



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, THURSDAY, NOVEMBER 9, 2017

No. 183

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

PRAYER

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

Let us pray.

Eternal God, thank You for the gift of our veterans, those on Capitol Hill and beyond. May our veterans make us mindful of the price of our freedom.

Lord, infuse us with a spirit of gratitude for those who have offered their lives on the field of battle that we might live in peace. Let not one of our veterans feel forgotten, neglected, or unappreciated. May they know by experience the deep and enduring gratitude of a grateful nation.

Lord, You know the burdens that many of our veterans must bear. Some feel isolated and alone; others feel misunderstood. Bring physical, emotional, and spiritual healing to their lives, providing them with the wisdom to trust You with their future.

Lord, we ask Your particular blessings upon the Senators who in military service have sacrificially given their time, comfort, strength, ambition, and health. Reward them one hundredfold for their sacrifice and service, blessing them more than they can ask or imagine.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 9, 2017.

To the Senate:

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

ORRIN G. HATCH,
President pro tempore.

Mr. HELLER 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 to resume consideration of the Wehrum nomination, which the clerk will report.

The legislative clerk read the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. MCCONNELL. Mr. President, this has been another important week here

in the Senate. We are moving forward on multiple aspects of the President's agenda.

Later today, the Senate Finance Committee will release its plan for tax reform. I will have more to say on this in a moment, but I would once again like to commend Chairman HATCH for his leadership to get us to this point.

The Senate is also focusing on confirming the President's nominees so they can finally get to work. We have built strong momentum from last week, when we confirmed four circuit court nominees. This week we have confirmed nominees for the Department of Defense, the Department of Justice, and the National Labor Relations Board.

Soon we will also confirm the head of a critical office at the EPA. William Wehrum will put his experience to good use as Assistant Administrator for the EPA's Office of Air and Radiation. This office is one of the EPA's most important but, unfortunately, under the Obama administration, was also among the offices with the most significant overreach. Obviously it was in desperate need of new leadership from someone who understands how to implement clean air policies in a balanced way. That is William Wehrum. I look forward to advancing his nomination shortly.

Confirming President Trump's talented nominees to the Federal Government will continue to be a priority of this Senate, and I look forward to working with my colleagues to get this done.

TAX REFORM

Now on another matter, Mr. President, today Chairman HATCH will lay out his legislative proposal for tax reform. It is the product of a lot of hard work, dozens of hearings, and member input, and I look forward to its release later today.

The release of this plan is another critical step toward providing relief to the middle class. Once it is unveiled,

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



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the proposal will go through regular order in the committee. Senators on both sides will have the opportunity to offer amendments and work together to help hard-working families all across our country.

This is our once-in-a-generation opportunity to lower taxes and shift the economy into high gear. In fact, tax reform represents the single most important thing we can do to spur growth and to help American families. With this tax reform plan, the American people will know that relief is on the way. For you and your family, we want to make taxes lower, simpler, and fairer. For small businesses, we want to make it easier to navigate the Tax Code, grow, and hire workers. And for all businesses, we want to make it an easy decision for them to bring investment and jobs home and to keep them here.

As the Finance Committee continues to work on tax reform, both Republicans and Democrats will have the chance to offer their own ideas to make the bill better. I certainly hope they take it. The process isn't behind closed doors; it is out in the open for everyone to see and for everyone to take part.

The House Ways and Means Committee is expected to finish their work on their legislative proposal soon. Under Chairman BRADY's leadership, they have put a lot of good work into this.

I look forward to continuing to work with colleagues in both the House and the Senate, along with President Trump and his team, on our mutual tax reform goals. Our main goal is this—this is what it is all about—we want to take more money out of Washington's pockets and put more money in the pockets of the middle class.

In addition to the great work being done by Chairman HATCH in the Finance Committee, the Senate Energy and Natural Resources Committee, under the leadership of Chairman MURKOWSKI, is taking important steps as well. The recent budget resolution gave the committee instructions to generate \$1 billion of new revenue for the Federal Government. The committee has now unveiled legislation to do just that by further developing the oil and gas potential in Alaska in an environmentally responsible way. Their good efforts can produce important benefits to both the people of Alaska and to our entire country. I commend Chairman MURKOWSKI for her efforts to support our Nation's energy security. This plan is a limited, responsible effort that can result in new jobs, a strong source of energy, and a boost to our economy, all while being responsible stewards of Alaska's environment. I look forward to the committee reporting this legislation next week as well.

The Senate has many important items before it. Let's work together to get them done, fulfilling our commitments to the American people.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, later today the Senate Republicans will release their version of the tax bill. The bill will not include a single idea of Democrats in the Senate. Not a single Democrat has had any input into this bill. It was constructed entirely behind closed doors by the majority party, who have no intention of negotiating with Democrats because they locked themselves into a partisan process that only requires a majority vote.

They are trying to rush it through this Chamber with reckless speed. Why? Because my friends on the other side know that the longer their bill is out there for the public to see, the less the public likes it. Their only hopes of passing it are to rush it through before anyone can grapple with the stunning hypocrisy at the center of their plan.

The Republican majority has repeatedly promised a middle-class tax bill, but instead, they have concocted a bill grounded in tax cuts for big corporations and the very rich. They actually hurt middle-class people because they need to give those big breaks for the wealthiest.

While promising that their plan gives "everyone a tax cut"—that is what Speaker RYAN said again today—multiple independent analyses conclude that the House Republican tax plan would increase taxes on millions of middle-class families, contrary to what Republicans promised and what Donald Trump has promised. They said: No middle-class people will get an increase. This is aimed at helping the middle class.

But the vast majority of the help goes to the wealthiest and biggest corporations. A New York Times analysis found that next year the House Republican plan would cause taxes to go up on one-third of all middle-class families. By 2026 taxes will go up on nearly half of all middle-class families.

So even if you come from a State with a lower tax rate—a red State—it is probably a good bet that a quarter of the middle-class families will get a tax increase. I think the lowest I saw was 17 percent for West Virginia.

So this hurts middle-class people, and it hurts certain middle-class people much more than others—people who have student loans, people who have high medical expenses, people who come from States where there are large property taxes, people who have big mortgages. These are middle-class people. They should not get a tax increase.

Mark Mazer, director of the independent Tax Policy Center, said:

You could create a plan that just cuts taxes for middle-class people. That's not what this is.

That is him, not me. It is what Republicans promised people.

Now, we will see what the Senate comes up with today. But several Republican Senators have already confirmed that the Senate bill has the same structure as the House bill, and, in at least one way, we know it is worse for middle-class families than the House bill because the House bill will reduce the value of State and local deductions by 70 percent, while the Senate bill eliminates it entirely. My friend from Ohio, Senator PORTMAN, confirmed that a few days ago on FOX Business.

This should be a three-alarm fire for every House Republican in California, New York, New Jersey, Virginia, Washington, Illinois, Colorado, and Minnesota. Senate Republicans are telling House Republicans there will be no compromise on State and local deductibility. It is full repeal or bust because Senate Republicans need the revenue raised by ending this popular middle-class deduction.

There are several deficit hawks in the Senate. We have stricter budget rules for reconciliation. If the Senate tax plan includes cuts to the corporate rate, the pass-through rate, and on upper tax brackets—which dramatically increase the deficit—they will need the revenue from the full repeal of State and local to make the numbers work.

So I say to every one of my Republican colleagues in the House who comes from a suburban district: This bill could be your political doom. Don't let the special interests, don't let the party leadership push you into doing something that is bad for so many of your constituents. You will pay a price.

House Republicans should kill the bill now if they want to have any hope of stopping the full repeal of the State and local deduction. They can't hide behind the so-called compromise in the House bill. It is nothing more than a temporary fig leaf for full and permanent repeal.

As I said, if House Republicans don't kill it now, it will come back to haunt them. The overwhelming Democratic turnout in suburban districts in Virginia, New Jersey, and Pennsylvania should send shivers down the spine of House Republicans who represent those districts. Voting to repeal the State and local deduction—walloping the middle-class and upper middle-class suburbs—would be political suicide, all this to bow down to the special big interests of large corporations.

Even with the compromise, the House numbers are devastating. Representative MACARTHUR said he was shown information that shows the compromise is good for his district, and he went from a no to a "leans" yes, according to POLITICO.

Representative MACARTHUR, go look at the real numbers.

Forty-three percent of taxpayers in Representative MACARTHUR's district take the State and local deduction, for an average of \$11,987 per deduction. Over half of the value of these deductions is not the property tax at all. It is State and local income taxes, which will be taken away under the plan.

Then, according to IRS data, there are a good number for whom the property taxes are over \$10,000, meaning the compromise still wouldn't help them. So I would not, if I were Representative MACARTHUR, listen to the numbers the Republican leadership is giving him. I would do my own independent analysis because I believe he would find them to be a lot worse than what the leadership is telling him.

I say to my other Republican colleagues: Don't fall for those quick numbers. Go do your own looking at this. It is a lot worse than your leadership is telling you.

One final point here on taxes, for some reason the conventional wisdom on the Republican side is that because of the stunning depth of their losses in the recent elections, there is even a greater need to pass the tax plan. We have to do this or we will fall apart, they said. It makes no sense. They are misreading the public.

Ed Gillespie, for all of his divisive ads, also ran a traditional establishment campaign. The linchpin of his campaign was the \$1,000 tax cut for everybody. It got him nowhere. Exit polls from the Virginia election showed that the No. 1 issue on voters' minds was healthcare, and they voted overwhelmingly Democratic. Yet, amazingly, Republicans may repeal the individual mandate as part of their tax bill. How do they think that is going to fly?

Despite the spin from Republican leaders, passing this plan will not help Republicans climb out of the hole they are in. It will bury them deeper. Maybe if they pass the bill, they will not say they are in disarray for the moment, but already this bill has had a miserable rollout. You know that when a party rolls out their No. 1 legislative plan, there should be trumpets and bands, but the public knows already that the bill favors the wealthy. The public knows that middle-class people get a tax increase.

So at best, the rollout of this bill has been mixed. I would say it has been negative, and the American people agree because many more people are against this bill than are for it, according to all of the polls. Passing a partisan tax plan that favors the wealthy and raises taxes on millions of middle-class and upper middle-class families in the suburbs is no political cure. It is political poison.

The real way to win back the esteem of the American people would be to put partisanship aside, put a giant tax cut for the wealthy on the shelf, and come work with Democrats on real bipartisan reform.

Mr. President, I would also like to just announce my strong opposition to

Mr. Wehrum to the EPA's Office of Air and Radiation.

While working in senior roles at the Office during the Bush administration, Mr. Wehrum led the efforts to weaken clean air protections. During his tenure, courts ruled that the Agency violated the Clean Air Act 30 times. Mr. Wehrum represented industry clients against the EPA 31 times since 2008.

He does not deserve to be in this position. Anyone who cares about the lungs of their children should not want Mr. Wehrum in that position. I hope we will get some bipartisan support to reject this really awful nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, I want to continue to share with our colleagues the reasons I oppose the nomination of Bill Wehrum to be EPA's Assistant Administrator for Air and Radiation. Throughout his career, Mr. Wehrum has clearly shown he is dismissive of the science that is the core of EPA's actions to protect public health. Nothing during this confirmation process has convinced me that Mr. Wehrum's approach will change going forward.

I have said this before, and I will say it again because it makes Mr. Wehrum's priorities clear, our courts have overturned regulations that Mr. Wehrum helped craft while at EPA a staggering 27 times. That is 27 times that the courts determined the rules Mr. Wehrum put in place did not follow the law or did not adequately protect public safety—27 times.

In one of those instances, the courts faulted EPA's lack of action to reduce mercury and toxic air pollution emissions from electric powerplants.

I have worked on controlling mercury pollution since I became a Member of this body 17 years ago, so I would like to spend some time talking about this issue, mercury.

Much of our country's ongoing efforts to clean up air pollution hinge on making sure every State plays by the rules and does their fair share to reduce air pollution. That includes dangerous toxic pollution like mercury. Toxic air pollution gets into the air we breathe, gets into the food we eat, builds up in our bodies without our knowledge and can lead to cancer, to mental impairment, and even to death.

Unfortunately, Mr. Wehrum has spent much of his career fighting to dismantle the Federal environmental protections on which any State—my State, your State, so many other States—depends in order to clean up toxic air pollution.

Twenty-seven is also the number of years ago that President George Herbert Walker Bush signed the Clean Air Act Amendments of 1990 into law. Nearly three decades ago, Congress had enough scientific data to know that mercury and other air toxics, such as lead and arsenic, were hazardous air pollutants that harmed people's health

and, as a result, should be regulated by the EPA.

The lawmakers—including myself—who sent the Clean Air Act Amendments of 1990 to the desk of a Republican President thought that the Nation's largest emitters of mercury and air toxics would soon be required to do their part and clean up. Unfortunately, it took 22 additional years for the EPA to issue the Mercury and Air Toxic Rule, which finally, 5 years ago, called for reducing mercury and other air toxics from coal-fired plants, our Nation's largest source of mercury emissions.

The EPA modeled the rule after successful steps that States across our country had already taken. The Agency required coal plants to install existing affordable technology that could reduce mercury and toxic emissions by 90 percent.

Today our Nation's power utilities are meeting the mercury and air toxics standards—they are meeting it—and electricity prices have not gone up; they have gone down. Some of you might find that hard to believe, but it is true. They have actually gone down.

You might ask why it took the EPA 22 years to address our Nation's largest source of mercury and air toxics emissions. That is a fair question. The answer, in part, is that Mr. Wehrum was working at the EPA and had the responsibility to assume this life-enhancing—if not lifesaving—task, a responsibility, sadly, he largely chose to ignore.

In the early 2000s, under Mr. Wehrum's leadership, the EPA decided to take a detour when it came to regulating mercury and air toxics from powerplants. Mr. Wehrum refused to follow the recommendation from the National Academy of Sciences and instead reversed an earlier EPA decision. He determined it was neither appropriate nor necessary to regulate powerplants under the air toxics section of the Clean Air Act. Instead, he chose a different path, helping to write a rule allowing powerplants to pollute more and for a longer time under a mercury cap-and-trade program.

In his push to make regulations on mercury emissions less protective, Mr. Wehrum promulgated a rule that industry not only supported but helped to write. In January 2004, the Washington Post reported that language written for industry by Mr. Wehrum's old law firm—Latham & Watkins—appeared word for word in the proposed rule published in the Federal Register—word for word.

The story reported that “a side-by-side comparison of one of the three proposed rules and the memorandums prepared by Latham & Watkins shows that at least a dozen paragraphs were lifted, sometimes verbatim, from the industry suggestions.”

After Mr. Wehrum's mercury rule was finalized, the Federal courts found that EPA had exaggerated the rule's benefits and, as a result, the rule was

overturned. In fact, the EPA lost so badly that the deciding judge said that under the leadership of Mr. Wehrum, the Agency deployed “the logic of the Queen of Hearts, substituting the EPA’s desires for the plain text of the law.”

So EPA had to start all over again because Mr. Wehrum ignored science and deferred to industry. What makes that delay process so egregious is that our Nation’s children were exposed to toxic air emissions from powerplants for an additional decade for no good reason.

In 2011, the Obama administration finally issued a new rule—the mercury and air toxic standard rule—that protects our children, protects our health, and protects our lakes and our rivers. What is more, industry is easily able to meet the rule’s targets, and our Nation is already seeing the benefits, but these health benefits do not seem to matter to Mr. Wehrum, who is still fighting for delays in mercury and air toxic emission reductions.

In fact, while representing his industry clients, he has supported a lawsuit against the mercury and air toxic rule. Under his leadership, Mr. Wehrum’s law firm has been arguing that it is not “appropriate and necessary” for the EPA to regulate mercury and other air toxic emissions. Not appropriate and necessary? That is what he says.

When I asked Mr. Wehrum about his time at the EPA and his work to delay mercury regulations, he was elusive. He seemed to have a selective memory with respect to the actions he did or did not take when he last served at the EPA.

When I asked him if he would commit not to weaken the mercury and air toxic rule if confirmed, he basically refused to answer. However, to his colleagues, he is very clear regarding his thoughts on the mercury and air toxic rule. In a trade press article published just 1 year ago, Mr. Wehrum said: “From our perspective, it’s a regulation that made no sense and wasn’t justified.”

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxic pollution—pollution that pediatricians tell us damage children’s brains and could affect up to 600,000 newborns every year—600,000 newborns every year.

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxics pollution—pollution that settles in our lakes, our rivers, streams, accumulates in our fish, and makes them too dangerous to eat.

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxics pollution, even though power companies have already bought, paid for, and installed the control technology on all powerplants without hiking electricity rates.

This information should be quite concerning to all of us, to all of our col-

leagues—I don’t care where we come from—especially those who have supported the mercury and air toxic rule, as many of us have.

If confirmed, Mr. Wehrum would be part of the review of the mercury and air toxic rule that Mr. Pruitt promises to undertake. Think about that.

This is just one of the many clear examples in which Mr. Wehrum continues to support polluters over science and doctors, even going so far as to give polluters the pen to write the regulations they would have to follow. Unfortunately, there are many more.

Mr. Wehrum also spearheaded regulations when he was last at EPA that weakened air protections for national parks. The courts threw out those efforts to weaken the so-called regional haze rule, compelling the Obama administration to clean up his mess and provide this protection for iconic parks like the Grand Canyon and the Great Smoky Mountains National Park because, again, Mr. Wehrum did not follow science or the law.

Nonetheless, Mr. Wehrum continues to pursue ongoing litigation against EPA’s efforts to reduce national park pollution. Last year, Mr. Wehrum declared in an article: “EPA used the regional haze programs to impose very stringent, and from our perspective, unwarranted emissions requirements.”

Mr. Wehrum also has a long history of ignoring climate change science and the laws that regulate carbon emissions. While at the EPA, Mr. Wehrum was critical of the Agency’s decision to deny the State of California a waiver to impose stricter vehicle standards to reduce greenhouse gas emissions as well as costs for consumers. Mr. Wehrum personally pushed for this action against recommendations of the career staff who did not believe the George W. Bush administration political appointee had a legal basis to deny California’s request.

I am here today to remind Mr. Wehrum and all those who continue to delay action to control greenhouse gas emissions under the premise that more information about how the climate is changing or whether or not human beings are exacerbating the effects of climate change—the facts are in. The science is clear.

Even if he doesn’t want to believe the numbers and the data—Mr. Wehrum lives in Delaware, as do I. We run races together, sometimes ride the same trains back and forth between Wilmington and Washington. However, in the State in which we both reside, for us, the effects of climate change are evident. In our State, we are the Nation’s lowest lying State. Parts of our State are sinking while at the same time the waters are rising along our shores.

By his own admission, while at the EPA, Mr. Wehrum provided support to the government litigation team in a famous case: *Massachusetts v. EPA*. That team argued that greenhouse gases are not pollutants that could be regulated

under the Clean Air Act. It is not just me who disagreed with Mr. Wehrum in this instance, the Supreme Court of the United States disagreed as well.

Unfortunately, Mr. Wehrum’s views on climate change seem to be the same as they were 15 years ago. Despite the Supreme Court’s ruling in *Massachusetts v. EPA*, which affirmed EPA’s authority to regulate greenhouse gases under the Clean Air Act, Mr. Wehrum insisted in 2013 that he “continues to believe, that Congress never intended the EPA to address an issue such as climate change under the Clean Air Act.”

In his nomination hearing before the EPW Committee, Mr. Wehrum claimed that the climate is changing, but much is unknown—much is unknown—about why and how fast those changes are occurring.

I could go on for a while, as you can imagine, but suffice it to say, these views of Mr. Wehrum are not just curious, they are dangerous. They are dangerous. Ignoring environmental health science just because you would rather not put protections in place hurts all of us in the end but especially the most vulnerable among us. Mr. Wehrum’s time at EPA is at odds with the public health mission of that Agency.

All of the failed regulations Mr. Wehrum worked on created greater uncertainty for business and left the lives of the most vulnerable populations at risk.

I would like to close by reflecting on why I think today’s vote is so important. My wife Martha and I go to a Presbyterian Church in Wilmington most Sundays. Earlier this year, on an especially lovely spring morning—a morning I had gone out for a run—we joined our congregation in singing a number of hymns, and one of them began with these words:

For the beauty of the Earth,
For the glory of the skies,
For the love which from our birth
Over and around us lies,
Lord of all, to Thee we raise
This our hymn of grateful praise.

It is a powerful passage, and we should let these words really and truly resonate, especially on this morning.

Scripture reminds us repeatedly to love our neighbors as ourselves. We know that and call that the Golden Rule. It appears in every major religion in the world—I don’t care if you are Christian, Jewish, Muslim, Hindu, Buddhist. I don’t care what your faith is, there is a Golden Rule in your Sacred Scriptures. In our faith, we call it the Golden Rule.

Also found in those pages is another sacred obligation that we are to serve as stewards of this planet to which we have been entrusted, and we have a moral obligation to do so. I know a great many of our colleagues here in the Senate agree that we have a responsibility to care for the world around us and the people who live in it. Most Americans believe that. We all have an obligation to protect the health of our children and our families

and the world in which we live. We have an obligation to ensure that we have clean air to breathe—perhaps the most basic, most important right of all. For me, this is not only my responsibility as a parent and as an official elected to serve the people of Delaware; it is a moral imperative, a moral calling.

Americans deserve EPA leaders who believe in sound science. Americans need EPA leaders who will listen to the medical experts when it comes to our health and who will be able to strike a balance that ensures both a cleaner environment and a stronger economy—something we have done for the past 27 years since the adoption of the Clean Air Act Amendments of 1990.

Moving forward with this nominee and thus allowing him to execute his extreme agenda once again at the EPA, especially when we have seen how poorly he handled that authority before, would be, in my mind, simply irresponsible. I do not believe Mr. Wehrum is the right fit for this position. I encourage my colleagues, Democrat and Republican, to vote no on his nomination to be EPA's Assistant Administrator for Air.

Mr. President, I reserve the remainder of my time.

Mr. President, I ask unanimous consent that prior to the vote on confirmation on the Wehrum nomination, there be an additional 2 minutes of debate, equally divided.

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

The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to oppose the nomination of William Wehrum to be the next Assistant Administrator for Air and Radiation at the Environmental Protection Agency. This job is really pretty straightforward. The person in this job must fight for the right of every American to breathe clean air. But here is the problem: Mr. Wehrum has dedicated his career to the service of corporate polluters. Like President Trump and Administrator Pruitt, in a fight between hard-working families and well-paid corporate polluters, Mr. Wehrum sides with the corporate polluters every single time.

President Trump promised to “drain the swamp” in DC. But, seemingly, with every week, this Republican-controlled Senate approves yet another one of the President's corporate insiders to advance Big Oil and Big Coal's dirty wish list. The decision to nominate Mr. Wehrum is no exception. He is another conflict-ridden, climate-dismissing Trump nominee who has made a career of putting corporate profits ahead of hard-working families who depend on the EPA to have their backs.

Some of my Republican colleagues have argued that Mr. Wehrum has extensive experience serving at the EPA under the Bush administration, and that is true. Let's take a look at his experience. Mr. Wehrum fought to keep

States from setting their own higher vehicle emissions standards in order to try to keep the air cleaner. He played a key role in the Bush administration's insistence that the EPA has no responsibility to combat climate change—a view that the Supreme Court rejected in 2007 in *Massachusetts v. EPA*. When the Bush EPA was required by law to propose a rule limiting mercury emissions from powerplants, Mr. Wehrum's influence helped tilt the rule to benefit big coal. In fact, several paragraphs of the proposed rule were lifted verbatim from memos provided by the same pro-coal lobbying firm that Mr. Wehrum had worked at before joining the EPA.

The egregious inadequacy of the proposed rule and its blatant disregard for rulemaking processes led to 8 years of unnecessary delay in limiting toxic mercury emissions. There were 8 additional years of an estimated 130,000 asthma attacks, 8 years of 11,000 premature deaths—all potentially avoidable if Mr. Wehrum and his colleagues had just listened to the science and made the protection of human life more important than the protection of corporate interests.

During his tenure at the EPA, looking out for big corporate polluters was standard practice for Mr. Wehrum. In 27 separate cases—27 cases—Federal courts found that the regulations that Mr. Wehrum helped write contradicted or violated the Clean Air Act and failed to protect public health.

Mr. Wehrum has a lot of experience—the weak-kneed experience of someone kissing up to big corporate interests.

In reflecting on his time at the EPA, Mr. Wehrum said: “I'm a much better lawyer now than when I first joined the agency. To really get to know how the agency works and how it ticks, I think that is very valuable.”

Yes, valuable, sure, but valuable for whom? Valuable for small towns across America that desperately need more champions fighting in their corner? Valuable for our coastal communities and farmers dealing with the tangible effects of climate change? No. He meant valuable for his own bank account.

Mr. Wehrum describes his time working at the EPA as being “very valuable” because it allowed him to “be effective in generating business and clients.”

I guess he thinks this latest trip through the revolving door will be even better for helping him drum up business from future polluters.

And why wouldn't he? Since leaving the EPA in 2007, Mr. Wehrum has been one of the go-to lawyers for big corporate polluters looking to get off easy or to save a buck at the public's expense. In at least 31 lawsuits against the EPA, Mr. Wehrum has fought to diminish Federal climate policy, to roll back limits on toxic mercury emissions, and to undermine public health protections. From what I can tell, not once has he chosen to use his valuable experience at the EPA to fight for

stronger clean air protections that benefit our children and our seniors who suffer the most from toxic emissions.

When deciding whether someone is qualified for public service, sure, experience matters. But it matters who you fight for—whether it is a lawyer before the courts or as a senior appointee in the administration. It matters whether you have a demonstrated commitment to serving the public interest or the narrow corporate interests of rich companies.

Mr. Wehrum is not a person who fights for the moms and dads who know the terror of a child having an asthma attack. He is not a person who fights for the low-income and often minority communities that are literally choking under a cloud of industry toxins. He is not a person who fights for our communities that are suffering from the growing impact of climate change. No, he is a person who does the lucrative bidding of corporate DC insiders, both in government and outside government, and then he leaves American families to just suffer the consequences.

This administration, this Republican Congress, and nominees like Mr. Wehrum are experts at ignoring the facts, but they can't change those facts. Our planet is getting hotter. Our seas are rising at an alarming rate. Our coasts and islands are threatened by devastating storms. Our farms and forests are threatened by droughts and wildfires that are becoming so common across this country that they barely even make the evening news.

The effects of man-made climate change are all around us. Things will only get worse if we don't do something about it. We should never hand our government over to wealthy and powerful companies that put their own profits ahead of people. We certainly shouldn't put someone in charge of our clean air program that will not put the health, the safety, and the future of the American people ahead of short-term corporate profits.

Make no mistake, President Trump wants a fight. Administrator Pruitt wants a fight. William Wehrum wants a fight. And we will give them that fight because the American people will fight to protect the health of our children and our grandchildren, to build a clean energy economy, and to safeguard the future of our planet.

The American people deserve someone who will fight in their corner, and that is not William Wehrum.

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. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, it has been a sorry spectacle for Americans to witness what the polluting industries are doing, with the full connivance of the Trump administration,

to the Environmental Protection Agency—an Agency that enjoys broad popularity among the American people but is obviously a thorn in the side of big polluters who make very big campaign contributions and therefore have inordinately big influence here in Congress.

The creep show parade of nominees to the offices responsible for protecting the public's health at EPA is nothing short of astounding. It is an array of cranks, charlatans, hacks, lobbyists, and toadies in really unprecedented measure in the history of our country. It seems that at this point the key and only credential for appointment to the Environmental Protection Agency is that you are reliably pro-industry and reliably anti-public health.

We are facing a nomination for one of these characters, whose name is William Wehrum. He was previously nominated to the EPA Office of Air and Radiation in 2006, but even back then, his record was such a scandal that the White House withdrew his nomination. Now, that was 2006. That was before Citizens United. That was before the flood of political power to the big polluting industries. Now, on this new political field, he is back, he is just as bad, and there is no hint that the Trump administration has any intention of withdrawing his nomination. He has a real problem dealing with environmental issues, and I think it relates to his record.

In recent years, Mr. Wehrum has represented industry in 39 Federal appellate cases opposing cleaner air protection. He is 39 to 0 in terms of taking the side of industry against clean air protections, and 31 of those cases involved lawsuits against EPA. So he will now be defending and judging cases of the type that he brought against the EPA on behalf of industry. Again, not one of those cases argued for better clean air protections. Many of them questioned air toxic standards that had been established by EPA. Some of the lawsuits were against rules that had to be rewritten by the Obama administration when EPA failed to follow the Clean Air Act, when a rule was thrown out by the courts for failing to be true to the law. So this is not a great moment for the integrity of government in this particular case.

When we asked Mr. Wehrum questions—for instance, I asked him about carbon dioxide's role in the observable effects of climate change, and he replied: "The degree to which manmade [greenhouse gas] emissions are contributing to climate change has not been conclusively determined."

That entire sentence hangs on one word: "conclusively." So if 999 scientists said that this is indeed conclusive but you had 1 outlier—1 against 999—then you could argue that the degree to which manmade greenhouse gas emissions are contributing to climate change has not been conclusively determined. But in the world in which Mr. Wehrum is going to be making decisions, that is not a relevant standard.

That is a standard that comes from the climate-denial talking points; it is not a standard that arises from the law or from the way administrative agencies are required to review scientific evidence.

The distinguished Presiding Officer was an attorney general and knows very well that the standard for getting scientific evidence admitted in a court proceeding is whether it is accurate to a reasonable degree of certainty. There is no standard that it has to be conclusive; that is an imaginary prop of the fossil fuel industry to be able to address the fact that it is virtually unanimous science against them and there are only a few payroll scientists floating around to keep it from being conclusive.

To a reasonable degree of scientific certainty, are manmade greenhouse gas emissions contributing to climate change? Without a doubt. Indeed, NOAA and EPA have concluded that "carbon dioxide is the primary greenhouse gas that is contributing to recent climate change." That is it. And rules at an administrative agency have to pass the test of being based on substantial evidence, as the Presiding Officer knows, and not being arbitrary or capricious. In any rational world, it would be arbitrary and capricious to deny the vast weight of science because it is not 100 percent conclusive. Nobody makes decisions on that basis in real life.

This, right in this individual's testimony, is a direct echo of fossil fuel industry talking points, fossil fuel industry propaganda, and it is a preview of coming attractions as to whose message he will be mouthing in a position of public responsibility.

Similarly, I asked him about ozone. One of the goals of the Clean Air Act itself is to set standards for how much ozone there can be in the air. This makes a big difference to Rhode Island because Rhode Island is a downwind State from most of the industrial and powerplant emissions through the Ohio Valley, in the Midwest, and through West Virginia. We actually have ozone alert days in Rhode Island—ozone alert days, when you drive in in the morning and the drive-time radio is warning you that this is not a good day to be outside. It looks sunny. Ozone is transparent. It looks fine. It is usually warm because ozone is propagated in warm air. So on a warm, sunny day, you are driving in, it looks as if everything is fine, and you are warned that the elderly, small children, and people who have breathing difficulties or disabilities should stay indoors. That is the price Rhode Islanders are asked to pay for this ozone pollution we have to live with—stay indoors.

Ozone standards have been in place at EPA for 45 years. For 45 years, EPA has regulated ozone. What did Wehrum answer when I asked him about ozone? "I am not familiar with the current science on the health effects of ozone, so I cannot comment on your question

as to the appropriate level of the standard." Really? He wants to run this office—the office which has been handling ozone regulation for 45 years—and he is not familiar with the current science on the health effects of ozone? I think he is quite familiar with the current science on ozone, and in this position, he is going to be looking for ways to get around that science to help the ozone-emitting clients of his private practice.

I asked him about the endangerment finding. The background of the endangerment finding is this: In *Massachusetts v. Environmental Protection Agency*, the Supreme Court of the United States decided that carbon pollution was, in fact, a pollutant under the Clean Air Act. They decided that in the Supreme Court, and that is now the law of the land.

Then, pursuant to that Supreme Court determination, the EPA had to take a look at whether it is a dangerous pollutant. And they did. Their determination as to whether it is a dangerous pollutant is called an endangerment finding. Sure enough, EPA found that carbon dioxide being emitted by these fossil fuel plants is, in fact, a danger to present and future Americans, to this generation and to generations to come.

Mr. Pruitt, who is one of the slyer rascals around out there, said in the Environment and Public Works Committee that he would not contest or seek to review the endangerment finding. There is an obvious reason why somebody who is completely in tow to the fossil fuel industry would not wish to revisit the endangerment finding; that is, because you would drop an avalanche of scientific fact on your own head. You would be obliged to put the phony little scrapes of climate denial that the fossil fuel industry funds and propagates through a whole bunch of front groups up against the real science that is agreed to by essentially every legitimate scientific organization in America, that is taught at every American State university in all 50 of our States, that has formed the basis of our Defense Department's Quadrennial Defense Review pointing out that climate change is a catalyst of conflict and a national security risk, and that is recognized and tracked by the National Laboratories of the United States that we fund.

Up against the phony-baloney nonsense that is propagated by the fossil fuel industry, that is a rout. Of course, the last thing the fossil fuel industry wants is a fair contest in a fair and factual forum between the real science and their phony science denial. So, of course, Pruitt doesn't want to kick that fight off, and, therefore, he is now stuck with the endangerment finding.

I asked Mr. Wehrum about the endangerment finding, since it is a finding related to greenhouse gases, which are subject to the Clean Air Act, which would be his responsibility in

this position at EPA. He said: I currently do not have a view on the endangerment finding.

I bet he had a view when he was being paid by the Rubber Manufacturers Association to consider emissions of carbon dioxide; I bet he had a view when he was being paid by the American Forest & Paper Association; and I am pretty sure he had a view when he was being paid by the American Petroleum Institute. So this new, sudden absence of a view seems improbable in the extreme. It looks like the best thing he can say to not have to admit the real science, knowing perfectly well that if he actually tried to deny it, that same avalanche of real science would fall around his head.

In some respects, it is tragic that we are now in a situation in which an agency of the U.S. Government has been handed over to the polluters lock, stock, and barrel. They have been given absolute sway to drive an industry agenda through the Agency that is supposed to be protecting us.

In the balance of Pruitt and all of his little minions in this creep show array of appointees, all you can expect from them is the industry point of view, as close as they can deliver it, without stepping on any of the factual or legal traps that will snap shut on them if they go a little bit too far and actually step into a forum like a courtroom or a contested proceeding where they are obliged to be under oath, where there is a prospect of discovery, and where you have to meet the proper standards for administrative rulemaking, such as based on “substantial evidence” or not “arbitrary and capricious.”

There have been two recent descriptions that have come out that put the climate change problem into perspective. The first is the “U.S. Global Change Research Program Climate Science Special Report,” which is part of the “National Climate Assessment” that Congress mandated some years ago. The best scientists from 13 different agencies got together, and over many, many months they put together a comprehensive review of the science and of what is going on. The opening sentence is: “The climate of the United States is strongly connected to the changing global climate.”

A little sidebar on that—what is happening on climate change in the United States is strongly connected to the change in global climate. When you dump carbon emissions into the atmosphere, it is not just our atmosphere; it is everybody’s atmosphere. When China or Russia or India dump carbon emissions into the atmosphere, they are not just hurting their atmosphere; they are hurting our common atmosphere of the planet.

A little trick that Administrator Pruitt has developed is—in calculating the harms of climate change—to look only at U.S. emissions and look only at U.S. effects.

If you have an international problem, as our scientists say, strongly con-

nected to the change in global climate, what happens when you look only at the American effects and look only at the American emissions? What that means is that when you are scoring the harm of climate change, you are cutting it down to a mere fraction of what actually exists. You are cutting out the harm that other nations cause to us with their emissions, scrubbing it right off the books, and you are scrubbing off the harm that our emissions do to other nations, scrubbing it right off the books. It doesn’t change the harm, of course; it just tweaks the accounting with a piece of rhetorical trickery to help the fossil fuel industry not have to be accountable for the actual harm it causes. That is what we have learned to expect from the EPA—nothing about the actual harm that climate change causes but accounting trickery to try to dial the number down so that a huge majority fraction of the harm never even gets counted.

“This assessment concludes, based on extensive evidence, that it is extremely likely”—which is the highest level of scientific certainty—“that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century.”

It goes on. It is not only that the evidence entirely shows “that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause,” but when you look at what the alternatives might be, here is what the next sentence says: “For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.”

Not only is there an avalanche of evidence supporting the determination that carbon dioxide and other greenhouse gases are causing the climate change we have observed, but when you look to see, well, maybe there is another explanation, there is none, zero. It does not exist. Why not? Because it has never been real—the phony science on the other side. It has always been propaganda. That is why it is featured on talk shows instead of peer-reviewed scientific publications. That is why it comes through phony industry front groups like the George C. Marshall Institute rather than real scientific organizations. We have known that for a long time.

I see that another speaker has come to the floor. Let me conclude with the recent statement, just in the last few days, of the Pontifical Academy of Sciences. One of the strongest voices for addressing climate change has been Pope Francis. Pope Francis not only sees it as a real problem for our planet and for our care of God’s creation, but he also sees it as a justice issue, as a moral issue. The wealthier societies are degrading the quality of life in poorer societies, shifting costs and harm to them, which they are much more vulnerable to than we are, in a cocoon of wealth and air conditioning

and supermarkets and all of that. He has been a remarkable voice for this.

One of the things he did was to set up this panel to take a look at climate change and what it means for the planet. The document is called “Declaration of the Health of People, Health of Planet and Our Responsibility Climate Change, Air Pollution and Health Workshop.”

Here is its opening statement, which it calls the “Statement of the Problem.” “With unchecked climate change and air pollution, the very fabric of life on Earth, including that of humans, is at grave risk.”

If you align the science that comes through the “National Climate Assessment” and align the universities of our great country, the national labs of our great country, the military experts in this area in our great country, and now this international body pulled together by Pope Francis, they all come to the same place. It is just here in Congress, where the fossil fuel industry, through massive amounts of political spending, has shut down responsible conversation about this problem that there is any window for climate denial to creep back in—and, of course, the ability of this administration, in tow to the fossil fuel industry, to stick climate-denying fossil fuel operatives into positions of public responsibility. This is a disgrace. The fact that this body cannot stand up to them, cannot find patently conflicted, patently unqualified nominations to be beyond the pale for us is a terrible testament as to how the power of the fossil fuel industry has corrupted our ability to perform our function in the Senate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Rhode Island, Senator WHITEHOUSE, for his leadership. He has never given up on this, and he will never give up. We have many important issues ahead, one of which I am going to address—climate change—about this nominee and the fact that every country in the world now, including Nicaragua and Syria, have pledged to be part of this international climate change agreement, which is so important for reducing greenhouse gases. I thank Senator WHITEHOUSE for carrying the torch on this for so long.

I join him today in rising to speak about the nominee who the Senate is currently considering to lead the Environmental Protection Agency’s Office of Air and Radiation. If confirmed, Mr. William Wehrum will be tasked with carrying out and managing critical Agency functions related to controlling airborne pollution, improving air quality, monitoring greenhouse gases, and overseeing energy efficiency standards.

By the way, I was always proud that the first bill I introduced to the U.S. Senate when I got here was a bill with Olympia Snowe, who is my Republican mentor. That bill required the Agency to start collecting data on greenhouse

gas emissions. I take this very personally. The Agency ended up deciding to do it itself, as Senator WHITEHOUSE is aware. But it was my first bill, and I decided that was a good first bill. It was bipartisan, and it got to the core of this issue that our country needs to take responsibility, that we need to work with the rest of the world. But most importantly, this is a long-term issue, shared by my businesses in Minnesota, shared by everyone from hunters to snowmobilers, to ice skaters in our State—the concern of our changing climate and the effect it will have on our way of life.

There are two specific issues that Mr. Wehrum will be involved in directing from the EPA that I wish to discuss: first, the renewable fuel standards and, then, circle back to this issue of climate change.

Minnesota's agriculture is very important to me. We are the fifth biggest ag State in the country. It is why I sought a seat on the Senate Agriculture Committee and why I have consistently pushed for a strong renewable standard. I believe we should be working in this body to help the farmers and the workers of the Midwest, not the oil sheikhs of the Middle East.

Recently, I led a letter with Senator CHUCK GRASSLEY, which was signed by 38 Senators, calling on Administrator Pruitt to ensure that the final rule for 2018 and 2019 sets blending targets that promote growth in the biofuel sector and in our economy.

The final rule for 2017 followed congressional intent and required a record amount of biofuel to be mixed into our transportation fuel supply. The final rule this year should do the same. Reducing the blend targets of advanced biofuels could shortchange the growth of clean energy innovation and stifle the growth of the market for new biofuels.

So far the response from the administration in backing off these plans, thanks to Senator GRASSLEY's leadership, has been encouraging, but the proof will be in the pudding when the rule is released before the end of the month. I appreciate the work of Senator GRASSLEY, Senator ERNST, Senator THUNE, and Senator DURBIN—who is here with us right now in the Chamber—and others who have worked on this Renewable Fuel Standard, as well as my colleague Senator FRANKEN.

Renewable fuels have become a homegrown economic generator for our country. They reduce the environmental impact of our transportation and energy sectors and cut our reliance on foreign oil. Every time a new study is released on this subject, I become more and more convinced that investments in renewable fuels are investments in our economy and in the health of rural America.

Last year, a study conducted by ABF Economics showed that the ethanol industry generated \$7.37 billion in gross sales in 2015 for Minnesota businesses and \$1.6 billion in income for Min-

nesota households. Here is a big one: The ethanol industry also supports over 18,000 full-time jobs in Minnesota. I see the Presiding Officer is from the State of Alaska. Just as he knows that the oil industry is important in our State, the ethanol industry is important in the Midwest, and I believe they can both coexist.

Just last weekend, I visited the Green Plains ethanol plant in Minnesota to see one of the operations behind these impressive figures and meet firsthand with some of the 60 people who are employed there. One of the things I heard while in Fairmont was how policy instability and delays have chilled investment over the years. Delays in releasing the RFS rule in previous years has undercut the Green Plains' ability to acquire necessary investments and create new employment opportunities. The need for stable policy and the forward-looking administration of the RFS is key to providing certainty for producers, employees, and manufacturers, while unlocking billions of dollars of investment in the biofuel sector.

We have to continue to build on the progress we have made of expanding production capacity more than threefold since 2005 with biodiesel, cellulosic ethanol, recycled waste, and other advanced biofuels. This is no longer some kind of a niche industry. This is 10 percent of our fuel supply. That is why I am concerned with some of the statements that Mr. Wehrum has made and some of the clients he has represented in lawsuits against the EPA, many of whom sought to undermine and weaken the RFS.

He was the counsel of record in several challenges to the RFS, including the E15 waiver, which allows for blends of up to 15 percent of ethanol in gasoline, something Senator THUNE and I have worked on. Yet most concerning was his role in a 2015 challenge to the requirement that diesel fuel sold in my State of Minnesota contain at least 10 percent of biodiesel, or B10.

Let me say that this kind of principle and this policy were supported by Democratic, Republican, and Independent Governors in Minnesota—from Tim Pawlenty to Jesse Ventura to Mark Dayton. My State has been a leader when it comes to the use of renewable fuels. We were the first State in the Nation to pass a biodiesel blending law and the first State in the Nation to require gasoline to be blended with 10 percent of ethanol. We continue to be a national leader in the use of E85.

In 2008 the State legislature amended the Minnesota mandate—that is when Tim Pawlenty was Governor—to gradually step up the required biodiesel blend from 2 percent to 5 percent and eventually to 20 percent from 2012 to 2018. Now, according to the statute, the B10 mandate will double to B20 starting on May 1, 2018. With bipartisan support and individual State responsibility, it is something that our State did because we knew it could work.

Despite Mr. Wehrum's best efforts, the U.S. district court upheld Minnesota's mandate on renewable biodiesel, which has been in the best interest of rural economies and consumers. These advances are going to help ag producers and rural manufacturing plants do even more for the regional economy. The further ethanol and biodiesel take us the less dependent we will be on foreign oil and the less of an impact our transportation and energy sectors will have on the environment.

I have already discussed the climate change issue, and I see that Senator DURBIN is here.

Again, I will just reiterate that I am a former prosecutor. I believe in evidence, and every week seems to bring fresh evidence of the damage that climate change is already causing. Minnesota may be miles away from the rising oceans, but the impacts are no less of a real threat to my State. I did not like Mr. Wehrum's answers that he gave to these questions during his hearing before the Environment and Public Works Committee, especially when I asked if he believed that human activities were the main driver of climate change and his response was: "I believe that's an open question."

I do not think this nominee should be running this part of the Agency, and we cannot sit back and ignore the evidence. We need to wake up, take action, and turn the corner on the devastating effects of climate change before it is too late.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The minority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business until 11:15 a.m.

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

VETERANS DAY

Mr. DURBIN. Mr. President, I would like to speak for a moment about Veterans Day, which is just 2 days away.

On Saturday, November 11, Americans will pause to honor the courage and sacrifice of America's veterans. More than 40 million Americans have served our Nation in uniform, in battles from Bunker Hill to Baghdad, and beyond.

Mr. President, as this Veterans Day approaches, I have been thinking about the words of one of those brave patriots. He is the son and grandson of military leaders. When his time came, he too went to war and suffered horrific deprivation and excruciating injuries.

Years later, he said: "Few veterans cherish a romantic remembrance of war." When wars are fought, he said, "a million tragedies ensue."

"War is wretched beyond description," he added, "and only a fool or a fraud could sentimentalize its cruel reality."

Those are the words of a man whom I am privileged to call a colleague and a friend, the senior Senator from Arizona, JOHN MCCAIN. We owe him and all of our Nation's veterans and their families our profound gratitude and respect for their courage, sacrifices, and

the hardships they endured for all of us.

Senator MCCAIN endured more than 5½ years of torture as a prisoner of war during the Vietnam conflict. When he finally came home, JOHN MCCAIN found another way to serve our Nation with honor. We thank him for that.

Mr. President, this week, the Congress dedicated a commemorative chair to honor all Americans ever held as prisoners of war and to honor the more than 83,000 servicemembers who remain missing in action.

The antique, empty chair will stand in Emancipation Hall in the Capitol as a solemn reminder of the servicemembers who were missing for years in captivity and those who remain missing today.

Mr. President, as we prepare to celebrate this Veterans Day, I want to tell you about another veteran, another patriot, who was also a prisoner of war. His war was World War II.

Like Senator MCCAIN, he survived, came home, married, raised a family, and spent decades in public service. His name is Richard Lockhart. Everybody calls him Dick Lockhart. He is 93 years old, almost 94. He is a lobbyist in Springfield, IL, the capital of my State and my hometown.

Dick Lockhart does not represent the big, monied interests. He represents the little guys—the nonprofit groups, the public workers, the mental health providers and the families who need them, among others.

He is the senior practicing lobbyist in Illinois, maybe in all of America. He will be giving up that title soon because, on December 31, Dick Lockhart is retiring at the age of 93 from the firm he founded 60 years ago. He is not stepping down because he is tired. He still works 7 days a week, most weeks. He is still physically strong and is as sharp as a tack mentally. No, Dick Lockhart is retiring because there are other things to do, he says. He wants to travel more and write the book that he has always wanted to write and explain to ordinary citizens how to make their government work better.

Dick's life would make a fascinating book, itself.

Born in Ohio in 1924 as an only child, his family moved to Indiana when he was young. The Great Depression hit the Lockhart family hard. Dick's dad lost his job. Sometimes the electricity was shut off at home for nonpayment. The family never owned a car, never took a vacation, and never ate a meal in a restaurant. Dick delivered newspapers and worked as a soda jerk during high school to help pay for expenses.

He was a student at Purdue University when Japan bombed Pearl Harbor. Exactly 1 year later, on December 7, 1942, he enlisted in the U.S. Army infantry.

He was assigned to the Army's 106th Division, the Golden Lions. In October of 1944, the 106th shipped out to England. In early December they arrived in

a quiet area of southeastern Belgium, near the German border. Military higher-ups assured the men of the 106th to expect an uneventful few weeks and that Germany would probably surrender before Christmas.

History had another plan.

In the predawn hours of December 16, German forces launched their last major offensive of the war, the Battle of the Bulge. The U.S. forces were outnumbered. Lockhart's regiment, the 423rd, fought for days. Finally—out of food, out of water, and out of ammunition—they surrendered.

In all, some 8,000 U.S. soldiers were captured at the Battle of the Bulge.

They were packed into railroad boxcars, crammed in so tightly that soldiers had to take turns sitting and standing. After 2 days of being in those boxcars, they arrived at a prisoner-of-war camp in Germany, known as Stalag IX-B.

Camp life was brutal. Medical care was nonexistent. Men died every day. Meals consisted of only thin "grass soup." On one bitterly cold day, Dick Lockhart was beaten savagely by a German prison guard. Decades later, he still experiences back pain from that beating.

One memory still haunts him.

One day, the prison guards demanded that any Jewish prisoners of war identify themselves. For several hours, no one stepped forward. After more threats, Jewish American soldiers began to step forward, apparently thinking that their U.S. citizenship would protect them. They were wrong. They were shipped off to a notorious hard-labor camp in another part of Germany.

On January 20, 1945, Dick Lockhart turned 21 while a prisoner of war in Stalag IX-B.

On April 2, 1945, American soldiers liberated the camp, Dick Lockhart, and the other prisoners. The Army sent Dick Lockhart home on a 60-day furlough with instructions to get some rest and to gain back some of the weight that he had lost in the prisoner-of-war camp.

He arrived home in Fort Wayne. He knocked at the door and was stunned to see a stranger open it. Months before, his parents had received a cable that read that their only child was missing in the war and was presumed dead. His mother, overcome with grief, went to Ohio to stay with her family. His father moved away to look for another factory job. Fortunately, they left forwarding addresses, and Dick found them soon and was reunited with his parents.

A month later, while Dick was still on leave, Germany surrendered. The war in Europe was finally over.

Dick had always loved Chicago. So he decided to use his GI bill to go to Northwestern University. He became involved in reform politics in Chicago—a battle of a different sort. He married and had two children, a son and a daughter.

In 1958 he founded his own lobbying firm to try to advance democracy through good policies and laws rather than through tanks and bombs.

He is honest, hard-working, modest, empathetic, and always an optimist. He has earned the respect of both sides of the aisle for decades of ethical and professional service in the Illinois General Assembly. Laws he has helped to pass have made life better for countless people in my home State. In recognition of that fact, the Illinois General Assembly recently voted to celebrate December 31, which will be Dick's last day on the job, as Richard "Dick" Lockhart Day in the State of Illinois—a well-deserved honor.

Five weeks after Dick Lockhart and others were captured, American forces won the Battle of the Bulge, liberated Belgium, and sent the German occupying troops back to Germany.

Two years ago, as part of the 70th anniversary of that event, Dick Lockhart returned to Belgium. The children and grandchildren of the Belgians who had been liberated from Nazi occupation greeted him like a hero. He was honored by the nation's King and Queen in a castle—royal treatment that he and all of the American soldiers richly deserved.

When Dick speaks about his experience as a soldier, he is never the hero of any story. He reserves that role for the young men who didn't come home.

He says: "There is an inscription in a World War II cemetery that reads, 'When you go home, tell them of us and say that for your tomorrow, we gave our today.'"

At the risk of contradicting my old friend, I have to say that Dick Lockhart is, indeed, an American hero.

This Veterans Day, we say to him and to all of the American veterans: Thank you for your service. Thank you for our freedom. Thank you for all of the tomorrows you purchased for us with your courage and sacrifice.

HEALTHCARE

Mr. President, in 2010, Congress passed the Affordable Care Act with one main goal in mind—to help more Americans get quality, affordable health insurance. And it worked.

Since the law took effect, more than 20 million previously uninsured Americans have gained health coverage, including 1 million in Illinois.

For the first time ever, our Nation's uninsured rate is below 10 percent. Insurers can no longer deny coverage due to a preexisting condition, charge sky-high premiums for being a woman or having a health history, or impose annual or lifetime caps on your benefits.

Young people can stay on their parents' plans until age 26, and we extended the life of Medicare by a decade. These are real improvements that are saving lives.

Was the law perfect? No. But did it accomplish its primary goal of ensuring that more Americans could obtain healthcare—regardless of their income, gender, or medical history? Yes, it did.

None of that has mattered to President Trump, who has spent the past 10 months orchestrating a deliberate campaign to sabotage healthcare for tens of millions of American families.

From his first day in office, President Trump directed Federal agencies not to enforce the law. He cut the open enrollment sign-up period in half. He yanked advertisements and slashed outreach and enrollment assistance funding.

And he terminated the cost-sharing reduction subsidies that keep costs down for 7 million Americans. As a result, individual market premiums will increase 20 percent next year alone.

President Trump has done everything within his power to sabotage and undermine this law.

Despite President Trump's repeated attempts at repeal and sabotage, the Affordable Care Act is still the law of the land, and that means that quality, affordable healthcare options are available.

And we are right in the midst of Open Enrollment. Starting last week—on November 1—Americans who purchased their health plans in the individual marketplace began signing up for health insurance that covers them next year, in 2018. But you only have 6 weeks to sign up. Open enrollment began November 1, and ends on December 15.

This is your opportunity to buy insurance that covers important health benefits—hospitalizations, prescription drugs, doctor visits, maternity/newborn care, mental health and substance abuse treatment.

And there is financial assistance to help you buy these plans. In fact, 8 out of 10 people who purchase health insurance in the individual market are eligible to receive tax credits that help make that insurance more affordable.

In Illinois, about 350,000 people purchase their health insurance in the individual market, and nearly 300,000 of them are eligible for tax credits that will ensure their health plan premiums are below \$100 per month.

So, despite the frenzy in Washington over healthcare: health insurance under the ACA is open for business, and the time to sign up is now. Visit www.healthcare.gov or call 1-800-318-2596. I would encourage everyone to sign up early. Don't wait until the last minute.

Speaking of waiting until the last minute, I remain dismayed that this Republican-controlled Congress has failed to reauthorize two incredibly important Federal healthcare programs—the Children's Health Insurance Program and the community health centers program.

Nationwide, 27 million people receive care from community health centers. And 9 million children and pregnant women get their healthcare through the CHIP program, including more than 330,000 kids in Illinois.

Because of congressional inaction, funding for these two programs expired

over a month ago, on October 1. And what have Republican leaders in the Senate done over the past month, while funding has lapsed for children, pregnant women, and our Nation's health clinics?

Well, they passed a budget resolution making it easier to give huge tax cuts to wealthy individuals and big businesses. That is right. While States and health centers are struggling to figure out how to keep their programs operating, while families are worrying about when their health coverage may run out, congressional Republicans are focused on tax breaks for the rich.

Facing this funding uncertainty, States and community health centers are trying to figure out how to keep their programs and clinics operating. Ten States—plus the District of Columbia—will run out of CHIP funding in the next month or so.

For example, later this month, the State of Colorado is planning to send health coverage termination letters to lower income families. The letter reads, in part: "You are receiving this letter because members of your household are enrolled in the [Children's Health Insurance Program] . . . If Congress does not renew federal funding, CHIP in Colorado will end on January 31, 2018 . . . there is no guarantee that they will."

Imagine how terrifying it would be to receive this letter, to learn that your child is about to lose their health insurance coverage because Congress is preoccupied with tax breaks for the rich.

It is beyond unacceptable that congressional Republicans abdicated their responsibility to reauthorize these critical health programs.

If we truly want to help the communities and people we serve, let's quickly reauthorize funding for children's health care and for community health centers.

And remember, if you need health insurance next year, you have until December 15 to sign up. Don't miss your chance.

PROTECTING OUR STUDENTS AND TAXPAYERS ACT

Mr. President, last week, I reintroduced the Protecting Our Students and Taxpayers, or POST, Act. I was pleased to be joined by Senators REED, BLUMENTHAL, CARPER, MURPHY, and WARREN in the Senate and by Representative STEVE COHEN in the House.

Since 1992, Federal law has required for-profit schools to derive a portion of revenue from non-Federal sources. This was meant to keep for-profit schools, which in general rely much more heavily on Federal dollars than traditional schools, from being completely dependent on Federal taxpayers to keep their doors open.

Originally, these schools had to receive at least 15 percent of their revenue from non-Federal sources. In 1998, the threshold was lowered to only 10 percent, creating today's so-called 90/10 rule. Think about that, Mr. President,

\$9 out of every \$10 these schools take in can come from U.S. taxpayers. But it gets worse.

Only Department of Education Federal student aid dollars are counted as Federal funds. A loophole in the law excludes billions in Department of Veterans Affairs GI bill education benefits and Department of Defense Tuition Assistance, (TA), funds from being counted as Federal revenue. It means, by recruiting veterans and servicemembers, for-profit colleges can actually receive more than 90 percent of their revenue from Federal funds and still comply with the law. This powerful incentive makes our men and women in uniform targets for predatory for-profit colleges.

I have told these stories before, but I think they bear repeating. I have told the story of two former military recruiters at a for-profit college in Illinois. They were told their job was above all to put "butts in classes," that they should dig deep into the personal lives of their recruits to find their "pain point." If a prospective student was out of work, recruiters were encouraged to say things like, "How do you think your wife feels about being married to someone unemployed?"

Entrance requirements were low—it didn't matter how long a student stayed as long as it was long enough for the school to receive the GI bill dollars.

There is Paul Fajardo, a marine veteran who served in Afghanistan. He used his GI bill benefits to enroll at the now-defunct Corinthian Colleges and had to live out of his car when his school lost its eligibility to receive GI bill benefits. He told the LA Times that Corinthian recruited him and other veterans because "they knew it was a guaranteed paycheck."

There is James Long, who suffered a brain injury when an artillery shell hit his Humvee in Iraq. He used military benefits to enroll at Ashford University after being heavily recruited. He told Bloomberg News that he knows he is enrolled at Ashford, but can't remember what courses he is enrolled in.

These veterans were nothing more than ATMs for these for-profit colleges intent on pocketing their hard-earned education benefits.

And in 2016, for-profit colleges pocketed 34 percent of all GI bill benefits—\$1.7 billion—and 44 percent of all Department of Defense Tuition Assistance funds—\$220 million. Mr. President, \$2 billion that these for-profit colleges were able to count as non-Federal revenue. Non-Federal?

The last time I checked, the Department of Veterans Affairs was part of the Federal Government, and the money it spends—whether on veterans' healthcare or housing or education—comes from U.S. taxpayers.

When asked in writing during his confirmation process whether GI bill funds are Federal funds, VA Secretary David Shulkin answered simply, "Yes."

And the last time I checked, the Department of Defense was part of the

Federal Government, and the money it spends—whether on planes or bombs or servicemembers’ education—comes from U.S. taxpayers.

When I asked Secretary Mattis if Department of Defense Tuition Assistance funds are indeed Federal funds, he responded, “Yes . . . these benefits are Federal funds.” Seems like common-sense. Yet the law doesn’t see it that way.

That is why my colleagues and I have introduced the POST Act. Our bill will close this ridiculous loophole. It will count all Federal education benefits as Federal revenue and take the targets off the backs of veterans and servicemembers. The bill also reduces the Federal revenue limit to the original 85 percent.

Our legislation is supported by, among others, Student Veterans of America, the Military Officers Association of America, Paralyzed Veterans of America, and the National Association for College Admission Counseling.

Last year, in response to a request from Senator CARPER and me, the Department of Education publicly released Federal revenue data for the first time that included VA and DOD benefits. The data showed that 186 for-profit institutions received more than 90 percent of their revenue when these additional Federal education benefits were included. Mr. President, 563 institutions received more than 85 percent of their revenue from Federal taxpayers when all Federal sources were included.

I was disappointed that when the Department released its 90/10 calculations this year, Secretary DeVos did not continue the practice of releasing calculations that included VA and DOD funds, though maybe that shouldn’t be surprising. After all, unlike Secretaries Shulkin and Mattis, Secretary DeVos has refused, when asked, to acknowledge the obvious—that VA and DOD education funds are indeed Federal funds or support closing the loophole.

But I am confident that the American people will see the current 90/10 rule for what it is—a loophole that makes no sense and that puts those who have served our country at risk.

This week, on the eve of Veterans Day, I will stand with my friend—Senator CARPER of Delaware—as he reintroduces the Military and Veterans Education Protection Act. This bill also closes the 90/10 loophole, but leaves the Federal revenue limit at 90 percent. It is a step in the right direction, and that is why I support it.

I hope our colleagues will consider supporting one or both of these commonsense proposals.

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

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

Mr. MCCONNELL. Mr. President, I yield back all time on this side and reserve one minute for Senator CARPER.

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

The Senator from Delaware.

Mr. CARPER. Mr. President, as we prepare to vote on this nominee, I wish to implore my colleagues to take one last moment to think about this decision before us. I ask them to recall the words that I said just a bit earlier this morning from the hymn that Martha and I heard at church, not far from my home in Wilmington, DE, one Sunday on a beautiful spring morning. It is a song, a hymn that we all know:

For the beauty of the Earth,
For the glory of the skies,
For the love which from our birth
Over and around us lies,
Lord of all, to Thee we raise
This our hymn of grateful praise.

That powerful message reminds me of the incredible responsibility we have in this body to serve and protect the people who sent us here. We must serve as stewards, also, of this planet, which has been entrusted to us and to care for all the most vulnerable among us.

For me, that is not just my responsibility as a parent or as an official elected to serve the people of my State for all these years. It is a moral imperative and a sacred obligation, and there is no more basic human need than having clean air to breathe.

I implore my colleagues. We have seen Mr. Wehrum’s extreme agenda at the EPA once before. It would be the height of irresponsibility and a shirking of our moral obligation to confirm him today. I implore you to join me in voting no on Bill Wehrum.

Thank you very much.

The PRESIDING OFFICER. All time has expired.

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

Mr. MCCONNELL. 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 Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Kansas (Mr. ROBERTS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 268 Ex.]

YEAS—49

Alexander	Blunt	Burr
Barrasso	Boozman	Capito

Cassidy	Hatch	Risch
Cochran	Heller	Rounds
Corker	Hoeben	Rubio
Cornyn	Inhofe	Sasse
Cotton	Isakson	Scott
Crapo	Johnson	Shelby
Cruz	Kennedy	Strange
Daines	Lankford	Sullivan
Enzi	Lee	Thune
Ernst	McCain	Tillis
Fischer	McConnell	Toomey
Flake	Moran	Wicker
Gardner	Murkowski	Young
Graham	Perdue	
Grassley	Portman	

NAYS—47

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

NOT VOTING—4

Menendez	Roberts
Paul	Tester

The nomination was confirmed.

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

The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Ms. CANTWELL. Thank you, Mr. President.

REPUBLICAN TAX PLAN

I come to the floor to speak right now because I know our colleagues are trying to move forward next week on some various proposals that are part of the tax package. I am very concerned and remain very concerned about the measures within the policy that raise taxes on middle-class families because I don’t think we should be passing a tax bill that raises taxes on middle-class families. For me, in Washington, obviously, it is a big concern. We don’t have an income tax. They are getting rid of our local deductions that are so meaningful to us.

Literally, we have done calculations—and I know there will be calculations in other States—that show you are literally raising taxes on middle-class families to give a tax break to corporations that, in some cases, aren’t asking for them or certainly are not paying that corporate rate today.

I think we can do better than these policies. I certainly think we can do better than the policies that are going to be before the Energy Committee next week, if the information we are hearing now or getting word of is that my colleague on the Energy Committee, the Senator from Alaska, is going to propose literally getting rid of

the wildlife refuge as a refuge and basically the purposes for the refuge and instead saying that drilling would happen and thereby destroy the refuge.

I know today there are going to be scientists from across the country who are going to give word and testament to the fact that it is too dangerous to have drilling in the same place as a wildlife refuge, that they cannot coexist, that it will destroy the refuge. Apparently, that is what my colleague from Alaska already believes because she is now going to say that to do drilling, you have to change the status of the refuge.

I definitely believe there are much better ways in America to get revenue than basically destroying the wildlife habitat of caribou and of Arctic wildlife that is so treasured in the United States of America.

I certainly think there are better ways to do it than raising taxes on middle-class families, in both my State and your State that don't have an income tax and would rather continue to have the deductibility. I hope our colleagues will look at both of these ideas and go back to the drawing board. It is not where we need to be. We need to be protecting things that are so near and dear to us.

We definitely don't need to fund tax breaks for millionaires by destroying wildlife habitat. Instead, we should be going back to the drawing board on things that are going to help our economy grow in the future.

I hope the public is well aware that this is kind of dark-of-night tactics, where they want us to leave town on Thursday night only to come back on Monday and start in on a tax policy we haven't even seen. We haven't even seen the language yet.

I think we can do better than to have a rush-rush approach to give tax breaks to corporations and certainly not do it on the backs of working-class families in America—taking away from them viable deductions for education, for housing, for property taxes, for expenditures that they make. We can do better than to leave here and come back on Monday to rush-rush a tax break for corporations while raising taxes on middle-class families and destroying a wildlife refuge that scientists say is so important to our ecology to keep.

I thank the Presiding Officer.
I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 12:03 p.m., recessed until 1:46 p.m. and reassembled when called to order by the Presiding Officer (Mr. SASSE).

CLOTURE MOTION

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

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

The 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 Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

The PRESIDING OFFICER. 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 Derek Kan, of California, to be Under Secretary of Transportation for Policy, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Kansas (Mr. ROBERTS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 269 Ex.]

YEAS—87

Alexander	Feinstein	McConnell
Baldwin	Fischer	Moran
Barrasso	Flake	Murkowski
Bennet	Franken	Murphy
Blunt	Gardner	Murray
Boozman	Graham	Nelson
Brown	Grassley	Perdue
Burr	Harris	Peters
Cantwell	Hassan	Portman
Capito	Hatch	Reed
Cardin	Heinrich	Risch
Carpenter	Heitkamp	Rounds
Casey	Heller	Rubio
Cassidy	Hirono	Sasse
Cochran	Hoeven	Schatz
Collins	Inhofe	Scott
Coons	Isakson	Shaheen
Corker	Johnson	Shelby
Cornyn	Kaine	Stabenow
Cortez Masto	Kennedy	Strange
Cotton	King	Sullivan
Crapo	Klobuchar	Thune
Cruz	Lankford	Tillis
Daines	Leahy	Toomey
Donnelly	Lee	Van Hollen
Duckworth	Manchin	Warner
Durbin	Markey	Whitehouse
Enzi	McCain	Wicker
Ernst	McCaskill	Young

NAYS—9

Blumenthal	Merkley	Udall
Booker	Sanders	Warren
Gillibrand	Schumer	Wyden

NOT VOTING—4

Menendez	Roberts
Paul	Tester

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise today to voice my strong support for the nomination of Derek Kan to be Under Secretary for Transportation Policy at the Department of Transportation. The Commerce Committee held a hearing on his nomination on June 8, 2017, and reported his nomination favorably out of Committee on June 29, 2017, by voice vote.

It is now November 9—over 4 months since the nomination was reported out of Committee. This noncontroversial, well-qualified nominee has been languishing in the Senate for far too long. It is truly unfortunate that we have to go through the cloture process on this particular nominee, who is well known to many of us in the Senate due to his previous work as a Senate staffer.

To illustrate how noncontroversial and well-qualified this nominee is, less than 2 years ago, Mr. Kan was confirmed by voice vote in the Senate to be a director on the Amtrak Board of Directors. The only thing that has changed in the 2 years since Mr. Kan was previously confirmed is that some on the Democratic side have decided to hold this nomination hostage, as well as the nomination of Ronald Batory to be Administrator of the Federal Railroad Administration—a very important position, I might add—and the nomination of Adam Sullivan to be Assistant Secretary of Transportation for legislative affairs, pending assurances that the Trump administration will approve and fund the multibillion dollar Gateway project in New York and New Jersey. While no one questions the importance of this corridor, there are many other important projects that are also awaiting approval and funding at the Department. No project should get to cut the line based on the machinations of a handful of our Democratic colleagues.

As I mentioned, Mr. Kan previously served as a director on the Amtrak Board of Directors, and before that, he served as a general manager for Lyft, the transportation network company. Earlier in his career, he served as a staffer to the Republican leader and as chief economist for the Senate Republican Policy Committee. Before becoming a Hill staffer, Mr. Kan served as a Presidential Management Fellow at the White House Office of Management and Budget.

Once confirmed, Mr. Kan will be Transportation Secretary Elaine Chao's chief policy adviser on legislative and regulatory matters across all modes of transportation at the Department. With the ambitious agenda that

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 9.