things in a different direction. It is my responsibility, as the co-lead of the Senate NATO observer group, as the Senator of a State who has had a citizen in prison for 580 days. I have no choice.

I thank the Presiding Officer for the time today. I will be back next week, and I will be back every week until we see justice served for Pastor Brunson.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

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

Mr. WYDEN. 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 South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Delaware (Mr. COONS), and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 89 Ex.]

YEAS—49

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

NAYS—46

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

NOT VOTING—5

| | | |
|---|---|---|
| Booker | Duckworth | McCain |
| Coons | Graham | |

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.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joel M. Carson III, of New Mexico, to be United States Circuit Judge for the Tenth Circuit.

Mitch McConnell, John Hoeven, Johnny Isakson, James Lankford, Steve Daines, Ben Sasse, Mike Crapo, John Kennedy, John Barrasso, Thom Tillis, Roger F. Wicker, James M. Inhofe, Richard Burr, Mike Rounds, Shelley Moore Capito, Tom Cotton, Cory Gardner.

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 Joel M. Carson III, of New Mexico, to be United States Circuit Judge for the Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Delaware (Mr. COONS), and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The yeas and nays resulted—yeas 71, nays 24, as follows:

[Rollcall Vote No. 90 Ex.]

YEAS—71

| | | |
|---|---|---|
| Alexander | Flake | McConnell |
| Barrasso | Gardner | Moran |
| Bennet | Grassley | Murkowski |
| Blunt | Hassan | Murphy |
| Boozman | Hatch | Nelson |
| Burr | Heinrich | Paul |
| Capito | Heitkamp | Perdue |
| Carper | Heller | Portman |
| Cassidy | Hoeven | Risch |
| Collins | Hyde-Smith | Roberts |
| Corker | Inhofe | Rounds |
| Cornyn | Isakson | Rubio |
| Cotton | Johnson | Sasse |
| Crapo | Jones | Schatz |
| Cruz | Kaine | Schumer |
| Daines | Kennedy | Scott |
| Donnelly | King | Shaheen |
| Durbin | Lankford | Shelby |
| Enzi | Leahy | Sullivan |
| Ernst | Lee | Tester |
| Feinstein | Manchin | Thune |
| Fischer | McCaskill | Tillis |
| Toomey | Udall | Wicker |
| | Warner | Young |

NAYS—24

| | | |
|---|---|---|
| Baldwin | Harris | Reed |
| Blumenthal | Hirono | Sanders |
| Brown | Klobuchar | Smith |
| Cantwell | Markey | Stabenow |
| Cardin | Menendez | Van Hollen |
| Casey | Merkley | Warren |
| Cortez Masto | Murray | Whitehouse |
| Gillibrand | Peters | Wyden |

NOT VOTING—5

| | | |
|---|---|---|
| Booker | Duckworth | McCain |
| Coons | Graham | |

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 24.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joel M. Carson III, of New Mexico, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. The majority whip.

NOMINATION OF GINA HASPEL

Mr. CORNYN. Mr. President, I wish to return to a theme that I have been addressing the last few days, and that is the nomination of Ms. Gina Haspel to be Director of the CIA.

Yesterday, the entire country—indeed, the entire world—saw Ms. Haspel's performance before the Senate Select Committee on Intelligence. Speaking for myself, I could not have been more impressed, and taking an informal poll among others, I think many people felt the same way.

It is a tough requirement of her confirmation process for somebody who has spent 33 years working for the CIA in some of the most obscure—and unknown to the rest of us—spots around the world to have to come and answer questions about her career, much of which happens to be classified information.

We had an open session and then a classified hearing where she and we on the committee could protect the sources and methods and alliances we have around the world that help us collect intelligence for our policymakers and help to keep our country safe. As expected, she faced intense rounds of questioning, as I said, both in an open session and behind closed doors. I believe she did so with patience, courtesy, and poise.

She articulated her view on a number of topics, of course. She defended her record against a series of false accusations and said repeatedly what those of us who have supported her already knew. She believes that U.S. Government actions must be held to a strict moral standard. If confirmed, she would not obey an order she believed to be unlawful, and in her new role, she would not restart interrogation programs inside the CIA.

I want to highlight three developments that I believe lend credence to many of Ms. Haspel's statements during yesterday's hearing. First are the

comparisons that have been drawn with John Brennan, former CIA Director under President Obama.

As many others have pointed out, Mr. Brennan served as the No. 4 official at the CIA—much higher up the food chain, so to speak, than Ms. Haspel, who was a GS–15. Yesterday, I asked someone to tell me, as a civilian intelligence officer, how that rank would compare to the military. I was told that would be the equivalent of roughly a major or maybe a lieutenant colonel in the military. I think that is significant when you think that Mr. Brennan was the No. 4 official at the CIA, and at relevant times Ms. Haspel was an intelligence officer in a mid-level position to be sure.

Getting back to Mr. Brennan, he had direct personal knowledge of the interrogation program many have questioned Ms. Haspel about. She told us she was not a part of it, had not been read into the program, and did not interrogate anyone.

Mr. Brennan was confirmed by a vote of 63 to 34, with only 2 Democrats and 1 Independent voting against him. If Mr. Brennan was confirmed, despite his history at the CIA at a time when this program was being implemented, Ms. Haspel should be confirmed as well.

It is worth noting that Mr. Brennan himself agrees. He has called Ms. Haspel ''an exceptionally well-respected professional within the CIA,'' one ''who has held a number of senior-level positions over the years, and has acquitted herself very competently.'' He said she will be able to provide ''unvarnished, apolitical, objective intelligence . . . to [President] Trump and to others.''

Given this body's past support of Mr. Brennan's nomination and our Democratic colleagues' current opposition to Ms. Haspel, it strikes me that she and our current President are being held to a standard to which Mr. Brennan and President Obama were not held. In other words, it is a double standard. I think that is highly regrettable and indefensible.

The truth is that all the Senate Democrats currently on the Intelligence Committee who were Senators at the time of John Brennan's confirmation voted to confirm him, so I believe they have no good reason not to vote to confirm Ms. Haspel as well.

I also remember when President Obama declassified certain Office of Legal Counsel memos in 2009. He promised the men and women of the CIA:

> We will protect all who acted reasonably and relied upon legal advice from the Department of Justice that their actions were lawful.

They need to be fully confident that as they defend the Nation, I will defend them.

I hope we will hear from President Obama as he keeps the promise he made back in 2009 to defend those who acted on legal advice from the Department of Justice in good faith. I think we all need to remember those words by President Obama and apply them when considering Ms. Haspel's nomination.

The second thing I want to mention is a letter dated just yesterday that was sent to Chairman BURR and Vice Chairman WARNER of the Permanent Select Committee on Intelligence. It was signed by more than 30 former senior government officials with national security experience in administrations of different parties or on Capitol Hill. They called Ms. Haspel ''an excellent choice to lead the CIA at a time when our intelligence community is under significant pressure at home and abroad.'' They praised her as a leader with ''discipline and guts to take the CIA into the future,'' saying that she is highly regarded in the storied halls of Langley. That letter was signed by former CIA and National Security Agency Director Michael Hayden, former NSA Director GEN Keith Alexander, former Attorney General Michael Mukasey, and many others.

I have said it before, but I will say it again. Those people who know Ms. Haspel best, who have worked alongside her on a daily basis, who have been in meetings with her and have witnessed her decision making like this woman. They respect her, and they think she is the best of the best, so enough already. I think we should listen to the people who know her the best.

The third item related to Ms. Haspel that I will mention was a telling exchange she had with our colleague and friend, the senior Senator from California, Ms. FEINSTEIN. Senator FEINSTEIN asked about a certain book that at least one journalist has claimed proves Ms. Haspel ''ran'' an interrogation program in the days after 9/11. In graciously responding to our colleague's question, Ms. Haspel pointed out something important: The author of the book in question has said definitively that he ''never intended to suggest in [the] book that Gina Haspel was in charge of the CIA's interrogation program. She was not.''

In other words, he corrected a misimpression that was created by the way the book was written and made clear she was not in charge of the CIA interrogation program. The author went on to say that he fully supports Ms. Haspel's nomination.

I think that short episode establishes how careful we need to be in evaluating what is known about Ms. Haspel's distinguished record of service. There are a lot of things being said that simply are not true.

As many have mentioned this week, when it comes to interrogation programs following the devastating attack of 9/11, where 3,000 Americans lost their lives, she in fact was exonerated by both internal reviews at the CIA, as well as two Justice Departments, which determined that she had complied with appropriate legal guidance in place at the time she acted.

Toward the end of the open session, Ms. Haspel spoke about the sacrifices made by the men and women with whom she had served. I think we need to keep in mind how difficult intelligence work can be, especially when it requires one to leave family and friends and take up hardship assignments in far-off corners of the globe. They are not like our men and women in the military, who perform such dedicated and patriotic service; intelligence officers have the additional burden of not even being able to tell their own family and friends where they are and exactly what they are doing because of the sensitivity of their work.

Ms. Haspel told us about a CIA al-Qaida expert who gave birth to her third child in the days leading up to September 11. This analyst, because of her expertise, was deployed to Afghanistan shortly after the terrible events of 9/11, leaving her family and three children behind. Later, she and six of her colleagues were murdered while serving in that combat zone in the service of the Central Intelligence Agency and the U.S. Government. This is exactly the kind of dangerous and selfless work that intelligence professionals embark upon day after day.

They do it because they feel a deep, abiding sense of duty and loyalty to a country that has given us freedoms many parts of the world do not enjoy, and it is that loyalty, it is that sense of duty that propels them to put it all on the line. They pour their blood, sweat, and tears into detecting and helping to stop threats posed against this country by nations and actors intent on doing us enormous harm.

As we heard yesterday from Ms. Haspel, there are more than 100 stars on the CIA Memorial Wall, and 7 more were added just last year. Those are a reminder of the U.S. men and women who have lost their lives while engaged in the service of the intelligence community and our country.

Having served for 33 years with distinction, Ms. Haspel is acutely aware of the sacrifices that have been made by so many with whom she will be working in her new capacity as Director of the CIA, and I know she is mindful of the colleagues and friends she has lost. Yet she believes so firmly in the Agency's mission that she is willing to take on one more challenge, one that may be her greatest challenge yet; that is, leading the entire CIA into an uncertain future.

I want to close by saying that I appreciate her willingness and desire to serve in this new and never easy capacity. I hope we can confirm her in short order so that she can get back to work and continue to do what she loves and help keep our Nation safe.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I appreciate the remarks made by the Senator from Texas. Indeed, I think we have a career intelligence officer who, over three decades, has performed commendable service for this country. I

will be meeting with her next week. I have a number of questions, and after meeting with her, I will make my decision.

I thank the Senator from Texas, as I have thanked many on the Intelligence Committee from whom I have sought opinions while reading all the relevant documents.

HEALTHCARE

Mr. President, I rise today because the State of Florida has again proposed to harm thousands of seniors and folks with disabilities who rely on Medicaid for their healthcare, as well as for their financial security.

Under current law, critical protections in Medicaid allow those who rely on the program for their healthcare to get up to 3 months of retroactive coverage after they apply for Medicaid and after they have enrolled in the program. To put that in another way, a person who has had healthcare problems and who is eligible under Medicaid, once they apply, under current law, there is a look-back period of 3 months in which those healthcare expenses they incurred would be reimbursed to their healthcare providers—the doctors, the nurses, whatever the service is—and paid by Medicaid because they have been deemed to be eligible—certain people with disabilities and certain people because of their income level and their status.

What the State of Florida is proposing—and this is what is so damaging—is to cut those 3 months of reimbursement for Medicaid down to 1 month. The current law is 3 months, so why should the State of Florida penalize its citizens who are eligible under Florida's law for healthcare through Medicaid by saying: We are going to make you eligible only for 30 days instead of 3 months. It defies understanding.

The State proposed to CMS just a week or so ago to eliminate this critical protection, and in the process, it jeopardizes many people in Florida right now—39,000 of the most vulnerable Floridians and the countless medical providers who treat them. If they constrict this period, that means a lot of providers will not get compensated by Medicaid, such as a hospital. The hospital can't eat all of those uncompensated expenses, so what happens? Ultimately, it finds its way to the rest of us taxpayers who have private health insurance, and it runs up the price of health insurance.

If what the State of Florida is doing is not enough of an outrage to these 39,000 people, this maneuver will also cut up to $100 million from an already underfunded Medicaid Program that is suffering because the State of Florida has decided over the last several years that it is not going to expand Medicaid up to 138 percent of the poverty level. Do you know how much money the State of Florida has passed up that, otherwise, 800,000 people in Florida would be getting healthcare through Medicaid? They passed up $66 billion in Federal funds that is sitting there on the shelf ready to be used for healthcare through Medicaid for Florida by refusing to expand Medicaid that is allowed under the law up to 138 percent of poverty. It is unacceptable.

This provision was designed to protect seniors and veterans and pregnant women and individuals with disabilities and parents and their families with high medical bills and the costs associated with long-term care. So not only are we jeopardizing the pay of the hospitals and the doctors and the nurses and all of the medical providers, for which they are eligible under current law, we are also putting into financial jeopardy the poor people who are sick and need to be treated, and they don't have the money because of their income level. They don't have the money. Then they start getting all of these dunning statements saying: We are going to come after you financially, and we are going to put you into the poor house.

That is why I joined with my colleague in the House, Congresswoman CASTOR. We have a letter signed by half of the Florida delegation calling on CMS to reject this heinous provision that the State of Florida is asking for.

I ask unanimous consent that this letter be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
*Washington, DC, May 10, 2018.*

Re Oppose Florida's 1115 Medicaid Waiver Amendment to Eliminate Retroactive Eligibility Due to Potential Extreme Harm to Older and Disabled Floridians

Hon. SEEMA VERMA,
*Administrator, Centers for Medicare & Medicaid Services, Baltimore, MD.*

DEAR ADMINISTRATOR VERMA: As members of the Florida Congressional Delegation, we write to urge you to oppose provisions of the State of Florida's 1115 Medicaid MMA Waiver Amendment that would directly harm thousands of seniors and neighbors with disabilities in Florida.

Today, critical protections in Medicaid mean beneficiaries can get up to three months of retroactive coverage from the date they apply to enroll in the program as long as these individuals were eligible for Medicaid when they received care. In March, the state proposed eliminating this policy of retroactive eligibility by amending its ongoing Section 1115 demonstration. If approved, this decision could jeopardize the financial security of at least 39,000 of the most vulnerable Floridians and countless providers who treat them. It will also cut at least $100 million from an already underfunded Medicaid program that is suffering from the state's continued choice to pass up more than $66 billion in federal funds by refusing to expand its Medicaid program.

Retroactive eligibility is designed to protect Medicaid beneficiaries—including seniors, pregnant women, individuals with disabilities, and parents—and their families from the steep costs of medical services and long-term care. Importantly, this protection was also designed to minimize uncompensated care costs faced by hospitals and other health care providers who take care of our neighbors and are already challenged by the state's low reimbursement rates. Also important to remember is, even though retroactive, folks who end up covered are unquestionably eligible for Medicaid and this existing policy and time frame protects those who are unaware—through no fault of their own—that they qualify.

Applying for Medicaid coverage can be a complicated and sometimes burdensome process, particularly when an individual or family member is dealing with securing admission to a nursing home, addressing a medical emergency, or seeking care for a worsening illness or injury. Leaving Medicaid-eligible applicants without financial protection simply because they have not enrolled is cruel and in direct conflict with the goals of the Medicaid program. This proposal will directly hurt Floridians with disabilities and seniors in nursing homes, If CMS approves this proposal in its current form, it would likely prevent vulnerable populations, especially seniors in nursing homes, from getting the care they need.

It is our duty to ensure eligible individuals have access to care without going into debt to obtain it, which is why retroactive eligibility is so vital. This proposal would not only wipe out many families' pocketbooks, but it would also place a financial burden on health care providers, the state and indeed all Florida taxpayers through increased uncompensated care costs. We fail to see how this proposal will ''enhance fiscal predictability'' as the state claims when it will increase costs across the board. If the state were serious about securing greater financial security, they should expand Medicaid and accept the $66 billion in federal funds that Floridians have already paid for with their tax dollars and provide health care to about 700,000 Floridians.

Instead of building barriers to coverage, we need to focus on getting our uninsured and underinsured neighbors quality and affordable health coverage and reducing uncompensated care costs that hurt health care providers' ability to provide needed care and strain Florida's economy. That is why we urge you to reject the State of Florida's proposal to eliminate retroactive eligibility.

Thank you for considering our request.

Sincerely,

Bill Nelson, U.S. Senator; Frederica S. Wilson, U.S. Representative; Charlie Crist, U.S. Representative; Kathy Cas, U.S. Representative; Lois Frankel, U.S. Representative; Kathy Castor, U.S. Representative; Ted Deutch, U.S. Representative; Al Lawson, Jr., U.S. Representative; Stephanie Murphy, U.S. Representative; Debbie Wasserman Schultz, U.S. Representative; Alcee L. Hastings, U.S. Representative; Darren Soto, U.S. Representative; Val Butler Demings, U.S. Representative.

Mr. NELSON. Mr. President, it is our duty to ensure that folks—our folks, the people in our States—have access to care without having to go into debt to obtain that care. The State of Florida is attempting to take that away. In doing so, it is attempting to wipe out many families' pocketbooks and increase the strain on the healthcare providers—the doctors, the nurses, the hospitals—and all Florida taxpayers, who ultimately, on uncompensated care, are the ones who pick up the bill.

The State of Florida claims that this proposal will ''enhance fiscal predictability.'' That begs the question: For whom? If the State really wanted to secure greater financial security, it would expand Medicaid and accept the $66 billion of our Florida financial taxpayer money sitting on the shelf,

which Floridians have already paid for with their tax dollars, and provide healthcare for up to 800,000 Floridians who don't have it now.

Perhaps what is even more troubling is that the letter accompanying the State of Florida's request stated that the agency—get this—''was not aware of any concern or opposition raised by any member of either party regarding this provision during extensive budget debate.'' So now not only is the State of Florida trying to harm thousands of Floridians, including many of our seniors and veterans—by the way, veterans are on the Medicaid Program as well. Don't forget that. All veterans are not taken care of under only the Veterans' Administration; there are a lot of veterans on Medicaid.

So the State is trying to harm these people, and I wonder now, in that letter that I just quoted from, if the State is misleading the Federal agency CMS in trying to get their waiver approved to cut the 90 days down to 30 days. Indeed, members of the Florida State Senate, the legislature, raised innumerable concerns and objections to the provision. Most recently, the Florida Senate minority leader called out the Governor's administration for the misleading claims.

Instead of making it harder to gain coverage, we ought to be focusing on getting our uninsured neighbors quality and affordable health coverage and reducing uninsured, uncompensated costs. We need to do what is good for the people of Florida.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

YUCCA MOUNTAIN

Mr. HELLER. Mr. President, I rise today to reiterate my strong opposition to the House of Representatives' effort to restart licensing activities at Yucca Mountain and in particular the Nuclear Waste Policy Amendments Act, which passed the House just a few hours ago.

This bill, which is a complete and total waste of taxpayer dollars, is dead on arrival in the U.S. Senate. Not only will I place a hold on the bill now that it has passed the House, I will also object to the motion to proceed to the bill. This vote today proves my point that I am the only person in Washington, DC, standing between a pristine, beautiful Nevada or a Nevada dripping with nuclear waste. As I have said in the past, I will continue to serve as a roadblock to every effort to make Nevada our Nation's nuclear waste dump.

Despite the House of Representatives' repeated attempts to revive a failed project, I have been able to ensure that not a single dollar has been appropriated to restart licensing activities at Yucca Mountain. This vote is nothing but a failed exercise because as long as I am in the Senate, Yucca Mountain is dead. It is as simple as that. As I have previously said, under my watch, I will not let one more hard-earned taxpayer dollar go toward the failed Yucca Mountain project. My State refuses to serve as our Nation's nuclear waste dump. That is why I am proud to say that because of my leadership, the Senate has repeatedly refused to pass a law funding the high-level nuclear waste repository—a position that was most recently confirmed in the most recent omnibus spending measure.

Because of my current work as Nevada's senior Senator and my bipartisan work with the former Senate majority leader, Yucca Mountain remains dead. I repeat, it is simple as that. But despite Yucca's clear and unquestionable death long ago, some of my friends on the other side of the Capitol continue to waste their time attempting to bring back life to this ill-conceived and fiscally irresponsible plan. Their efforts keep alive a longstanding fight over States' rights and distract us from the real task at hand, which is finding a viable, long-term nuclear waste storage solution that meets the needs of all Americans.

I will be the first person to recognize the important role nuclear power plays in a stable and secure ''all of the above'' energy strategy and that with nuclear energy comes the need to properly store spent nuclear fuel, but I firmly believe that our Nation cannot progress towards achieving viable and sustainable storage solutions for spent nuclear fuel and defense high-level waste without first abandoning Yucca Mountain.

I am not saying that we shouldn't come to the table to discuss our Nation's nuclear waste storage needs. We should, and I would. But I also believe States should have a say in the matter. That is why, in my opinion, consent-based siting presents the only viable path forward on this issue. Consent-based siting offers a means of addressing our Nation's high-level nuclear waste problem while at the same time respecting the sovereignty of States to object to becoming nuclear waste dumps. The Yucca Mountain proposal, however, represents the exact opposite of consent; it is a unilaterally imposed Federal mandate that goes against the will of the people it directly affects.

My colleagues have heard me raise the question many times that I and Nevadans are thinking: Why should a State without a single nuclear powerplant of its own be forced against its will to house all of our Nation's nuclear waste?

Let me repeat that. Why should a State without a single nuclear powerplant of its own be forced against its will to house all of our Nation's nuclear waste? This is a question that has never been answered—not from the Presiding Officer's seat, not from the Speaker of the House, nor from the author of this bill. And I think if we want an intellectually honest answer, it would be that it shouldn't have to.

Beyond the violation of the State sovereignty and the disregard for the will of the local population, the Yucca Mountain proposal poses significant health and safety risks and potentially catastrophic financial risks that must be addressed before, not after, the proposal moves forward, should it move forward at all.

What are these risks? Well, for one, Yucca Mountain is located just 90 miles from the world's premier tourist and convention and entertainment destination of Las Vegas, NV. Last year, Las Vegas welcomed nearly 43 million visitors. Over the past decade, the greater Las Vegas area has been one of the fastest growing in the United States, with a population that now exceeds 2.1 million people, according to the latest U.S. Census Bureau numbers. Any issues with the transportation of nuclear waste to that site or issues with storage there would bring devastating consequences to the Las Vegas, NV, and national economies—issues that would inevitably result from shipping 9,500 rail casks in 2,800 trains and 2,650 trucks hauling 1 cask each to Yucca Mountain over the next 50 years. These shipments would use 22,000 miles of railways and 7,000 miles of highways and cross over 44 States.

To date, however, Nevadans have not received sufficient assurance from the Department of Energy or the Nuclear Regulatory Commission that their concerns about these risks will receive the procedural due process and thoughtful consideration they are owed under existing law. In fact, in my recent correspondence with the Nuclear Regulatory Commission, I continue to stress to the Commission the importance of procedural safeguards, such as local hearings and local adjudication, to ensure that parties directly affected by the proposal have the opportunity to air their concerns and have them considered in an open and reasonably close forum.

It is because of these and other unresolved concerns that I continue to stand with the State of Nevada in its strong opposition to restarting licensing activities at the Yucca Mountain repository.

Rather than forcing the State of Nevada to accept nuclear waste at a scientifically unsound site, taxpayer dollars would be better spent identifying viable alternatives for the long-term storage of nuclear waste in areas that are willing to house it. Finding alternatives is the commonsense path forward, as well as the fiscally responsible decision.

The Federal Government should not waste another taxpayer dollar on Yucca Mountain—waste that already amounts to nearly $15 billion. According to Department of Energy estimates, an additional $82 billion would be needed to license, construct, and operate Yucca Mountain through closure, bringing the total system life cycle cost for the project to around $100 billion—an amount that would be probably 15 to 20 percent higher in today's dollars.

So it is clear that instead of throwing more taxpayer dollars at a failed proposal, which is exactly what the House of Representatives' Nuclear Waste Policy Amendments Act does, we should be working on a real, long-term solution rooted in consent-based siting.

With that, I urge my colleagues, as we continue the budget and appropriations process for the 2019 fiscal year, to focus on further implementation of the Department of Energy's consent-based siting process.

I stand ready to partner with my colleagues on both sides of the aisle on this issue, and I am confident that together we can find a solution to this problem once and for all.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the cloture motions with respect to the Scudder and St. Eve nominations be withdrawn and that the Senate vote on the nominations in the order listed at 5:30 p.m. on Monday, May 14. I further ask that, if confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. I further ask that notwithstanding the provisions of rule XXII, the Senate vote on confirmation of the Carson nomination at 12 noon on Tuesday, May 15; that if cloture is invoked on the Nalbandian nomination, that confirmation vote occur immediately following the disposition of the Carson nomination; and that if either are confirmed, the motions to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## 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 bill 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 John B. Nalbandian, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Mitch McConnell, John Hoeven, Johnny Isakson, James Lankford, Steve Daines, Ben Sasse, Mike Crapo, John Kennedy, John Barrasso, Thom Tillis, Roger F. Wicker, James M. Inhofe, Richard Burr, Mike Rounds, Shelley Moore Capito, Tom Cotton, Cory Gardner.

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 John B. Nalbandian, of Kentucky, to be United States Circuit Judge for the Sixth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Kansas (Mr. MORAN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Delaware (Mr. COONS), and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 91 Ex.]

YEAS—52

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

NAYS—43

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

NOT VOTING—5

| | | |
|---|---|---|
| Booker | Duckworth | Moran |
| Coons | McCain | |

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 43.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John B. Nalbandian, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Florida.

(The remarks of Mr. RUBIO pertaining to the introduction of S. 2826 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. RUBIO. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

FUEL EFFICIENCY STANDARDS

Mr. CARPER. Mr. President, I was filling up my Chrysler Town & Country minivan with gas last weekend, and I noticed the price in Delaware is up to about $2.80 a gallon for regular gas. That is up by close to $1 above what it was not that long ago.

I remember that the first time I bought gasoline in Delaware, I was right out of the Navy. I served in the Vietnam war as a naval flight officer, and I moved from California to Delaware. I drove my car to a gas station right in the middle of a gas war.

I actually benefited from the gas war in 1969 in Texas. I was driving from Pensacola, FL, to the San Diego Naval Station. I filled up my Volkswagen Commandeer for less than $2 during the gas war in some little town in Texas.

Fast forward to, I think, 1970 through 1974, and we are having a different kind of war. It is with OPEC. They are putting the squeeze on us and much of the rest of the world by reducing the amount of oil they are bringing out of the ground and driving up prices.

Then we had an oil blockade, and things really got interesting for a while. I am not sure who was President then, whether it was Gerald Ford, who was succeeded by Jimmy Carter. But somebody—maybe it was Democrats and Republicans—finally said: You know, we have to be smarter than this. We continue to be dependent on foreign oil. They can put a blockade in place and essentially make it difficult for us to get oil and pay the prices that they want.

So Democrats, Republicans, the President, and Congress, working together, decided we should increase the fuel efficiency of our cars in this country. We hadn't done that for quite a while. They put in place fuel efficiency standards for cars. We stepped up the mileage requirements for a period of years, and after several years, that target level stopped. We reached a ceiling; I think it was like 27 miles per gallon, as I recall. But after that, the CAFE standards stayed right there for years, maybe for a couple of decades.

We kind of revisited the issue, I want to say in 2007, and said: You know, that doesn't make much sense. Why don't we begin to increase fuel efficiency again? We did so with bipartisan legislation. Senator DIANNE FEINSTEIN, Ted Stevens, and I, along with others, worked on it and passed legislation to increase—not dramatically, but for a while, for a number of years—fuel efficiency standards for cars, light trucks, and SUVs.

When we fell into the great recession in 2007, 2008, 2009, we saw the auto companies—a couple of them, Chrysler and I believe GM—going into bankruptcy. They got a huge bailout from our taxpayers, from the government. I was one of the people who sponsored and supported that. But in return for their getting that kind of help, they agreed to a