issuers; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2259. An act to amend the Peace Corps Act to expand services and benefits for volunteers, and for other purposes.

H.R. 2655. An act to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

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–5832. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Baby Changing Products'' (Docket No. CPSC–2016–0023) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5833. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Children's Products, Children's Toys, and Child Care Articles: Determinations Regarding Lead, ASTM F963 Elements, and Phthalates for Engineered Wood Products'' (Docket No. CPSC–2017–0038) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5834. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities'' ((CG Docket No. 13–24) (FCC 18–79)) received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5835. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment'' ((RIN3060–AK67) (FCC 18–74)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5836. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Promoting Telehealth in Rural America'' ((RIN3060–AK57) (FCC 18–82)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5837. A communication from the Chief Counsel, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Manual of Regulations and Procedures for Federal Radio Frequency Management'' (RIN0660–AA35) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5838. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–1099)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5839. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–0779)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5840. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–1421)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5841. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0507)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5842. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–0904)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5843. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0074)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5844. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Inc., Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–1247)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5845. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0490)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5846. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–1020)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5847. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2017–1063)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5848. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0117)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5849. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–1099)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5850. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc., Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–1246)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5851. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc., Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–1175)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5852. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Engine Alliance Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2018–0501)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5853. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Division Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2017–0817)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5854. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; International Aero Engines Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2018–0564)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5855. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. Turboprop and Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2016–9450)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5856. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2017–1163)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5857. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0104)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5858. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules, Miscellaneous Amendments'' ((RIN2120–AA63) (Docket No. 31201)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5859. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace and Class E Airspace; Greenwood, MS'' ((RIN2120–AA66) (Docket No. FAA–2017–0994)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5860. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Van Nuys, CA'' ((RIN2120–AA66) (Docket No. FAA–2017–0221)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5861. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace and Establishment of Class E Airspace; Norman, OK; and Amendment of Class E Airspace; Oklahoma City, OK'' ((RIN2120–AA66) (Docket No. FAA–2017–0825)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5862. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Burns Flat, OK; Revocation of Class D Airspace; Clinton-Sherman Airport, OK; and Amendment of Class E Airspace for the following Oklahoma Towns; Burns Flat, OK; Clinton; OK; and Elk City, OK'' ((RIN2120–AA66) (Docket No. FAA–2017–0618)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5863. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Duncan, OK'' ((RIN2120–AA66) (Docket No. FAA–2018–0100)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5864. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Flint, MI, and Establishment of Class E Airspace; Owosso, MI'' ((RIN2120–AA66) (Docket No. FAA–2018–0020)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5865. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class B Airspace; San Francisco, CA'' ((RIN2120–AA66) (Docket No. FAA–2017–0653)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5866. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace and Class E Airspace, and Removal of Class E Airspace; Binghamton, NY'' ((RIN2120–AA66) (Docket No. FAA–2017–1061)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the

Committee on Commerce, Science, and Transportation.

EC–5867. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kenansville, NC'' ((RIN2120–AA66) (Docket No. FAA–2017–1238)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5868. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Altoona, PA'' ((RIN2120–AA66) (Docket No. FAA–2018–0129)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5869. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area R–2302; Flagstaff, AZ'' ((RIN2120–AA66) (Docket No. FAA–2018–0520)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5870. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Seven Springs, PA, and Amendment of Class E Airspace; Somerset, PA'' ((RIN2120–AA66) (Docket No. FAA–2017–0610)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5871. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Amendment of Class E Airspace; Phillipsburg, PA'' ((RIN2120–AA66) (Docket No. FAA–2017–0755)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5872. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Restricted Area R–5601F and Establishment of Restricted Area R–5601J; Fort Sill, OK'' ((RIN2120–AA66) (Docket No. FAA–2018–0470)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5873. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Restricted Area R–2530, Sierra, Army Depot, CA'' ((RIN2120–AA66) (Docket No. FAA–2017–0476)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5874. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Pago Pago, American Samoa'' ((RIN2120–AA66) (Docket No. FAA–2018–0082)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5875. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment and Removal of VOR Federal Airways in the Vicinity of Lansing, MI, and Pontiac, MI'' ((RIN2120–AA66) (Docket No. FAA–2017–0724)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5876. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Air Traffic Service (ATS) Route in the Vicinity of Newberry, MI'' ((RIN2120–AA66) (Docket No. FAA–2018–0222)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5877. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Air Traffic Service (ATS) Routes in the Vicinity of Richmond, IN'' ((RIN2120–AA66) (Docket No. FAA–2017–1144)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5878. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (21)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5879. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (62)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5880. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (20)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5881. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (102)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5882. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Updates to Rulemaking and Waiver Procedures and Expansion of the Equivalent Level of Safety Option'' ((RIN2120–AK76) (Docket No. FAA–2016–6761)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5883. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Relief: Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions'' ((RIN2120–AK28) (Docket No. FAA–2016–6142)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5884. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Recurring Events in Captain of the Port Duluth Zone'' ((RIN1625–AA00) (Docket No. USCG–2018–0102)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5885. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Intracoastal Waterway, Surf City, NC'' ((RIN1625–AA00) (Docket No. USCG–2018–0604)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5886. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, San Francisco, CA'' ((RIN1625–AA00) (Docket No. USCG–2018–0507)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5887. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Intracoastal Waterway, Swansboro, NC'' ((RIN1625–AA00) (Docket No. USCG–2018–0612)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5888. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lower Tchefuncte River, Madisonville, LA'' ((RIN1625–AA00) (Docket No. USCG–2018–0332)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5889. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lower Mississippi River, New Orleans, LA'' ((RIN1625–AA00) (Docket No. USCG–2018–0606)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the

Committee on Commerce, Science, and Transportation.

EC–5890. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Gulf Intracoastal Waterway, Lafitte, LA'' ((RIN1625–AA00) (Docket No. USCG–2018–0514)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5891. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lower Mississippi River, Reserve, LA'' ((RIN1625–AA00) (Docket No. USCG–2018–0587)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5892. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Willamette River, Lake Oswego, OR'' ((RIN1625–AA00) (Docket No. USCG–2018–0380)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5893. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Columbia River, Kennewick, WA'' ((RIN1625–AA00) (Docket No. USCG–2018–0633)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5894. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tennessee River, Gilbertsville, KY'' ((RIN1625–AA00) (Docket No. USCG–2018–0239)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5895. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Officer Lehner Memorial Vintage Regatta; Buffalo Outer Harbor, Buffalo, NY'' ((RIN1625–AA00) (Docket No. USCG–2018–0078)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5896. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Wine and Walleye Festival; Ashtabula River, Ashtabula, OH'' ((RIN1625–AA00) (Docket No. USCG–2018–0468)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5897. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lakewood Independence Day Fireworks; Lake Erie, Lakewood, OH'' ((RIN1625–AA00) (Docket No. USCG–2018–0467)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5898. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Monongahela mile 32.0 to 36.0, Gallatin, PA'' ((RIN1625–AA00) (Docket No. USCG–2018–0611)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5899. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Display, Delaware Bay, Lewes, DE'' ((RIN1625–AA00) (Docket No. USCG–2018–0450)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5900. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lower Mississippi, New Orleans, LA'' ((RIN1625–AA00) (Docket No. USCG–2018–0331)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5901. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Marine Events held in the Captain of the Port Long Island Sound Zone'' ((RIN1625–AA00) (Docket No. USCG–2018–0333)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5902. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Seattle's Seafair Fleet Week Moving Vessels, Puget Sound, WA'' ((RIN1625–AA87) (Docket No. USCG–2018–0105)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5903. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Technical Amendment; Removal of obsolete drawbridge operating regulations'' ((RIN1625–AA09) (Docket No. USCG–2018–0443)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5904. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Gulf of Mexico; Sarasota, FL'' ((RIN1625–AA08) (Docket No. USCG–2018–0316)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5905. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Wyandotte Invites, Detroit River, Trenton Channel, Wyandotte, MI'' ((RIN1625–AA08) (Docket No. USCG–2018–0626)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5906. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Corpus Christi Bay, Corpus Christi, TX'' ((RIN1625–AA08) (Docket No. USCG–2018–0340)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5907. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Corpus Christi Bay, Corpus Christi, TX'' ((RIN1625–AA08) (Docket No. USCG–2018–0340)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5908. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Grounds; Saint Lawrence Seaway, Cape Vincent, New York'' ((RIN1625–AA01) (Docket No. USCG–2017–1125)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5909. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Private Investment Project Procedures'' (RIN2132–AB27) received in the Office of the President of the Senate on June 26, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5910. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Process for Department of Veterans Affairs (VA) Physicians To Be Added to the National Registry of Certified Examiners'' ((RIN2126–AB97) received in the Office of the President of the Senate on June 26, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5911. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Organization; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investment Eligibility'' (RIN3052–AC84) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5912. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyroxsulam; Pesticide Tolerances'' (FRL No. 9978–15) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5913. A communication from the Director of Cost Assessment and Program Evaluation, Department of Defense, transmitting, pursuant to law, a report relative to the Department's development of a plan for integrated overhead persistent infrared capabilities (OSS–2018–0766); to the Committees on Appropriations; Armed Services; and Select Committee on Intelligence.

EC–5914. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Gina M. Grosso, United States Air Force, and her advancement to the grade of lieutenant general

on the retired list; to the Committee on Armed Services.

EC–5915. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Darren W. McDew, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–5916. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5917. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, a report entitled ''Report to Congress on Department of Defense Fiscal Year 2017 Purchases from Foreign Entities''; to the Committee on Armed Services.

EC–5918. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–5919. A communication from the White House Liaison, Department of Housing and Urban Development, transmitting, pursuant to law, three (3) reports relative to vacancies in the Department of Housing and Urban Development, received in the Office of the President of the Senate on July 9, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC–5920. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the U.S. Economic Development Administration (EDA) for fiscal year 2017; to the Committee on Environment and Public Works.

EC–5921. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of California Air Plan Revisions, Yolo-Solano Air Quality Management District'' (FRL No. 9980–43–Region 9) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Environment and Public Works.

EC–5922. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plan Revisions; Colorado; Attainment Demonstration for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, and Approval of Related Revisions'' (FRL No. 9979–64–Region 8) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Environment and Public Works.

EC–5923. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; AL; Section 128 Broad Requirements for Infrastructure SIPs'' (FRL No. 9980–50–Region 4) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Environment and Public Works.

EC–5924. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Interstate Transport Requirements for the 2012 Fine Particulate Matter Standard'' (FRL No. 9980–62–Region 3) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Environment and Public Works.

EC–5925. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas; Correction'' (FRL No. 9980–36–Region 3) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Environment and Public Works.

EC–5926. A communication from the Director of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Corrections'' ((RIN3150–AK13) (NRC–2018–0086)) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Environment and Public Works.

EC–5927. A communication from the Director of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Self-Shielded Irradiator Licenses'' (NUREG–1556, Volume 5, Revision 1) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Environment and Public Works.

EC–5928. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Performance Management Measures; Assessing Performance of the National Highway System Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program'' (RIN2125–AF76) received in the Office of the President of the Senate on June 26, 2018; to the Committee on Environment and Public Works.

EC–5929. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Medicaid Health Home State Plan Option''; to the Committee on Finance.

EC–5930. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Archaeological and Ethnological Material from Libya'' (RIN1515–AE38) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2018; to the Committee on Finance.

EC–5931. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the designation of a group as a Foreign Terrorist Organization by the Secretary of State (OSS–2018–0767); to the Committee on Foreign Relations.

EC–5932. 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 firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List of semi-automatic pistols to Canada for commercial resale in the amount of $1,000,000 or more (Transmittal No. DDTC 18–035); to the Committee on Foreign Relations.

EC–5933. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) and (d) of the Arms Export Control Act, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services to Japan to support the manufacture of the Mk 45 Mod 4 gun system in the amount of $100,000,000 or more (Transmittal No. DDTC 18–030); to the Committee on Foreign Relations.

EC–5934. 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 firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List of automatic rifles, silencers, and spare parts to Indonesia in the amount of $1,000,000 or more (Transmittal No. DDTC 17–108); to the Committee on Foreign Relations.

EC–5935. 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 firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List of 12.7 x 99mm and 7.62 x 51mm machine guns with primary and spare barrels and accessories for Saudi Arabia in the amount of $1,000,000 or more (Transmittal No. DDTC 18–093); to the Committee on Foreign Relations.

EC–5936. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed transfer of major defense equipment of 25 F/A–18A/B aircraft, including spare parts and support equipment from the Government of Australia, to the Government of Canada with a sales value of $40,000,000 (Transmittal No. RSAT–18–6183); to the Committee on Foreign Relations.

EC–5937. A communication from the Secretary of the Army, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on the Activities of the Western Hemisphere Institute for Security Cooperation for 2017''; to the Committee on Foreign Relations.

EC–5938. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), transmitting, pursuant to law, two (2) reports relative to vacancies in the U.S. Agency for International Development (USAID), received in the Office of the President of the Senate on July 9, 2018; to the Committee on Foreign Relations.

EC–5939. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Program Integrity and Improvement'' (RIN1840–AD39) received in the Office of the President of the Senate on July 9, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC–5940. A communication from the Regulations Coordinator, Office of the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Federal Policy for the Protection of Human Subjects: Six Month Delay of the General Compliance Date of Revisions While Allowing the Use of Three Burden-Reducing Provisions during the Delay Period'' (RIN0937–AA05) received in the Office of the President of the Senate on June 18, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC–5941. A communication from the Officer, Office for Civil Rights and Civil Liberties, Department of Homeland Security,

transmitting, pursuant to law, the Department's fiscal year 2017 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5942. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2017 through March 31, 2018; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1459. A bill to establish Fort Sumter and Fort Moultrie National Park in the State of South Carolina, and for other purposes (Rept. No. 115–295).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment and an amendment to the title:

S. 1646. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes (Rept. No. 115–296).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 2786. A bill to amend the Federal Power Act with respect to the criteria and process to qualify as a qualifying conduit hydropower facility (Rept. No. 115–297).

By Mr. BURR, from the Select Committee on Intelligence:

Report to accompany S. 3153, An original bill to authorize appropriations for fiscal years 2018 and 2019 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 115–298).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nomination of Jason Alexander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 Mr. MARKEY (for himself, Mr. CARDIN, Mr. DURBIN, Ms. BALDWIN, Mr. SANDERS, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. VAN HOLLEN, Ms. HARRIS, Ms. DUCKWORTH, Ms. SMITH, and Mr. WYDEN):

S. 3192. A bill to amend the Safe Drinking Water Act to update and modernize the reporting requirements for contaminants, including lead, in drinking water, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEE:

S. 3193. A bill to limit the establishment or extension of national monuments in the State of Utah; to the Committee on Energy and Natural Resources.

By Ms. WARREN (for herself, Mr. NELSON, Mr. WYDEN, Mrs. MURRAY, Mr. WHITEHOUSE, Ms. SMITH, Mr. LEAHY, Ms. HASSAN, Ms. BALDWIN, Mr. DURBIN, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. UDALL, Mrs. GILLIBRAND, Mr. REED, and Mr. MERKLEY):

S. 3194. A bill to amend the Patient Protection and Affordable Care Act to cap prescription drug cost-sharing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN:

S. 3195. A bill to encourage greater community accountability of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Mr. UDALL, Mr. COONS, Mr. WHITEHOUSE, and Mr. BURR):

S. 3196. A bill to defend economic livelihoods and threatened animals in the greater Okavango River Basin, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 3197. A bill to amend the Internal Revenue Code of 1986 to promote retirement savings on behalf of small business employees by making improvements to SIMPLE retirement accounts and easing the transition from a SIMPLE plan to a 401(k) plan, and for other purposes; to the Committee on Finance.

By Mr. LEE:

S. 3198. A bill to require annual reports on allied contributions to the common defense, and for other purposes; 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. KENNEDY (for himself, Mr. COTTON, Mr. PERDUE, Mr. GRASSLEY, Mr. CORNYN, Mr. ROUNDS, Mr. CASSIDY, Mrs. HYDE-SMITH, Mr. CRUZ, Mr. INHOFE, Mr. BLUNT, Mr. JOHNSON, Mr. TILLIS, Mr. HELLER, Mr. BOOZMAN, Mr. BARRASSO, Mrs. ERNST, Mr. DAINES, Mr. LANKFORD, Mr. CRAPO, and Mr. LEE):

S. Res. 572. A resolution supporting the officers and personnel who carry out the important mission of U.S. Immigration and Custom Enforcement; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 539

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 539, a bill to designate the area between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, as ''Oswaldo Paya Way'' .

S. 684

At the request of Mrs. GILLIBRAND, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 684, a bill to establish a national, research-based, and comprehensive home study assessment process for the evaluation of prospective foster parents and adoptive parents and provide funding to States and Indian tribes to adopt such process.

S. 1121

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

S. 1278

At the request of Mr. CARPER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1278, a bill to provide for the admission of the State of Washington, D.C. into the Union.

S. 1308

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. SMITH) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1308, a bill to increase authorized funding for the Soo Locks.

S. 1503

At the request of Ms. WARREN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1503, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1933

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1933, a bill to focus limited Federal resources on the most serious offenders.

S. 2037

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2037, a bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers.

S. 2101

At the request of Mr. DONNELLY, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2101, a bill to award a Congressional Gold Medal, collectively, to the crew of the USS Indianapolis, in recognition of their perseverance, bravery, and service to the United States.

S. 2109

At the request of Mr. CARPER, the name of the Senator from Minnesota

(Ms. SMITH) was added as a cosponsor of S. 2109, a bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes.

S. 2406

At the request of Mrs. MURRAY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2406, a bill to advance cutting-edge research initiatives of the National Institutes of Health.

S. 2490

At the request of Mr. SCOTT, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2490, a bill to amend the Real Estate Settlement Procedures Act of 1974 to modify requirements related to mortgage disclosures.

S. 2835

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2835, a bill to require a study of the well-being of the newsprint and publishing industry in the United States, and for other purposes.

S. 2845

At the request of Ms. BALDWIN, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Hawaii (Ms. HIRONO), the Senator from Vermont (Mr. SANDERS), the Senator from Washington (Mrs. MURRAY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2845, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2946

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2946, a bill to amend title 18, United States Code, to clarify the meaning of the terms ''act of war'' and ''blocked asset'', and for other purposes.

S. 3063

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

S. 3125

At the request of Mr. ROUNDS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3125, a bill to modify the H–2B nonimmigrant returning worker exemption.

S. 3172

At the request of Mr. PORTMAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 3172, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 3178

At the request of Ms. HARRIS, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3178, a bill to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

S. RES. 61

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 61, a resolution calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States.

S. RES. 525

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 525, a resolution designating September 2018 as National Democracy Month as a time to reflect on the contributions of the system of government of the United States to a more free and stable world.

S. RES. 557

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 557, a resolution expressing the sense of the Senate regarding the strategic importance of NATO to the collective security of the transatlantic region and urging its member states to work together at the upcoming summit to strengthen the alliance.

AMENDMENT NO. 3393

At the request of Ms. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 3393 intended to be proposed to H.R. 8, a bill 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. WARNER):

S. 3197. A bill to amend the Internal Revenue Code of 1986 to promote retirement savings on behalf of small business employees by making improvements to SIMPLE retirement accounts and easing the transition from a SIMPLE plan to a 401(k) plan, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, Ensuring that more Americans are better prepared financially for retirement is one of my top priorities.

That is why I rise today to introduce the SIMPLE Plan Modernization Act with my colleague from Virginia, Senator MARK WARNER. Our legislation will provide greater flexibility and access to both employees and their employers seeking to utilize the popular SIMPLE plans as an option for saving for retirement.

According to the non-partisan Center for Retirement Research, there is an estimated $7.7 trillion gap between the savings American households need to maintain their standard of living in retirement and what they actually have. A recent Gallup poll found that only 51 percent of working Americans believe that they will have enough money to live comfortably in retirement. Though this is the highest percentage of confidence in nearly a decade, we must continue to work to ensure that even more Americans will have the resources they need to enjoy their ''golden years.''

Another contributing factor is that employees of small businesses are much less likely to participate in employer-based retirement plans. According to a study by the PEW Charitable Trusts, roughly 30 million U.S. private-sector full-time workers continue to lack access to a work-based plan to save for retirement.

SIMPLE retirement plans were established in 1996 to encourage small businesses to provide their employees with retirement plans that are less costly and easier to navigate. A business with 100 or fewer employees can create a SIMPLE retirement savings account so long as it does not offer another employer-sponsored retirement plan.

The SIMPLE Plan Modernization Act would help to expand access to SIMPLE plans by increasing the contribution limit for most small businesses. This would achieve two important goals, Mr. President: first, it would encourage more small businesses to offer a retirement savings benefit to their employees; and second, it would allow employees of small businesses to save even more for retirement each year on a tax-deferred basis.

This legislation is a win-win proposition for retirement security. There are many small employers that simply cannot afford a 401(k) plan. For them, this legislation would provide enhanced savings opportunities. At the same time, the legislation is carefully constructed to prevent employers with a 401(k) plan from dropping that plan to adopt a SIMPLE plan. And the legislation preserves strong incentives for small businesses that become more successful to move from a SIMPLE plan to a 401(k) plan. We believe our approach will encourage businesses and their employees to take steps to save for retirement, and eventually move towards a more substantial retirement package, like a 401(k) plan.

In my home state of Maine, the vast majority of businesses are eligible to sign their employees up for SIMPLE Plans. Financial advisors from Presque Isle to Portland have shared their concerns that neither employees nor their employers are in a good position to save for retirement. We must give

small businesses and employees a better opportunity to save for retirement and this legislation will provide such an opportunity. I urge my colleagues to join Senator WARNER and me in supporting the SIMPLE Plan Modernization Act. Thank you, Mr. President.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 572—SUPPORTING THE OFFICERS AND PERSONNEL WHO CARRY OUT THE IMPORTANT MISSION OF U.S. IMMIGRATION AND CUSTOM ENFORCEMENT

Mr. KENNEDY (for himself, Mr. COTTON, Mr. PERDUE, Mr. GRASSLEY, Mr. CORNYN, Mr. ROUNDS, Mr. CASSIDY, Mrs. HYDE-SMITH, Mr. CRUZ, Mr. INHOFE, Mr. BLUNT, Mr. JOHNSON, Mr. TILLIS, Mr. HELLER, Mr. BOOZMAN, Mr. BARRASSO, Mrs. ERNST, Mr. DAINES, Mr. LANKFORD, Mr. CRAPO, and Mr. LEE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 572

Whereas the national security interests of the United States are dependent on the brave men and women who enforce the immigration laws of the United States;

Whereas abolishing U.S. Immigration and Customs Enforcement (referred to in this preamble as ''ICE'') would eliminate the agency responsible for removing individuals who enter or remain in the United States illegally, resulting in open borders;

Whereas the call to abolish ICE is an insult to the heroic law enforcement officers of ICE who make sacrifices every day to secure the borders and laws of the United States and to protect the safety and security of United States citizens;

Whereas abolishing ICE would allow dangerous criminal aliens, including violent and ruthless members of the MS–13 gang, to remain in communities in the United States;

Whereas, during fiscal year 2017, ICE Enforcement and Removal Operations (referred to in this preamble as ''ERO'') arrested more than 127,000 aliens with criminal convictions or charges;

Whereas criminal aliens arrested by ICE ERO in fiscal year 2017 were responsible for more than—

(1) 76,000 dangerous drug offenses;

(2) 48,000 assault offenses;

(3) 11,000 weapon offenses;

(4) 5,000 sexual assault offenses;

(5) 2,000 kidnapping offenses; and

(6) 1,800 homicide offenses;

Whereas ICE Homeland Security Investigations made 4,818 gang-related arrests in fiscal year 2017 and prevents cross-border financial crimes, money laundering, bulk cash smuggling, commercial fraud, intellectual property theft, cybercrimes, and other criminal activities;

Whereas ICE plays a key role in the worldwide fight against human trafficking and child sexual exploitation through the Blue Campaign, the Child Exploitation Investigations Unit, the Human Exploitation Rescue Operative (''HERO'') Child-Rescue Corps Program, and Homeland Security Investigations;

Whereas abolishing ICE would mean that countless illegal aliens who could pose a threat to public safety would be allowed to roam free instead of being removed from United States soil;

Whereas abolishing ICE would result in more dangerous illegal drugs flowing into communities in the United States, causing more United States citizens to needlessly suffer;

Whereas ICE plays a critical role in combatting the drug crisis facing the United States;

Whereas ICE seized more than 980,000 pounds of narcotics in fiscal year 2017, including thousands of pounds of the deadly drugs fueling the opioid crisis;

Whereas ICE seized approximately 2,370 pounds of fentanyl and 6,967 pounds of heroin in fiscal year 2017;

Whereas ICE logged nearly 630,000 investigative hours directed toward fentanyl in fiscal year 2017;

Whereas abolishing ICE would allow those drugs to remain in communities in the United States, causing more devastation;

Whereas abolishing ICE would eliminate the agency that deports aliens that pose a terrorist threat to the United States;

Whereas ICE was created in 2003 to better protect national security and public safety after the terrorists responsible for the terrorist attacks on the United States on September 11, 2001, exploited immigration rules to gain entry into the United States;

Whereas the National Commission on Terrorist Attacks Upon the United States found that many of the hijackers involved in the attacks on September 11, 2001, committed visa violations;

Whereas ICE identifies dangerous individuals before they enter the United States and locates them as they violate United States immigration laws; and

Whereas abolishing ICE would enable the hundreds of thousands of foreign nationals who illegally overstay visas each year to remain in the United States indefinitely: Now, therefore, be it

Resolved, That the Senate—

(1) expresses continued support for all officers and employees of U.S. Immigration and Customs Enforcement (referred to in this resolution as ''ICE'') who carry out the important mission of ICE;

(2) denounces calls for the complete abolishment of ICE; and

(3) supports the efforts of officers and employees of the United States Armed Forces and Federal and State law enforcement agencies who bring law and order to the borders of the United States.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. CAPITO. Mr. President, I have 11 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, July 11, 2018, at 10 a.m., to conduct a hearing entitled ''Complex Cybersecurity Vulnerabilities: Lessons Learned from Spectre and Meltdown.''

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, July 11, 2018, at 10 a.m., to conduct a hearing entitled ''the Long-term Value to U.S. Taxpayers of Low-cost Federal Infrastructure Loans''.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 10 a.m., to conduct a hearing on the following nominations: Ryan Douglas Nelson, of Idaho, to be United States Circuit Judge for the Ninth Circuit, Stephen R. Clark, Sr., to be United States District Judge for the Eastern District of Missouri, John M. O'Connor, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma, Joshua Wolson, to be United States District Judge for the Eastern District of Pennsylvania, and James W. Carroll, Jr., of Virginia, to be Director of National Drug Control Policy.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 2:30 p.m., to conduct a hearing on H.R. 597.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 2:30 p.m., to conduct a hearing on S. 2599.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 10:30 a.m., to conduct a hearing entitled ''Election Security Preparations: Federal and Vendor Perspectives''.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 10:30 a.m., to conduct a hearing entitled ''Election Security Preparations: Federal and Vendor Perspectives''.

SUBCOMMITTEE ON NATIONAL PARKS

The Subcommittee on National Parks of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 3 p.m. to conduct a hearing.

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

The Subcommittee on Federal Spending Oversight and Emergency Management of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 2:30 p.m., to conduct a hearing entitled ''Examining Warrantless Smartphone Searches at the Border''.

SUBCOMMITTEE ON SOCIAL SECURITY, PENSIONS, AND FAMILY POLICY

The Subcommittee on Social Security, Pensions, and Family Policy of the Committee on Finance is authorized to meet during the session of the Senate on Wednesday, July 11, 2018, at 2:30 p.m., to conduct a hearing entitled ''Examining the Importance of Paid Family Leave for American Working Families''.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Whitney Wagner, have privileges of the floor for the remainder of the day.

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

ORDERS FOR THURSDAY, JULY 12, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, July 12; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Ney nomination; finally, that notwithstanding rule XXII, all postcloture time on the nomination expire at 1:30 p.m.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators RUBIO and MERKLEY.

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

The Senator from Florida.

ENVIRONMENTAL CRISIS IN FLORIDA

Mr. RUBIO. Mr. President, my home State of Florida is once again experiencing an environmental and economic catastrophe—a real crisis. It is a crisis that was caused extending back decades—decades of bad decisions, decisions made on things people didn't think about, neglect, and myopic water management. Nowhere is that crisis more acute and more apparent than at Lake Okeechobee, the liquid heart of the Everglades, and our surrounding communities, including the city of Stuart, which is on the verge of seeing conditions very similar to what they experienced in the year 2016.

That is what this picture here is about. What we see on this photo is algae—thick, toxic algae—that was gathering underneath that bridge back in 2016.

This really goes back decades. The historic Florida Everglades—the head waters began in Lake Okeechobee. This massive lake, this reservoir, is right in the center of our State. What would happen is when rainfall would come in and when water would overflow, it would just continue to flow south into the Everglades and down into the Florida Bay. But then people began to move in and develop Florida, and therefore there was a need for the Army Corps to step in and carefully script the flow of water in the southern half of Florida.

This all began since the construction of something called the Herbert Hoover Dike and then, subsequently, the development beginning in 1948 of the Central and South Florida projects to manage flood risks. Unfortunately, this flood control system that was designed to keep the water from coming out of Lake Okeechobee and flooding communities to the south of it has significant limitations and neglects to use the Everglades' natural flow wave. That is why Everglades restoration is something that, apart from ecosystem and wildlife benefits, is so critically important for our Nation and for my State of Florida. Everglades restoration is not simply about restoring a national treasure, it is also about allowing much more flexibility for water management at greatly reduced costs and at reduced harm to coastal communities.

The best way to understand it for those who are new to this issue is that we have this massive lake. The lake used to overflow, and when it did, the water would flow down. Communities and agriculture moved into the southern part of the State, just south of that lake; therefore, there was a need to construct a dam to hold back the water and prevent the flooding and loss of life, which is natural, and then a canal system to allow the waters to flow east and west.

The problem that has developed over the years is what we are dealing with now, and that is that as of today, when water levels in Lake Okeechobee rise too high, that water must be released in massive quantities. Today, the water levels are over 4½ feet deep—a full 2 feet higher than the Corps would prefer at this time of year as the rainy season kicks in. So they look at the dike and they look at its capacity and they worry that, knowing it is going to continue to rain throughout the summer, if the water levels get too high, we could have the dike compromised, and we could have flooding and loss of life. Therefore, they are forced to release water.

Last year, as an example, we saw large amounts of water and rainwater. Among other causes, of course, was Hurricane Irma, which caused Lake Okeechobee to rise to record-high levels. Again this year, Florida has experienced large amounts of rain. This rainfall carries nutrients into the lake from upstream.

The lake is in the center part of the State. Just north of it are areas such as Kissimmee and Orlando and population. People move in and fertilize their lawns, and all kinds of nutrients get into the groundwater. It rains, and it flows into Lake Okeechobee. The more it rains, the more it flows out. So the water level of the lake gets higher, and the nutrient flow into the lake also gets higher.

As we can see from these time-lapse images, when that nutrient-rich water flows in on top of the nutrient-rich water that is already there—and heat comes into play—the result is algae blooms. That is where it was on the 12th of June. This is where it was on the 20th. All of that red represents algae. This is where it was on the 21st and then on the 24th. If you looked at an image of this today, almost the entire lake is covered by thick, toxic algae.

To make sure there is no damage or threat to the dike, which itself is being worked on in order to strengthen it, the U.S. Army Corps of Engineers releases water from the lake to the east to the St. Lucie River and to the west to the Caloosahatchee River. We remember it used to flow south, and now it has been diverted into these canal systems to the east and to the west. So if you are living to the west or if you are living to the east, what you know is that when these releases happen, all of that algae you see here and all of that green algae I just showed you in that picture, which is toxic and kills life, not to mention—it is harmful to people who come into contact with it, potentially even breathe it in, and all of that stuff is headed your way when those releases happen.

Unfortunately, those discharges have a catastrophic impact on the environment and on the Floridians living along our coastal ecosystems. They are especially destructive when these releases export, as I said, nutrient-rich waters with toxic blue-green algae blooms from the lake to the waterways and the estuaries that are downstream because there, those blooms—that algae, which kills fish, fouls the water, and shutters all sorts of small businesses along the coast, has a tremendous negative impact on property values, the real estate market. It creates respiratory irritation for people as well as contact dermatitis for residents who get too close to it.

Imagine you live in this area. Maybe you are a small business that depends on visitors. Maybe you invested a lot of money to retire near the water. Maybe you grew up there or lived your entire life there or spent summers there, or maybe your greatest memories are of times your family spent on the water, and this is headed your way. I assure you that this does not increase your property values; it collapses them. I assure you that it does not encourage

visitors to come to your area. It not only discourages them from coming now, but the reputation gets out, and all of these small businesses that depend on access to the water are now being threatened by that as well.

We see this picture here, this green. That is all toxic algae—all of that—on one of the waterways. That is not Chicago on St. Patrick's Day. That is not food coloring. That is toxic algae in the Caloosahatchee River. Images like this are becoming all too common for the residents in this area.

The picture does not do it justice. This is not just the color of the water; this is thick algae of a kind that is inches deep. You can imagine that everything underneath that is not just being cut off from sunlight and oxygen, but it is toxic. It is killing everything underneath it as well. You can't go underneath that water, you can't touch it, and everything that is in it is going to struggle to survive.

Over the weekend, particularly on Sunday morning, I began to raise concerns and the concerns of our coastal communities that were on the receiving end of this. Imagine if you live in one of these communities. You see the pictures of the lake that is basically all green, and you know that on Monday morning, they are going to open it up, and all of this stuff is going to come pouring down in your area. They are frightened. It is like impending doom.

We reached out to the President. We reached out to the administration. Thankfully, they acted quickly. They called the Army Corps, and the Army Corps paused the discharges that were scheduled for Monday. So on Monday—Sunday night, early Monday morning—people woke to the positive news that these releases were not going to start on Monday.

By the way, if you go over to the release points where the water is let out, it is all backed up with this algae. All you have to do is stand there and see it, and you know that as soon as they open it, all of this stuff is coming out and come at you.

They gave us this 3- or 4-day reprieve—however long it takes to allow water managers to conduct a full assessment of system conditions and to look for other available options for moving water.

While this was a positive response, it is not a long-term answer to this problem. At some point over the next few days, this is going to have to be released. It is going to happen. It is just a matter of time. And the result is that 2018 is shaping up to be another lost summer along the Caloosahatchee and Indian River Lagoon estuaries, just as it was in 2013 and just as it was in 2016.

I want to be frank. Over the last 20, 30, 10, and 5 years, the Federal Government has not done enough for anyone to expect that anything will change in the next 5 years.

Here is full candor. There are really no good, viable, short-term options that will fix this overnight. That is a fact. We know that. Ultimately, no matter how much we push the Army Corps to hold back releases, at some point they will have to because we are in rainy season, and there comes a point where the risk of flood and loss of life compels them to release some of it. You hope they pulse it. You hope they spread it out. You hope they don't release more than they need to. You hope they stretch it as much as possible. But in the end, you know it is going to happen, and so do the residents in this region. What is frustrating is that not only is the release coming, but nothing seems to be happening to prevent this from continuing on forever.

That is why it is so important for us that while we work to try to spread out these releases to minimize to the extent possible the impact they have, we have to begin to work on the things that ultimately will solve this. What ultimately will solve this are the issues that we are committed to continuing to work on. It is multipronged, and it will take a number of years to get it done.

The Senate will soon take up the water infrastructure bill. That bill is going to allow us to move forward with the Everglades agriculture area reservoir. This project, by the way, is connected to the broader project called the Central Everglades Planning Project, which the Congress authorized in 2016's water resources bill. That reservoir is vital to ensuring that more water is sent south through the Everglades as nature intended.

This reservoir will basically be at pace for some of that water—instead of having to go east and west, it can go into this reservoir south of the lake; it can be cleansed of many of those nutrients; and then, instead of being released east and west, that cleaner water could be released south into the Everglades, the way some of it once was back in the historic Everglades.

That project, that piece of it—the agriculture area reservoir—was at the Office of Management and Budget. That is why we worked with them and really spoke to them a number of times to get them to quickly approve the Army Corps' review of the storage reservoir project. I am happy for the residents of Florida and particularly these impacted areas that these efforts succeeded.

Yesterday, the administration and the Office of Management and Budget approved the Corps' review of the project so that its design and construction can now be authorized by Congress. We also must continue to move with expediency to finish the rehabilitation of the dike. We fought hard to include appropriations in the most recent disaster supplemental that would provide enough funding to, once and for all, ensure this is made a priority for completion. So I appreciate the administration's heeding this request.

Just last week, the Army Corps allocated more than $514 million for the dike. That means that with all the money needed to complete the project now allocated, the money is now available, and the dike can be finished by 2022. What we hope that means is that now that the dike is repaired and stronger, they will be able to hold back more water for longer periods of time.

But that alone isn't going to solve the problem. It will have some impact and it certainly is important, and we certainly need to do it. We never want to see the dike compromised, but, ultimately, that alone will not be enough. We have to continue to do all the other things, including the reservoir I spoke about a moment ago.

We also have to remain focused on bottlenecks at the southern end of the flow management system to allow for increased flow of water. This includes ensuring our partnership with the State of Florida, the Army Corps, and the Department of the Interior—that we all continue to work together to meet the important timelines and project funding targets.

I have spoken to President Trump about this. I recall at some point in the summer of last year, as we flew to Miami for an event, we had a chance in our flight path to fly over part of the Everglades. The President is a part-time resident of Florida; he knows the area well. Palm Beach in particular is one of the areas impacted by all this. We talked about the opportunity the President had to be the infrastructure President and, when it comes to Florida, to be the President who actually gets this done for the Florida Everglades.

I have asked him and talked to him about doubling Federal investment in Everglades restoration infrastructure, like the Central Everglades Planning Project, to clean and store and move water into South Florida's natural flood plain and away from where people live along the coasts.

In 2000, Congress authorized the Comprehensive Everglades Restoration Plan. It was a complete framework for everything that needs to happen, and we have to continue to move forward on finally getting it done. There were too many delays. It took too long. There wasn't enough of a Federal commitment.

Hopefully now—just in the last couple of years—we have begun to make headway on it because these infrastructure projects aren't just about restoring the Everglades. This is not just an environmental project. If it were just an environmental project, that alone would justify it, but it is not just an environmental project. It is about economic development. It is about water quality and about water supply. It is about the value of property. It is about quality of life. It impacts millions of our residents and visitors.

We have to finish the projects. We have to stay focused. If we take our eye off the ball, if we divert attention somewhere else, if we interrupt the work of these projects—every one of these delays just makes more and more

of these events. If Congress in 2000 had moved at the speed we are moving now, some of this would have been avoided, and with every year that we delay—not acting—these are the real world consequences; it only gets worse, not better.

That is why I remain committed, and among my highest priorities for the State of Florida is to get this done in a timely fashion, with the Federal support and the Federal commitment necessary to match what the State has already done with great urgency. I hope we can continue to make progress on all of this. Otherwise, we are going to have more loss, and the lives of millions of people will continue to be impacted in catastrophic ways.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF BRETT KAVANAUGH

Mr. MERKLEY. Mr. President, the most important words of our Constitution are its first three, ''We the People.'' It is the mission statement of our Constitution, the mission statement of our country, a nation ''of the people, by the people, for the people,'' as President Lincoln so eloquently stated, not a nation by, for, and of the powerful and the privileged.

Critical to that vision of ''we the people'' is a strong and independent judiciary, particularly a strong and independent Supreme Court, since all the decisions from the lower courts can be appealed right on up to the very top.

Today, there is a vacancy on the Supreme Court with Anthony Kennedy's announced retirement. On Monday night, President Trump announced his nominee to fill that seat—Judge Brett Kavanaugh.

A single vote can make all the difference in the world on the Supreme Court in protecting the freedoms we hold dear. A single vote can tip the scales toward the vision of our Constitution, the ''we the people'' vision of our Constitution, or it can tip the scales away from that vision toward government by and for the powerful.

We can see the impact of the single vote when we look at Justice Kennedy's own legacy, his own record of 5-to-4 decisions. Time and again during his three decades on the Court, he made the deciding vote in a critical decision—a single vote making a big difference.

In 1992, he wrote the majority opinion in Planned Parenthood v. Casey, not only reaffirming Roe v. Wade but protecting a woman's fundamental right to make decisions about her own healthcare. As Justice Kennedy wrote, ''These matters, involving the most intimate and personal choices a person may make in a lifetime . . . are central to the liberty protected by the Fourteenth Amendment,'' the amendment prohibiting States from depriving a person of liberty without due process.

In 2005, he wrote the ruling in Roper v. Simmons, which barred the execution of juveniles, declaring it cruel and unusual punishment banned by the Eighth Amendment, highlighting the ''evolving standards of decency that mark the progress of a maturing society.'' Justice Kennedy said that even when a child commits the most heinous of crimes, ''the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity.''

In Boumediene v. Bush, he appealed to the better angels of our nature and channeled the sentiment behind Benjamin Franklin's adage that ''Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety'' when he wrote the majority opinion that detainees at Guantanamo Bay had the constitutional right of habeas corpus to challenge their detention.

Certainly, in looking at Justice Kennedy's legacy and the importance of a single vote, it is worth noting cases that involve the rights of opportunity for our LGBTQ brothers and sisters. Because of that 5-to-4 vote, our Nation declared finally that love is love and that everyone has the right to marry whomever they love, regardless of gender or sexual orientation.

In United States v. Windsor, he helped strike down the Defense of Marriage Act, declaring it unconstitutional under the Fifth Amendment's due process clause after the surviving spouse of a legally recognized same-sex marriage was denied the Federal estate exemption given to all surviving spouses.

Then, in Obergefell v. Hodges, he wrote: ''No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family.'' Justice Kennedy went on to say that same-sex couples who sought legal recognition of their unions in the case asked only ''for equal dignity in the eyes of the law,'' and that ''the Constitution grants them that right.''

Think about these powers, these freedoms, these rights: due process under the 14th Amendment; protection from cruel and unusual punishment under the 8th Amendment; the right to petition for a writ of habeas corpus granted in article I, section 9 of the Constitution; due process under the 5th Amendment, all upheld by a single vote.

If there is any doubt about how much difference that vote can make, look at some of the recent decisions handed down by the court.

The Janus case was a 5-to-4 decision undermining the rights of workers to organize. The ability of workers to organize is a fundamental right, a key power to be able to participate in the wealth that you work to create, yet it was undermined just the week before last by a 5-to-4 court decision.

Trump v. Hawaii was a 5-to-4 decision upholding a travel ban against Muslims, effectively shutting the door of our country to a group of people simply because of their religion. What a 5-to-4 assault that was on the freedom of religion.

Abbot v. Perez was another 5-to-4 decision green-lighting racial gerrymandering in Texas, violating the Voting Rights Act.

One case after another has come down in recent weeks against ''we the people,'' decided by a single vote. How many cases are we going to see in the coming years where a single vote transforms the landscape of our country as we know it, where a single vote takes away a fundamental right in the vision of a ''we the people'' nation? That is why this nomination is so unlike any other recent confirmation; the impacts on the court and on our Nation will reverberate for decades to come.

So many core issues are under consideration: the influence of money in politics; the power of big corporations to prey on consumers and workers; marriage equality; the right of every American to have their voice heard at the ballot box. How can you believe in the foundation and vision of a democratic republic if you don't believe in voter empowerment? Yet we have members of the Supreme Court who don't. The right of every American to receive a quality education, affordable healthcare and a woman's right to choose—it is clear that the very soul of our ''we the people'' Nation is hanging in the balance.

But here is a certain circumstance that we may never have seen before; that is, we have a President who is under investigation for the possibility of colluding with an enemy, with an adversarial foreign power. In case after case, time after time, he has sought to make it difficult to conduct an investigation into the Presidency and the campaign that preceded it. He said in a tweet: ''As has been stated by numerous legal scholars, I have the absolute right to PARDON myself, but why would I do that when I have done nothing wrong?''

I ask this: Why would he tweet that topic if he is not worried about needing a pardon? He is a President who talks openly about the possibility of pardoning himself—something there is no precedent for, which no President has considered? This is the situation we are in.

With a President at this moment nominating a Supreme Court Justice who well may have the power to determine whether it is possible under our Constitution for a President to pardon himself, who may well determine under our Constitution whether a President can fire a special counsel at will, the march to an authoritarian nation is one that should concern us at this moment because that is the issue of the expansive power of the Presidency. Is it so broad, so large that the checks and balances written into the Constitution become irrelevant? This is exactly what President George Washington warned the Nation about in his Farewell Address, when he said, ''The spirit

of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism.'' He said this ''is the customary weapon by which free governments are destroyed.''

Here we have this issue of the President having chosen as a nominee, off a long list of possibilities, an individual who has gone to great lengths to talk about the President being above the law. Therefore, we have every right to worry.

About this expansive view of Executive power, in a 2009 Minnesota Law Review article, he said:

> We should not burden a sitting President with civil suits, criminal investigations, or criminal prosecutions.

He said:

> [A] possible concern is that the country needs a check against a bad-behaving or lawbreaking President. But the Constitution already provides that check. If the President does something dastardly, the impeachment process is available.

So here he is saying directly that his reading of the Constitution is that the check on the President is through impeachment.

''The President,'' he says, ''should have absolute discretion . . . whether and when to appoint an independent counsel.''

In another point, he argued that it should be the President who has the power to dismiss an independent counsel and to do so without cause. In a 1998 panel discussion called ''The Future of the Independent Counsel Statute,'' he said: ''If the President were the sole subject of a criminal investigation, I would say no one should be investigating that.''

When the moderator asked how many on the panel believed a sitting President cannot be indicted, it is Mr. Kavanaugh who raised his hand.

In his dissent in Seven-Sky vs. Holder, Kavanaugh wrote a footnote stating: ''Under the Constitution, the president may decline to enforce a statute that regulates private individuals when the president deems the statute unconstitutional, even if a court has held or would hold that statute constitutional.''

Wow, not only does this nominee believe that the only power to address a misbehaving President is impeachment—the power granted to the Congress—but also that the President has the power to ignore laws just by virtue of feeling that they are unconstitutional, even if a court says they are constitutional. That is not the system of checks and balances set up in our Constitution.

That is a big concern, and it leads us to the conclusion that when a President is under investigation for the possibility of a serious crime of collaborating with the enemy, that President should not have this Chamber considering holding hearings and proceeding to take a debate and a vote on that nominee. Let that cloud be cleared first.

There is more to be concerned about. There is a lot to be concerned about in healthcare. In Garza v. Hargan, he dissented from a decision protecting a woman's constitutional right to control her own reproductive health decisions. Then, there is Priests for Life v. U.S. Department of Health and Human Services, where he wrote a dissenting opinion in which he stated that the Affordable Care Act's contraceptive coverage requirement violated religious nonprofits' religious freedom. The nonprofits said that even submitting the one-page form from the Obama administration to allow religious nonprofits to opt out might make them complicit.

As for net neutrality, in U.S. Telecom Association v. Federal Communications Commission, he wrote an opinion in favor of striking down the FCC's net neutrality rule. He argued that the net neutrality rule violated the First Amendment by ''restricting the editorial discretion of internet service providers.''

The editorial discretion of internet service providers? This issue of net neutrality is whether or not an internet service provider can charge a series of fees based on the content of the information. If you want to protect freedom of speech, then you protect net neutrality. This net neutrality issue was about whether an internet service provider can charge fees based on the type of platform you are using or the computer program you are using. It was about whether you can create a fast lane on the internet for those wealthy enough to afford it while the rest of us in America are stuck in the slow lane behind a truck going 30 miles per hour. That is what net neutrality is about.

Did he even understand the basic fundamentals of the issue? He said it is about the editorial decision of the internet service providers—talk about a decision warped and twisted and crafted to support the powerful or the fundamental opportunity for us as a nation to make rules that regulate fair opportunity on the internet.

Our Nation is at a pivotal moment. We have a Court that in a 5-to-4 decision, a 5-to-4 decision, and a 5-to-4 decision has proceeded to weigh in on behalf of the powerful, against the people, against the workers of America, against the consumers of America, against the women of America and healthcare rights in America. Now we have the possibility of a nominee being considered who wants to make the Presidency of the United States above the law, not subject to investigation, not subject to the possibility of indictment, not subject to the courts saying that a law is constitutional or unconstitutional.

Perhaps it is appropriate for a King in a kingdom but not for a democratic republic, not for a ''we the people'' constitution. That is why we absolutely should not proceed to consider this nominee until the President is cleared of the investigation for conspiring, for collaborating with an enemy of the United States of America. It is absolutely why if that cloud is cleared, we should still be dramatically concerned about the viewpoints of this nominee, who doesn't respect the healthcare opportunities and rights of Americans, who doesn't respect the government's ability to create a fair playing field, equal lanes for individuals on the internet, and who certainly doesn't understand that no one is above the law under the vision of the Constitution, not even the President of the United States.

Thank you.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:38 p.m., adjourned until Thursday, July 12, 2018, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 11, 2018:

DEPARTMENT OF JUSTICE

BRIAN ALLEN BENCZKOWSKI, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.