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## Senate

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

### PRAYER

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

Let us pray.

Precious Lord, take our hands. Lead us forward, and help us to stand.

We praise You for the gifts and talents You have given our Senators. Continue to bless them with influence that can make a difference. Lord, give them the wisdom to cut through the complex issues and discover solutions to the challenging problems that threaten our freedom. Remind them to be good stewards of the abilities You have so generously given them. Prepare their hearts to respond to You with gratitude as they strive to live for Your glory.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAMER). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Michael J. Desmond, of California, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### NOMINATIONS

Mr. MCCONNELL. Mr. President, yesterday, the Senate confirmed the 31st new circuit judge since January of 2017. Eric Miller came to the Senate for our consideration with a stellar resume and a sterling legal reputation. We had every indication he would interpret our Nation's laws and Constitution as they are actually written. This is exactly the kind of judge the American people deserve to sit on our Nation's courts of appeals. That is why the Senate will continue to make judicial nominations a top priority.

This week, however, we need to make more progress on the backlog of important executive branch nominees whom Democrats' delaying tactics and obstruction have left literally languishing on the Senate calendar.

The first is Michael Desmond, the President's choice to serve as Chief Counsel of the IRS. Mr. Desmond has put his legal expertise to work through years of public service, including at the Department of Justice Tax Division and at the Department of the Treasury. He has an impressive private sector background as well.

So listen to this: In the last Congress, the Finance Committee recommended Mr. Desmond to the full Senate by a vote of 25 to 2. That was last August. Yet this noncontroversial nominee never got a floor vote and had to be sent back to the White House. Well, Mr. Desmond was renominated. Earlier this month, our colleagues on the Finance Committee reported him favorably yet again—26 to 2.

I am sorry my Democratic colleagues required us to file cloture on this thoroughly noncontroversial nominee. It is a good example of the unreasonable tactics that have, sadly, become their standing operating procedure in many cases, but I am glad we voted to advance the nomination yesterday, and I urge everyone to join me in voting to confirm him soon.

### THE GREEN NEW DEAL

Mr. President, on another matter, the Environment and Public Works Committee, led by Chairman BARRASSO, is meeting today to consider legislation that would help reduce, capture, and find productive uses for carbon dioxide emissions. It is an important subject and deserves a serious approach, but, as we all know, some on the far left have recently offered other ideas on this subject. That is right—the much heralded Green New Deal. Nothing says forward-thinking and fresh ideas quite like borrowing the name of an 80-plus-year-old policy program and just adding the color “green.”

So what is this thing all about? That turns out to be an interesting question. It depends on whom you ask. The Democrats who authored it say it is a massive reorganization and government takeover of our Nation's economy and our culture. Some have argued it is the only way to stop the world from ending in about a decade.

This was interesting news, even to many of their fellow Democrats. Our colleague Senator DURBIN reacted this way:

I have read it, and I have reread it, and I asked [Senator] Ed Markey: “What in the heck is this?”

That was the assistant Democratic leader.

But it looks like, one way or the other, the Democratic Party as a whole is eager to get behind this great idea.

So what is in it? Here are just a few of the hits in the 16-page resolution the Senate will soon be voting on.

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



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Here is one you will like: “Upgrading all existing buildings in the United States and building new buildings.”

Don’t want a Federal bureaucrat to decide how your house should look or what size it should be? Don’t want to pay to rebuild the entire downtown? Don’t want to tear down your small business so it can be replaced by the government? Too bad. These new social planners know best.

Here is another quote: “Meeting 100 percent of the power demand in the United States”—listen to this—without using any American fossil fuels or nuclear power whatsoever.

That is right. It is the War on Coal on steroids. Say goodbye to all of those jobs, and say hello to a new wave of cronism that would make the half a billion dollars in taxpayer losses from Solyndra look like pocket change. Everything in your garage will have to go too. A lengthy background document that this plan’s authors have since tried to scrub from the internet helpfully explains that a Green New Deal would mean “replac[ing] every combustion engine vehicle.”

How about this one: “Guaranteeing a job . . . to all people of the United States.”

That one is buried on page No. 14—a government-guaranteed job for everyone. That may sound like a good utopian goal, but their handy background document makes the real intention known, promising “economic security for all”—listen to this—even for those who are “unwilling to work.”

That is a lot of magic wand-waving, but I have only scratched the surface. The background document also called for a plan to “build out high-speed rail at a scale where air travel stops becoming necessary.” As our colleague Senator HIRONO pointed out, this might be a tough sell in Hawaii or in Puerto Rico or in other places. The Governor of California just scaled back a high-speed rail project in California because, as he put it, it “would cost too much and, respectfully, take too long.” Even with heavy Federal subsidies, it is billions over budget and behind schedule.

That document also promised to, magically, “remove pollution and . . . emissions from manufacturing” just like that. I wonder why nobody has thought of that before.

So it is clear what we have here. It is the far left’s Santa Claus wish list that is dressed up to look like serious policy.

Bad ideas are nothing new, and silly proposals come and go, but the philosophies and the ideas behind this textbook socialism are not just foolish; they are dangerous. Their ascent in the Democratic Party is a real threat to American prosperity and to working families.

Chairman BARRASSO reported that one analysis found that this proposal could increase the average household’s power bills by as much as—listen to this—\$3,800 a year. Another estimate predicted that families would have to

spend hundreds of billions of dollars just to replace common household appliances with Washington-approved models.

What about the total cost to the government for this socialist shopping spree? One recent estimate has that pegged at a cool \$93 trillion over the first 10 years—more than the combined GDP of the entire world. Let me say that again. Their plan is predicted to cost more than the entire economic output of every country on Earth combined.

Remember what the American people are supposedly getting in return—a sprawling socialist state to rule over us, a host of good jobs and key industries ripped away, and an end to every energy source that the middle class can actually afford. Remember, China has already sailed past the United States in terms of carbon emissions. The far left still wants us to unilaterally disarm our whole economy—lots of pain for us and no meaningful gain in containing global emissions. We will go bankrupt, but at least it will be great for China. I bet they are cheering in the streets.

So the way I see it—the way most Republicans see it—is this proposal is either a brilliant piece of comedy or a disastrous socialist vision that is totally alien to the United States of America.

What about our Democratic colleagues? Where do they stand?

Recently, I announced that Senators will get to go on record and vote for or against all of this, but curiously enough, this planned vote was met with outrage from the very people who were claiming to champion the proposal.

Last night, our colleague from Rhode Island said it was “truly preposterous” for me to schedule a vote on the Green New Deal. That is not exactly a ringing endorsement of a plan the Democrats claim to support. He does not seem to be alone in his uneasiness. At one point, the Speaker of the House dismissed her party’s own plan as the “green dream.” The senior Senator from California worried publicly the other day that there is no way to pay for it. As I noted, the assistant Democratic leader summed up a lot of people’s thinking when he asked: “What in the heck is this?” I think a great many Americans all across the country are asking themselves the very same thing—what the heck is this?

Before much longer, every Member of this body will have a chance to go on record, loud and clear. Do our Democratic colleagues really support this fantasy novel that is masquerading as public policy? Do they really want to completely upend Americans’ lives to enact some grand socialist vision? Do they really want this to be their Democratic Party? Well, before long, the Senate will vote, and these questions will be answered.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THE GREEN NEW DEAL

Mr. SCHUMER. Mr. President, I heard Leader MCCONNELL knocking the Green New Deal. I would ask the leader—and we are going to keep asking him and every Republican in this Chamber—what they would do about climate change, about global warming.

So, Leader MCCONNELL, do you believe that climate change, global warming, is real? Yes or no.

Second, do you believe that climate change, global warming, is caused by humans?

And, three, do you believe that Congress should take immediate action to deal with the problem?

Until Leader MCCONNELL and his Republican majority answer those questions, the games they are playing here will have no meaning. This is not a debate. It is a diversion. It is a sham.

Democrats will be introducing a resolution in a few days—shortly—that says we believe in these three things, and we will be asking our Republicans if they support or oppose that resolution.

The silence of the Republican majority on climate change is enormous. Is it because the oil industry gives so much money to our Republican friends? Is it because they are antisience? What is the reason?

Not a single bill has been brought to the floor to deal with climate change or global warming in the 5 years Leader MCCONNELL has been the majority leader. What is your plan, Leader MCCONNELL? What is your answer? We know what you don’t like. What do you like? Anything?

NORTH KOREA

Now, the Trump administration is in the middle of two crucial negotiations with foreign capitals, the result of which will have ramifications for decades.

In Vietnam, President Trump will meet with Chairman Kim to continue discussions over the denuclearization of the Korean Peninsula, while at the same time administration officials continue negotiations with Beijing over a major trade pact. In both instances, President Trump would have the best chance of having success if he articulated clear objectives and maintained a hard line until those objectives were achieved.

For a time, that approach—the right approach—seemed to hold sway at the White House, as sanctions and tariffs brought both North Korea and China to the negotiating table. Recently, however, President Trump seems headed

down the path of capitulation on both North Korea and China, prepared to trade away our leverage in exchange for flimsy agreements. The President can't seem to stick to a policy, even when it is beginning to work. So eager is he for that quick photo op.

There is an old expression that March comes in like a lion and goes out like a lamb. Well, based on all reports, when it comes to North Korea and China, spring is coming a little early at the White House. President Trump, on both China and North Korea, came in like a lion, with tough rhetoric and hard-line policies, but now President Trump is poised to go out like a lamb, meekly accepting half-baked agreements from both capitals for the sheer sake of it.

In North Korea the highest priority of U.S. foreign policy has been the complete, verifiable, and irreversible denuclearization of the Korean Peninsula, as well as the cessation of human rights abuses by the brutal, despotic, and murderous Kim regime. But just this weekend, before leaving for Hanoi, President Trump said: "I don't want to rush anybody; as long as there's no testing, we're happy." That is a far cry from the complete denuclearization that he called for in the past, and it signals a dangerous softening of our position before the talks even started.

The irony of ironies is that for all the talk of "maximum pressure" and "fire and fury," President Trump's stance on North Korea may wind up far weaker than Hillary Clinton's. I know he doesn't like to hear that, but the truth is the truth.

President Trump seems more interested in touting his warm relationship with Chairman Kim as an accomplishment in and of itself. President Trump's calling a brutal autocrat a friend on Twitter is no substitute for actually achieving something for the American people in Hanoi.

I hate to say it, but it would be absolutely incredible and even pathetic if President Trump were giving in to North Korea for the sake of a photo op to knock Michael Cohen's hearing from the front page, but if the past behavior of the President is any guide, something like that is, unfortunately, totally conceivable.

#### CHINA

Now, Mr. President, the same situation is playing out in China. After starting down the right path, press reports indicate that President Trump appears to accept something far short of his initial aims. President Trump has already started promoting a "signing summit" at Mar-a-Lago before an agreement has even been inked. Just imagine how that undercuts our negotiators—to say already he is going to sign something when we are eyeball to eyeball with the Chinese. That is not the art of the deal. That is the art of capitulation.

As the Times reported this morning, "Mr. Trump has grown impatient with the talks, and a consensus is growing

in Washington that Mr. Trump will ultimately accept a weak deal." Shame on him if he does.

China is robbing and stealing our family jewels: American industrial know-how, American information technology, Americans' ability to do things.

When we are good at it, China doesn't let us in and compete, unless we give them all of the knowledge of how to do it themselves, and China steals our intellectual property. Just 2 weeks ago, there was another hacking—and now we are going to capitulate?

What the Times goes on to say is that "the Chinese have so far declined to make concrete commitments to reform their economy that the administration has demanded"—these are the words of the New York Times—"including ending China's practice of subsidizing companies, engaging in cyber-theft and forcing American companies to hand over intellectual property to Chinese partners in order to do business there."

Even our business community does not want the President to capitulate. I met with a bunch of them. They want him to stay strong. Everyone wants him to stay strong. Now he is caving.

This President cannot take a policy and pursue it to its end. His attention span is so small, his desire for immediate gratification seems to be so large that the American worker loses. If we capitulate to China, that American worker will lose for decades. That American worker's children will lose.

So I say to President Trump, it would be a momentous failure if you relent now and don't receive meaningful, enforceable, and verifiable commitments on structural reforms to China's unfair trade policy. Simply buying more soybeans or buying more materials or planes is not going to solve the structural problem, and in a few months China will continue to unfairly gain on us—not right.

So, I wonder, where are all the supposed hawks? Where is Secretary Pompeo on China and North Korea? Where is Ambassador Bolton? Do they feel they can argue internally with the President and he overrules them and that is that? What good is it for them to be there? Oh, yes, they can say: It would have been even worse if we weren't there. That is no way to do policy when either American safety, in regard to North Korea, or American economic prosperity in the future, in regard to China, is at stake.

I believe Ambassador Lighthizer has made a sincere effort to do the right thing on China, but his efforts are constrained by a President who seems intent on weakening his hand every few weeks. Again, where is Bolton? Where is Pompeo? Where are they? They have been hawks on these two issues their whole lives. Now they get in the administration; they just go along, when they were among the loudest critics of President Obama and President Clinton? Not right. Not good for America.

It just so happens that two of President Trump's signature foreign policy issues will come to a head at roughly the same time. There are historic opportunities here to make America safe by removing nuclear weapons from a rogue regime and to end two decades of rapacious Chinese trade policy. We can finally put American companies on a level playing field with our largest competitor. If the President, having brought the Chinese to the table with tough sanctions and tariffs, takes 10 percent or 20 percent of what we can get, that would be very bad for this country, American workers, and American incomes. As they continue to stay flat or decline, one of the main reasons is unfair trade practices by China. We have to be strong and tough. We can win this fight if we can stay strong.

The bottom line is this. If over the course of the 1 month President Trump capitulates to both Beijing and Pyongyang, the foreign policy of his Presidency will be in shambles. It will zig and zag to no real accomplishment. More importantly, the national security and economic security of the American people will greatly suffer as a consequence.

I yield the floor.

THE PRESIDING OFFICER. The majority whip is recognized.

#### THE GREEN NEW DEAL

Mr. THUNE. Mr. President, in a document later removed from her website, one of the Green New Deal's sponsors had this to say about the Green New Deal: "The question isn't how we will pay for it, but what we will do with our new shared prosperity."

"The question isn't how we will pay for it . . ." That was the quote. That is a pretty staggering statement when you consider that the Green New Deal plans to upend most of American society as we know it, from transportation to healthcare, but I suspect there was a simple reason the Green New Deal authors didn't want to talk about how to pay for it—because they couldn't figure out how.

This week, one think tank released a first estimate of what the Green New Deal would cost, and here is the answer: between \$51 trillion and \$93 trillion over 10 years—between \$51 trillion and \$93 trillion. Those numbers are so large that they are almost impossible to process.

Just for perspective, consider the fact that the entire Federal budget for 2019 is less than \$5 trillion. That is the entire Federal budget—defense spending, domestic priorities, Medicare and Medicaid, Social Security, everything.

The Green New Deal could end up costing \$9.3 trillion each year—double the current Federal budget—and the government would still have to pay for a lot of other priorities on top of that. That money wouldn't cover defense spending, or Social Security, or a number of other urgent needs.

The Green New Deal would assuredly raise Americans' energy bills, but that is just a tiny fraction of what Democrats' Green New Deal, which goes far

beyond mere energy policy, would cost American families. It is difficult to even imagine the staggering tax hikes that would be required to pay for this plan.

This plan would never be paid for just by taxing the well-off. That is always the argument we hear. Taxing every household making more than \$200,000 a year at a 100-percent rate for 10 years would leave the Democrats far short of \$93 trillion. Taxing every family making more than \$100,000 a year at a 100-percent rate for 10 years would still leave Democrats far short of \$93 trillion. In short, actually implementing this so-called Green New Deal would involve taking money not just from the well-off but from working families in this country—and not a little bit of money either.

Ninety-three trillion dollars breaks down to over \$600,000 per household. That is over 10 times the median household income in my State of South Dakota.

Should the Democratic Green New Deal come to pass, ordinary Americans would see incredible tax hikes. Middle-class Americans would see a substantial and permanent reduction in their standard of living.

When we talk about Democrats' socialist fantasies, we tend to quickly fasten on the staggering costs of these programs, but it is important to also remember what else they would cost Americans.

Socialism just doesn't come with a staggering pricetag; it also comes with less freedom, fewer choices, and less control of your own destiny.

Socialized medicine like Medicare for All wouldn't mean just big tax hikes; it would mean giving up your private insurance plan, even if you like your coverage. It would mean being forced onto the government's healthcare plan, whether you like it or not. It would mean waiting in long lines. It would mean long wait times you can't do anything to avoid.

The Green New Deal would mean higher electricity bills and higher taxes, but it would also mean limited transportation choices, including no airplane travel, increased government control over your housing options, less reliable energy, and the list goes on.

Democrats' socialist fantasies would cost Americans untold amounts of money and permanently damage our economy, but the loss of choice and freedom would cost Americans even more. Democrats' green dream would be a green nightmare for Americans and American families.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, if you are a student of history, the speech you just heard is not a new speech. It is a speech that has been given repeatedly in the Senate Chamber. It was back in the 1930s, when a President named Franklin Delano Roosevelt had an idea, and the idea was radical at the time.

Here was the radical idea: Shouldn't we allow people, during the course of their work-life, to put a little money away and to invest for their retirement so that when they reach the age of 65, they will have a program called Social Security?

That was considered a radical socialist idea, taking money from everyone to create a positive program to help retirees across America when they reach retirement age. It takes away our freedom, they said. We ought to be able to make our own choices in life. They resisted it, but, fortunately, they failed and in their failure allowed the creation of the Social Security Program, which is the single most popular government program in America today. Over 95 percent of Americans count on Social Security to make sure that when they reach retirement, there is something there to take care of them, but that wasn't the end of the speech you just heard. It was repeated again in the 1960s because another Democratic President by the name of Lyndon Baines Johnson came up with a notion that, perhaps, if people are going to live a little longer and have Social Security, they should also be able to have affordable healthcare. So Lyndon Baines Johnson suggested the creation of Medicare.

What did the critics say about Medicare? Socialism; that you would collect money from people all across America just to provide for the benefits to those who are retired; that you would take away our freedom to make our own savings plans for our future by saying we have to pay into Medicare. It is an attack on our freedom, they said. It is a socialist idea, they said. Thank goodness they lost in that debate as well.

What happened, of course, was a creation of a Medicare Program, and we can see what came about as a result of it, a dramatic increase in the number of hospitals in America and doctors in America. We started taking healthcare seriously when it came to senior citizens. What is the proof in the pudding? Senior citizens started living longer and longer lives. They were healthier, they were independent, they were strong because of this so-called socialist program of Medicare.

So if you listened this morning as Republican leaders came to the floor and decried socialism again, what is their point now? Their point now is, they believe that if we make a national effort toward dealing with climate change and global warming, it is socialism. It takes away our freedom.

I would agree with them in this respect. If we do something as a nation, a sensible approach that is moderate, constructive, and positive, it is going to change the future. It is going to take away the opportunity that some of us will have to leave a planet for our children that is uninhabitable.

Does anyone doubt—does anyone doubt—that we are dealing with some change in the climate that we face around this world? Does anyone doubt

that the scientific evidence, year after year after year, about the increased temperature of this planet has had a negative impact on the world we live in—more extreme weather events than we have ever seen, tornadoes in Taylorville, IL, in December?

Listen, I grew up in Illinois. I was awakened many times in the summer to get down in the basement because there was a tornado warning. My parents were worried about it. It was part of growing up in the Midwest, part of growing up in Illinois. I don't recall ever going down to the basement around Christmas. It turns out that tornado season in Illinois, and many other places, is now becoming a year-round event and flooding and fires and flooding in the city of Miami. All of these things are evidence to me that something is going on, and we have the scientific explanation. Greenhouse gas emissions are creating a different environment, warming our planet, changing our weather patterns.

I have come to the floor repeatedly over the last several years and asked one basic question, can anyone name any major political party in the world today—any major political party in the world today—that, like the Republican Party of the United States, denies climate change?

I make that open challenge over and over again on the floor and have never had a Republican come to me and say: No, there is another party somewhere that takes our position on the issue that climate change is a fallacy and a fiction. I will tell you, though—maybe I am not supposed to repeat this—but one Republican Senator, after I made that challenge over and over again, drew me aside in the elevator, looked in both directions, and said: I think there is a political party in Australia that also denies climate change. That is as good as it gets—one more party somewhere halfway around the world.

When Senator SCHUMER, the Democratic leader, comes to the floor and challenges the Republican leader, Senator MCCONNELL, with the basic questions, I believe we have the right to ask for an answer.

To the Republicans, to my friend from South Dakota who just spoke, to Senator MCCONNELL of Kentucky, the first question is this: Do you believe that there is such a thing as climate change and global warming? That is a pretty easy question. The scientists overwhelmingly believe it. I do too.

The second question that Senator SCHUMER has posed to them is this: Do you believe that our human activity has something to do with it? Well, the scientific evidence is overwhelming again. Once we got into the industrial age and starting spewing all of the smoke and chemicals into the air, things started warming up on this planet Earth.

The third question that Senator SCHUMER has posed to the Republicans is basically fundamental, as well: What

are you going to do about it? The answer is obvious. For the 4 years the Republicans have been in control in the Senate, they have done nothing—nothing. Now they have a President who has the United States as the only country in the world—the only Nation on Earth—that has withdrawn from the Paris accord, which tried to create a global strategy to deal with climate change.

The President is enthralled by the notion that climate change is a fallacy, a fiction, and so are the Senate Republicans. So any effort to address this is socialism. Any idea that we should come together as a nation and work toward a planet that our kids can live on is taking away our freedom. Well, we know better.

Under President Obama, we started moving toward more fuel-efficient cars and trucks. A gallon of gas is giving us more mileage because of government policy. Well, I guess it took away the freedom of gas guzzlers, but we can at least say we made a positive step forward, and this administration is stepping backward, and they are doing it for the fossil fuel industry—for oil and gas and coal interests. They are coming to the floor and trying to get us into a fight, once again, over socialism when we talk about government policies that would guide us in the right direction for the future.

#### PRESCRIPTION DRUG COSTS

Mr. President, I come to the floor this morning to give the first of what may turn out to be many speeches on a subject that affects every single American. The question is the rising cost of prescription drugs in this country.

The first drug that I wanted to address, I wanted to choose carefully because I wanted to choose a drug that really is important to the largest number of Americans. So I thought to myself, what is the most commonly used life-or-death drug in America today? There is some debate about it, but I am going to suggest that it is insulin.

In 1923—almost 100 years ago—researchers were awarded the Nobel Prize for the groundbreaking discovery of insulin to treat diabetes—1923.

The chief scientist in the discovery was Dr. Frederick Banting. He believed that insulin should be accessible to everyone. His team sold the patent to the University of Toronto for \$1 so that “no one could secure a profitable monopoly” on the production of insulin. That might seem hard to believe today, with the price of insulin having increased more than 600 percent over the past two decades.

Take a look at the chart, which maps the increases in price. Eli Lilly’s blockbuster insulin drug, Humalog, was introduced in 1996 at a cost of \$21. By 2019, the cost went up to \$329.

Sanofi’s Lantus was \$35 when it came to the market in 2001. It now costs \$270. The insulin drug, NovoLog, cost \$40 in 2001. By 2018, it went up to \$289—for insulin.

How many Americans are affected by this? There are 30 million Americans

who live with type 1 or type 2 diabetes—almost 10 percent of our population. Approximately 7.5 million of them rely on insulin to manage their blood sugar levels. It is a matter of life and death. Yet patients are suffering because of these dramatic price spikes.

A recent study found that one-quarter of patients who rely on insulin have been forced to ration their doses due to cost, basically in contravention of the advice of their doctors.

This is a story that many of us have heard here. Last year, we heard from the mother of Alec Raeshawn Smith. He went off his mom’s health insurance. Under the Affordable Care Act, he could remain covered until he reached the age of 26. He had diabetes. He had coverage for his insulin until he reached the age of 26. Then he couldn’t afford to buy health insurance. So when he went off of that insurance, he was faced with the monthly cost of his insulin out of pocket. That monthly cost was \$1,000.

He managed a little restaurant, and he couldn’t come up with \$1,000. So he decided that he would ration his insulin and not take as much as was required by his doctor, trying to make it last between paychecks. Alec died as a result of that decision.

How is it that in the richest country on Earth, patients are having to ration their insulin or start GoFundMe websites just to survive?

Insulin was a cure found in the 20th century that patients now cannot afford in the 21st century. Pharma’s war on patients with diabetes must come to an end.

Yesterday, there was a hearing, widely televised, where seven or eight of the CEOs of major pharmaceutical companies faced the music before the Senate Finance Committee. Senator GRASSLEY, Senator WYDEN, and many others asked questions about the issue I am raising today: What is going on? Why are you raising prices so high? There were no good answers coming from these executives.

Today, I am going to start highlighting on the floor of the Senate the egregious cases of pharmaceutical greed in the United States.

Years ago, there was a Senator from Wisconsin named William Proxmire. He was an unusual man. He was far different than most Senators today. He was the type of fellow who would show up at the University of Wisconsin games, passing out cards. That was his style of campaigning. He didn’t spend a lot of money on television and radio.

He really was a grassroots politician, and he was a tenacious fellow. He started something called the Golden Fleece Award—Proxmire of Wisconsin’s Golden Fleece Award. Once a month or more, he would come to the floor and talk about waste—taxpayer waste—in our Federal Government. It developed a national reputation.

In deference to Senator Proxmire, whom I had a chance to meet when I was a college student, I am going to

try to follow in his tradition by pointing out egregious examples of greed by the pharmaceutical industry in the United States on a regular basis with the Pharma Fleece Award.

My first Pharma Fleece Award is for the pharmaceutical industry’s extortion of 7.5 million diabetic patients in America who depend on insulin. This is a lifesaving product that has been around for almost a century.

How can the most common life-and-death drug be so expensive? First, the United States is an outlier. The same companies I am talking about sell exactly the same drug in other countries around the world for a fraction of the cost.

The United States represents only 15 percent of all of the global insulin market; yet we generate more than half—more than 50 percent—of Pharma’s revenue for this drug.

How can Lantus cost \$372 in the United States? The exact same drug made by the same company costs \$46 in France and \$67 in Canada. Why? Why are we paying five, six, and seven times more in the United States for exactly the same drug? It is because the governments of France and Canada care about the cost, and they say to the company Sanofi, in this case, that makes Lantus: If you want to sell Lantus in Canada, we are not going to let you hike the prices and raise them to the high heavens. We are going to keep the prices reasonable so that the people of Canada can afford this life-saving drug. What do we do in the United States? Nothing. We let them charge whatever they wish.

How can Lantus cost \$372 for Americans, while the same, exact drug for the French is \$46, and just across the border, in Canada, it is \$67?

Our problem is that our system doesn’t function as a free market. There is virtually no competition. Three companies control the insulin supply in America: Eli Lilly, Sanofi, and Novo Nordisk.

Typically, in a free market, three competitors would lower the prices, wouldn’t they? But in America, these three charge as much as they can and get away with it because they are protected by government-granted monopolies.

We should reward innovation, we should promote research, and we should ensure that companies do make a profit for their good work, but abusive manufacturers should not be protected from competition by our government.

Lantus has been on the market since the year 2000. Sanofi has received 49 secondary patents on insulin. What does that mean? They have created a fortress around this lucrative drug for a 37-year monopoly in offering this drug for sale in America.

Unfortunately, there is no effective deterrent today against Big Pharma’s greed and price gouging on these and so many other drugs. That is why, earlier this month, I introduced a bill called

the Forcing Limits on Abusive and Tumultuous Prices Act, or FLAT Prices Act. This legislation will discourage and deter the pharmaceutical industry from raising prices by reducing the government monopoly periods when they do.

You see, companies are awarded monopoly periods from 5 to 12 years by the Food and Drug Administration for drug approval beyond the patent protection. My FLAT Prices Act would reduce this FDA-granted exclusivity period for a drug whose price increases more than 10 percent a year, bringing generic competitors into the marketplace, creating real competition, and trying to lower prices for Americans.

That brings us to another issue. Today, there remains no generic, or biosimilar insulin that can be substituted in a pharmacy. Think about it. Almost a century after the discovery of human insulin and even half a century after the discovery of synthetic and analog insulin, we still don't have a generic insulin for sale in America that is affordable.

I will acknowledge that these changes in insulin have improved the quality of life for patients. They have made them safer, more effective, and more convenient, but these changes have delayed the development of generic substitutes.

There are other reasons the FDA has regulated insulin as a drug rather than as a biologic, placing insulin under a framework with a much higher bar than generics to prove they are substitutes. Thanks to the Affordable Care Act—ObamaCare—the Food and Drug Administration is supposed to be shifting its regulatory process for insulin to enable copycat versions, known as biosimilars, to be approved quickly. Unfortunately, FDA's plan to implement this law will not bring relief to patients any time soon.

I do believe that the Food and Drug Administration Commissioner, Dr. Gottlieb, truly wants to lower costs and spur competition. I wasn't convinced when his nomination came up for a vote, but I have had subsequent conversations with him, and I think he is genuine. I think he wants to see the prices come down.

However, the Food and Drug Administration's current plan will effectively freeze the approval process for lower cost insulin and force generic insulin makers who are under review to resubmit their new applications each year.

This creates a 2-year lockup where it is unlikely that any new insulin competitors will come to market. America's diabetic patients cannot wait.

That is why Senator CRAMER, a Republican from North Dakota, and I are sending a letter urging the Food and Drug Administration to revise and bring flexibility to this process so we can get the lower cost insulin on the market approved sooner.

Two weeks ago, I received a little note from a constituent in Mount Vernon, IL. That is downstate, near

where my father was born. He wrote that both he and his daughter had been diagnosed with type 1 diabetes in 1997. At that time, their Humalog insulin cost \$10. Today, he writes that the cost is \$300 a bottle, and he needs six bottles a month.

His monthly costs have risen from \$600 to \$1,800. Here is what he said in this letter:

At some point, drug companies must be held to account for the actions they are taking. These cost increases are costing American citizens to choose between insulin and eating in many cases. I'm tired of listening to all the excuses. . . . what is it going to take for Congress to do its job?

I agree with my constituent. Congress needs to step up and demand real change. The sky-high cost of life-or-death insulin is literally killing Americans.

My work with Senator CRAMER to speed FDA approval of lower cost insulin and my bill to shorten monopolies for abusive pharma companies are a start. This pharma fleecing of insulin patients across America must end.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Iowa.

#### PROPOSED RULES CHANGE

Ms. ERNST. Mr. President, I am pleased to be joined today on the floor by my colleagues to discuss the unprecedented levels of obstruction aimed at President Trump's nominees. This issue plagued the 115th Congress, and it is one I am hopeful we can remedy moving forward in this new session.

The Senate is tasked with the critical role of providing advice and consent on many of the President's nominations, including executive branch officials and Federal judges. Vetting these officials is a task that I take extremely seriously, and I have often welcomed discussion regarding these critical appointments with my colleagues on both sides of the aisle, as well as my constituents.

We can all agree that these positions must be filled by our Nation's most qualified candidates, individuals who are committed to public service and upholding the values and principles that make our Nation so great. We should also be able to agree that these positions should be filled using an expedient and timely process.

As any Iowa small business owner can tell you, if you don't have employees, you can't function. Iowans and many others across this Nation expect the Federal Government to run on the same commonsense principle.

The recent levels of obstruction for the President's nominees have not only kept the executive branch and our Federal courts from staffing critical positions but have also prevented the Senate from moving forward on other critical legislative priorities and initiatives.

In the past, the Senate has been able to disagree on certain nominations and still move forward in a respectful and expedient manner to ensure that the

Federal Government operates efficiently. However, during President Trump's first Congress, my colleagues on the other side of the aisle have utilized a series of procedural tactics to eat up time on the Senate floor and to stall the President's nominees.

To put this in perspective, during President George W. Bush's first Congress, the Senate forced a cloture vote on nominations only 4 times. That was during President Bush's first Congress. So it was 4 times.

During President Clinton's first Congress, this increased to a mere 8 cloture votes—8 cloture votes for Clinton.

During President Obama's first Congress, the use of this tactic still remained minimal, with only 12 cloture votes on nominations. So it was Bush, 4; Clinton, 8; and President Obama, 12.

Compare that to the use of cloture votes during the 115th Congress. My Democratic colleagues forced cloture votes 128 times—128 times. That is 10 times more often than during President Obama's first Congress.

Despite that President Trump submitted nearly the same number of nominees as President Obama, 29 percent more Obama nominees than Trump nominees were confirmed during each President's respective first Congress. Yet these delays have often not been used to raise objections to controversial or unqualified nominees. That is just not the case.

In fact, nearly half of all recorded cloture votes—48 percent, to be exact—received 60 or more votes to end debate. Furthermore, nearly a third received 70 or more votes to end debate. These nominees were confirmed with widespread bipartisan support.

Cloture was not invoked in order to extensively debate the merits or the qualifications of those candidates. Instead, this procedural tactic has been used to run down the clock and prevent the Senate from moving forward with other important business.

Many nominees from my home State of Iowa have been fortunate enough to escape some of these political games. I was proud to see the Senate reach an agreement in September to move forward and confirm Judge C.J. Williams to the U.S. District Court for the Northern District of Iowa by a 79-to-12 vote. I am also glad that multiple U.S. marshals and U.S. attorneys have been able to fill critical Federal law enforcement positions in Iowa after being confirmed by a voice vote in the Senate.

However, while many of these positions have been filled back in my home State, Iowans are still greatly harmed when the Senate fails to efficiently fill executive branch positions whose duties do impact the entire Nation.

Furthermore, many States across our Nation have faced unnecessary challenges to filling critical positions after cloture was invoked for noncontroversial nominees.

Take a State like Alabama, for example. Judge Annemarie Carney Axon received bipartisan support from both

of her home State Senators for her nomination to serve on the U.S. District Court for the Northern District of Alabama. However, Democrats forced a cloture vote on her nomination before confirming her by a vote of 83 to 11.

Similarly, Judge Terry Doughty was confirmed to be a judge on the U.S. District Court for the Western District of Louisiana by a 98-to-0 vote after a forced cloture vote.

These are not isolated examples. Just last year, multiple district judge nominees in Kentucky and Texas received the support of more than 90 Senators, but only after their nomination was first stalled, again, by an unnecessary cloture vote.

We cannot continue to allow the Senate to be bogged down by unprecedented obstruction tactics. The American people expect and deserve a fully functioning government with the right personnel in place.

That is why I want to thank Leader MCCONNELL for continuing to make nominations such a priority and managing to confirm so many Federal judges, despite these tactics. I also thank my colleagues, Senators BLUNT and LANKFORD, for introducing a proposal that accelerates the nomination process for lower level nominees.

This commonsense proposal builds on the previous Reid-Schumer rule affecting Senate considerations of Obama nominees during the 113th Congress—a rule that garnered widespread bipartisan support, including the agreement of 35 of my Democratic colleagues who still serve in the Senate today.

I urge my colleagues to support this reasonable proposal that enables us to move forward in a timely manner while still encouraging input and debate on those candidates. It is time for the Senate to put a halt to these delay tactics and get back to fulfilling our commitments to the American people. Again, I urge support of the proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, maybe the fastest way to put people to sleep is to give a speech on cloture here in the Senate, but I hope that is not the case, because, as my colleague from Iowa just pointed out, this is an abuse of the Senate rules to do nothing but to obstruct and to slow down President Trump's well-qualified nominees for important positions.

This is not about their qualifications. This is not about exercising the constitutional responsibility of advice and consent. In virtually every instance in which the clock has been burned to get to an eventual vote, these largely non-controversial nominees have been confirmed overwhelmingly.

Call it part of the "Trump derangement" syndrome or the "never Trump" effort. It is very clear to me that rather than take these nominees one at a time, treat them fairly, assess their qualifications, and vote on their nomination, these people are being delayed

and denied an opportunity to serve, and many of them have just simply given up because of the backlog of nominations. It is unfair to them, it is unfair to this administration, and it is completely an abuse of the Senate rules.

We know that our Democratic colleagues have unnecessarily blocked nominees, put them through the ringer in hearings, and, in one particular case—the Kavanaugh nomination—engaged in an all-out smear campaign.

This treatment has grabbed headlines, but the story that doesn't get much attention is what I want to talk about now—this practice of eating up time on the floor, using every second of the rules to essentially eliminate the possibility that we can take up other bipartisan legislation or consider these nominees on any sort of efficient and effective basis.

As a result of the work, these nominees are being denied an opportunity to serve, the floor is being occupied by nominations that are uncontroversial, and we are unable to get to other important work that the American people want us to do.

Now, it is true that the Senate is not known for speed, and, more often than not, there is a good reason. When we are appropriating taxpayer dollars or debating sanctions on hostile governments or negotiating changes to our healthcare system, speed is not always an asset.

But when it comes to confirming nominees—those who already have had a hearing, who aren't controversial, who have already received a vote in committee—the process should be able to move rather quickly and efficiently.

But, as I said, this is part of a concerted effort to undermine the Trump administration, to deny them the appointees necessary for them to conduct the Nation's business, and, in many instances, these are Ambassadors who should be representing the United States of America in foreign countries where it is important we maintain good communication with those other countries.

Over the last 2 years, our colleagues on the other side of the aisle have forced votes on nominees who in previous years would have sailed through the Senate.

Let's look at some of these numbers. You can see how much red there is on this chart—cloture votes in the first Congress. President Trump had 128 cloture votes, President Obama had 12, President Bush had 4, and President Clinton had 8. What that means is that, for example, in the Clinton administration, there were 120 nominees who were confirmed without the necessity of even going through the procedure of cloture. Frequently, these nominees are either passed by voice vote or unanimous consent or at some agreed upon time. Even fewer required a cloture vote under President George W. Bush. There were 12 under President Obama and 128 under President Trump.

If we were to continue down this same path, we would not be able to do anything else except consider nominations by this President, and we still wouldn't get to the end of the list.

Our Democratic colleagues don't want to hold votes on these nominees to support or oppose a nomination; they simply want to waste the Senate's time and to test the patience of the American people. The majority of these nominees, as I said, aren't controversial. Nearly half received the support of 60 or more Senators during the cloture vote, and more than one-third got 70-plus votes.

As I said, the delay and obstruction have led to a long list of vacancies across every Department and Agency. Critical leadership positions have gone unfulfilled while the nominees await confirmation votes from the Senate. As I said, many have simply given up, unwilling to accept any more disruption in their personal lives in the vain hope that perhaps someday, somehow, they will get a vote in the Senate. This list includes Ambassadors, Federal judges, Under Secretaries, Assistant Secretaries, and inspectors general. The list continues to grow while our Democratic colleagues insist on votes that will not change the outcome.

It is one thing to have a nominee whose qualifications are controversial or where a debate would enlighten the Members of the Senate on how best to cast their vote, but that is not what is happening here.

Despite our repeated pleas for Democrats to cooperate, things aren't going to change. That is why the rules change we are contemplating is so important. It would expedite the process for many nominees to receive a vote on the floor. It won't change the number of votes they need to get confirmed—they will still need to get a majority of votes—or tilt the scale in their favor in any way; it will simply make sure we are not wasting time that is not being used in order to delay or defeat nominations.

Ironically, we have been told by our Senate colleagues on the other side that if we were to pass a rule limiting the postcloture time to 2 hours and we would start it in 2021, at the end of President Trump's current term of office, they would vote for it. So this is really an unprincipled and nakedly partisan approach, because while they are willing to do it for the next President—and that could well be a second Trump term, or it could well be another President—they won't do it now, which demonstrates the hypocrisy they are exhibiting.

What would happen is, a nominee would get a hearing in front of the appropriate committee. That would be debated, and there would be a vote up or down. If the nominee was passed out of the committee and made available to come to the floor, the Senate majority leader could still file a paper asking for a cloture vote. If that was obtained, then the postcloture time would be reduced from 30 hours to 2 hours. In the

meantime, there would be an intervening day during which debate would occur. Every Senator would still enjoy the right to vote against any nominee they don't support, but to just burn time for time's sake is an abuse of the Senate rules and needs to stop. It is not just hurting these nominees; it is not just hurting the Senate; it is hurting the country. These Ambassadors, judges, and appointed officials who serve in the State Department, the Department of Defense, and the inspectors general who make sure that taxpayer dollars are spent legally and efficiently and that people are doing their jobs—none of those positions are able to be filled.

I would point out that this rule change does not apply to all nominees. High-level Cabinet positions and Supreme Court Justices would still receive the 30 hours of debate time after 51 Senators have voted to proceed to that vote.

It is important to note that this type of rules change isn't new. Actually, in 2013, there was a negotiated, bipartisan standing rule when Majority Leader Harry Reid and the current Democratic leader, CHUCK SCHUMER, introduced a similar change to speed up the process, and this simply builds on the foundation they laid down. So if we asked them to do now what was done then on a bipartisan basis, their answer will be no—for no good reason other than it is President Trump who would presumably benefit from this restoration of that same process.

As I said, the real hypocrisy of their position is indicated by the fact that they said they would vote for this rule, but they don't want it to take effect now. They want it to take effect in 2021. In short, they appear to believe that what we are trying to do is an important rules change to make, but they don't want to do it if it benefits a President they clearly despise.

This political theater is being orchestrated by Senate Democrats and is impacting our ability to carry out our constitutional duty of advice and consent. I believe this is a necessary step to get the Senate back on track, and I will support this rules change when it comes to the floor for a vote and would encourage all of my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERDUE. 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. PERDUE. Mr. President, I rise today as one of a number of our colleagues to talk about something that really bothers me. We are seeing historic obstructionism in the Senate today. It has been going on for the last 2 years.

One of the fundamental responsibilities in the Senate is to provide advice

and consent on Presidential nominations. When President Trump took office, he acted with urgency to fill positions in his administration with highly qualified and highly skilled, experienced individuals from the real world—not just people from the bubble but people from America. Unfortunately, Democrats have slow-walked this confirmation process every step of the way. In my view, this is historic obstructionism, and it needs to stop.

This is the first time in U.S. history that the minority party has not waived the 30-hour debate rule to this degree. As a result, of the 1,200 nominees to be confirmed by any new President, only 714 have been confirmed to date. At the end of last year, because of this historic Democratic obstructionism, we had 386 nominations in line waiting to be confirmed. At the end of Obama's first 2 years, only 5 nominees were outstanding, compared to the 386 for President Trump at the end of last year.

Let me say that again. At the end of President Obama's first 2 years, only five nominees had not been confirmed. That means that out of everybody he sent to the Senate, only five at that point had not been confirmed. However, at the end of December this past year, President Trump still had 386 nominees in the pipeline right here in the U.S. Senate, waiting for us to get to them.

Of the last three Presidents, we have collectively only had 24 cloture votes required by the minority party—only 24. However, during President Trump's first 2 years, Democrats forced 128 cloture votes on nominees on the Senate floor. Each one of these cloture votes requires 30 hours of debate. We can't do anything else on the floor while we are doing that. That means the normal business of the Senate cannot be transacted because we are waiting, due to the 30-hour debate rule, to get to the vote. Basically, under those realities, the Senate is able to do only one confirmation per week. Do the math—386 weeks is a long time.

What is going on here has nothing to do with the nominees' qualifications, either. Every single one of Donald Trump's nominees who received a recorded vote was passed. Not one has failed to pass in this body—not one. The vast majority of these nominees are noncontroversial and get more than 70 or 80 votes and in some cases more than that.

This chart shows that of the cloture votes we have had to take, 48 percent got more than 60 votes, and 37 percent got more than 70. That means 70 percent of the nominees got more than 60 votes. These are not controversial nominees. That is not the issue.

My own cousin, who is now Secretary of Agriculture, waited 4 months. I know this personally because he bunked in my place for 4 months while we were waiting to get his confirmation. When he finally got to the floor of the Senate, he got 87 votes.

It is clear that the Democrats will stop at nothing to obstruct the Senate

from working on real issues. Every hour we have to spend in the 30-hour waiting period is time we can't utilize to take up the country's business and the priorities Americans want us to be working on. If this obstruction continues, President Trump will not have his full team in place until the end of his second term.

These delays are petty, and the American people have had enough. I hear about it every time I go home.

For the last 2 years, several of my colleagues and I have pushed to keep the Senate in session during the traditional August State work break in order to confirm nominees and make progress on funding the Federal Government. In August of 2017, the leader of the majority party, Senator McCONNELL, agreed to keep us here for the month of August in order to work on several things we were working on, including confirming these nominees. The minority party agreed, after 4 days, to basically confirm 77 nominees on that one day. What makes that important is that prior to that time in August, in all of that year, we had only been able to get 44 nominees confirmed. While staying here last August, in 2018, we confirmed 43 nominees and completed 75 percent of the government funding bills.

As I speak today, there are 249 nominees before the U.S. Senate waiting to be confirmed. Basically, that would require 249 weeks to do if we follow the rule we have been following over the last 2 years. These nominees include the Assistant Secretary of Readiness for the Department of Defense, who has been waiting to be confirmed for 8 months. This is in the Department of Defense, the Assistant Secretary for Readiness—one of the crisis areas we have in our military. For 8 months this nominee has been waiting to be confirmed. The Under Secretary for Food Safety in the Department of Agriculture—one I hear a lot about—has been waiting 9 months in line to be confirmed.

The people on the other side are saying: The President is just not sending up nominees fast enough.

Well, what happens with these folks who have been sitting here for 9 months waiting to be confirmed?

The Assistant Secretary for Economic Development at the Department of Commerce has been waiting to be confirmed for 8 months.

These are not low-level nominees; these are Assistant Secretaries who are waiting to be confirmed.

This has to stop. This President is not even able to form his own Cabinet in complete terms because these Assistant Secretaries are not in place. We should be working around-the-clock to get these people confirmed.

If this obstructionism continues, we should try to change the existing rules for confirming nominees by reducing the 30-hour debate rule at minimum. There is a plan in the Senate right now that would reduce the 30 hours of debate to 8 hours for most and 2 hours for

some. Reducing the debate time required would speed up the confirmation process and allow us to focus on other business in the Senate that people want us to address. Every single Democrat in the Senate today who was also here in 2013 supported reducing debate time on nominees, and they should do so again right now.

I will close by saying that despite this historic obstructionism, the Senate has, indeed, over the last 2 years—because we focused on this as a priority, even with this 30-hour debate rule being enacted—we confirmed 63 district court judges, 31 circuit court of appeals justices, and two Supreme Court Justices. These judges will have an impact on the judiciary for years to come.

By the way, these are not activists with political agendas or motives. They are accomplished, experienced jurists, dedicated to upholding the Constitution and adhering to the rule of law. It is criminal that we waited that long to get these people confirmed.

I applaud the President for nominating such outstanding individuals to these positions. If this historic obstructionism continues in the Senate, I believe President Trump will not have his full team in place until the end of his second term, if then. This obstruction needs to end. The resistance movement threatens the security of our country and our ability to deal with the problems facing America today. It is time to rise above this partisan gridlock, change the rules, confirm these nominees, and finally begin to get results for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I come to the floor to talk about the IRS and tax issues and the tax bill last year, but following on what Senator PERDUE said, I want to, first of all, compliment him for not only this speech but several times he has talked about how the Senate has stalled time after time on nominees.

I want to bring to my colleagues' attention that at one time, there was a lot of concern by President Obama that his nominees were not being confirmed fast enough. We started hearing that in January 2013. All of a sudden, there was a feeling that we ought to have a bipartisan solution to this issue to speed along President Obama's nominees. At one time, the Democratic leader then was talking about using a nuclear option to accomplish a change in rules. Both Republicans and Democrats thought that wasn't a very good idea, so Republicans and Democrats got together and agreed to reduce postcloture debate time for the rest of the 113th Congress, although, before that Congress ended, Senator Reid decided to use the nuclear option anyway, and he did that at a later time.

If Republicans and Democrats could get together in the 113th Congress to speed up the time and have less

postcloture debate time, why can't we do it now? The problem, of course, is for the Trump nominees being held up in the Senate, the time is far worse than it was under President Obama or, for that matter, any other President before that.

It seems to me, as we are talking about changing the post-debate time again—because there is a resolution out of our Rules Committee—I think it is about time that we think that what is good for the goose is good for the gander, and we ought to reinstate that bipartisan agreement. I hope we can get the support of Democrats to do that like they had the support of Republicans to do that when we had a Democratic President.

I thank Senator PERDUE for what he spoke about on a longer basis than I just did, but I want to back him up fully.

#### TAX REFORM

Mr. President, we are in the fifth week of the tax filing season. Based on all reports from the IRS, the filing season is running smoothly. All systems are operating as expected. Returns are being processed and refunds are being sent out without any major complications.

According to IRS Commissioner Rettig, his Agency has even set a couple of internal records for the speed at which returns are being processed. At one point, the IRS processed 1.9 million returns in an hour. That is 536 every single second.

Of course, you don't hear much about how the filing season is running smoothly from our mainstream press. There is a lot of positive news, but positive news doesn't seem to make good headlines. Instead, an obsession has developed around the size of the tax returns, not the exact tax that might actually be paid.

Let's set aside that the available Treasury data is merely in the first few weeks of a very unusual tax season due to the partial government shutdown. Never mind that the size of the average tax refund can vary greatly from week to week, making year-over-year comparisons early in the filing season essentially meaningless. Let's ignore the important fact that less than half as many child tax credits and earned-income tax credits have been issued as compared to the last year based almost entirely on calendar factors, and, most importantly, we ought to somehow forget about the fact that the size of one's tax refund tells you absolutely nothing about a taxpayers' overall tax return.

I have been amazed by how many of my colleagues on the other side of the aisle, who should know better, have sought to equate incomplete information about lower average refunds—telling us all that means people have not received a decrease in their taxes.

I want to quote Howard Gleckman, who should be well respected by people on the other side of the aisle because he is a senior fellow at the liberal Tax Policy Center. He characterized the

current obsession with tax refunds as “wrong-headed,” noting that it is “not how big a refund check filers get this year but how much total tax they paid for 2018.” That is common sense. I thank Howard Gleckman for his common sense.

Yet my colleagues—again, on the other side—continue to try and push the false narrative that a smaller refund is synonymous with tax increase. That doesn't meet the commonsense test.

Just such a claim by a Senate Democrat running for President was observed by the Washington Post's Fact Checker as being “nonsensical and misleading.” The claim was awarded four Pinocchios. Four Pinocchios is a rating the Post reserves for the biggest whoppers.

Here are the straight facts. Anyone telling the American public that a smaller refund is the same as a tax increase is being intentionally misleading and doing a disservice to the public. I classify that as a big lie. The size of one's tax refund merely reflects what that taxpayer overpaid the IRS in your paychecks last year. For the vast majority of Americans, the Tax Cuts and Jobs Act of December 2017 delivered larger paychecks starting last February. The liberal Tax Policy Center confirms that 90 percent of middle-income taxpayers will receive a tax cut. That is right. Taxes went down, not up, for the vast majority of American families.

This tax relief stems from the combination of pro-middle-class and pro-family provisions, including a nearly doubled standard deduction, an increase in the child tax credit from \$1,000 to \$2,000, and overall lower tax rates. That is how you give the middle class a tax cut.

Some may believe that we would have been better off depriving taxpayers of their tax cuts until the IRS sent them a refund after the end of the year, but this thinking gets things exactly backward. The excess tax withheld from paychecks throughout the course of a year doesn't belong to the government; it belongs to the taxpayers who earned that money. It is the taxpayers who should be able to decide whether they want to put their weekly or monthly tax savings in a retirement account, pay down a credit card bill, enroll their children in some club, sport, music, or dance lessons, or maybe even make an extra car payment.

I encourage all taxpayers interested in how tax reform affects their bottom line to compare this year's tax return with last year's tax return. That is the commonsense way of figuring out whether your taxes went up or down as a result of the tax bill of 2017. When they do that, the vast majority will see less of their hard-earned money being sent to Washington, DC. Really, that is what ought to matter.

I encourage those in the media who are actually interested in how tax reform has affected taxpayers to take

into account the positive signs we see all around. It is a positive sign when we write about how blue-collar employment has surged; positive signs about how low-income workers experienced the highest wage growth in a decade; positive signs when we report how new business startups are climbing and how U.S. manufacturers had their best year since 1997; and positive signs as you discuss how the economy grew almost 50 percent faster in 2018 than as President Obama's economists predicted when they predicted slow growth would be the new normal.

All of these subjects are far more important than what has thus far, in most all respects, been an uneventful filing season. Compare this year's tax bottom line with last year's tax bottom line to decide whether you got a tax decrease or a tax increase, not the size of your refund.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PROPOSED RULES CHANGE

Mr. LANKFORD. Mr. President, 2 years ago, I came to this floor of the Senate to talk about the rules process and nominations in particular because, even 2 years ago, we were experiencing the beginning of what I saw to be a trend.

When elected to office, every President has about 1,200 nominations that have to come through the Senate for what is called advice and consent. Those individuals go through background checks at the White House, they go through interviews through the White House, and they go through the extensive review of references. Then they are recommended to the respective committees here, where they again go through background checks, have conversations, interviews, public hearings, questions for the record after the hearings are over, and go through any followup from any individual American who wants to give input whether that input be from outside groups here or from anywhere else in the country. Then they come to the floor of the Senate.

In the past, those individuals moved through quickly because there were 1,200 of them, but the minority has always had the right to have one last, little slowdown when they have gotten to the floor. They can make what is called a cloture vote request. The minority—any individual—could always make a request for a cloture vote to say: I know they have gone through all of these extensive checks, that they have already passed the committee, that they have gone through all of the process, but at the end, I want an additional 30 hours of debate on these peo-

ple. Yet it is not just 30 hours of debate; it is actually what is called a full intervening day. After that, there is an additional 30 hours of debate for that person.

That has been done in the past but very rarely in the first 2 years of a Presidency because there are so many nominations that have to go through the process. If we go back to President Clinton, there were eight of those requests. For President Bush, there were four of those. For President Obama, there were 12 of those. For President Trump, there have been 128 of those.

Two years ago, I saw the trend of where this was heading. This was a new structure for the beginning of a Presidency. I was concerned at that time, but I have an even greater concern now. It is the trend of where we are headed as a Senate. Is this going to be the new normal? This used to be what was normal: Occasional nominees would come through if they were very controversial. Yet most of these nominees were not really all that controversial. In fact, 48 percent of those nominees who had the additional cloture time then got more than 60 votes. In fact, 37 percent of them got more than 70 votes. These were not controversial individuals coming through; it was just an intentional slowing down of the process.

I have heard folks say: There are so many of these judges who are coming through at the district court level that they become very controversial.

Quite frankly, every single judge who comes through has to be approved by the two Senators from that State through what is called the blue-slip process. This is for all of those district court judges. It is a process that has been honored by previous administrations and by this administration. This Senate has honored those same blue slips for all of the district court judges. If the judges are from a Democratic State, both of those Democratic Senators have to approve of them before they come. If the judges are from a State that has one Democrat and one Republican, it has to be split. If there are two Republicans, they both have to agree to it. This is for all of the district court judges. Yet they are still being slowed down. They have gone through the background checks, and they have been approved by their home State Senators regardless of party; yet they are slowed down.

So whether they are executive nominees or whether they are judicial nominees, these 128 individuals being slowed down has created a new slowdown in the Senate.

Two years ago, I made a proposal to go back to something that Harry Reid proposed and was passed by this Senate in 2013, which was long before I was here. It was a 2-year agreement to just say: Here is how we are going to deal with what is called postcloture debate time. If there is a controversial nominee, here is how we will handle it.

I went to my colleagues and said: Let's revive that rule. Instead of mak-

ing it for 2 years, which was the Harry Reid rule, let's just make it from here on out. I made that proposal in the last Senate. We took that to the Rules Committee. It passed the Rules Committee, but it could not pass on this floor.

I thought it was eminently kind and bipartisan to say that I would go back and grab Harry Reid's rule and that if it was good for the Democrats when they were in the leadership, it should be good for everybody regardless of whether it is the Republicans or the Democrats. It did not pass.

I have once again come back and made a proposal to say let's fix this and to not just fix this for now but to fix this from here on out. Whether there will be a Democratic President or a Republican President in the future, let's have a simple rule: If we get to a nominee who has gone through the background checks of the White House, has gone through the committee and passed the committee, and has gone through additional questions for the record—all of that—if people still want additional time, they can still request the intervening day, but then instead of 30 hours after that full day, it would be just 2 hours of additional time.

Quite frankly, during most of the time that we have had the 30 hours of debate, there hasn't really been debate on the floor for 30 hours; there has been debate on the floor for, say, 15 or 20 minutes. For the rest of the time, the floor has sat empty or we have debated other things other than the nominee.

So we would set aside 2 additional hours. We would do this for district court judges, and we would do this for most of the nominees for the executive branch, but we would still hold that 30 hours for things like nominees for the circuit court, the Supreme Court, and those at the Cabinet level. For those types of positions, sure, keep the 30 hours, but for the other 1,000-plus nominees who are to be the Deputy Secretaries or assistants of whatever it may be, allow them to go through the normal process and not slow it down.

The Chief Counsel for the IRS has not been confirmed. He went through the last Congress, but he didn't get there. He passed 25 to 2 out of committee. He passed 26 to 2 out of committee this time; yet there is a requirement of 30 additional hours of debate on the floor. He will probably pass overwhelmingly, but it is just a tactic to slow down this floor.

We have a lot of business to do. Let's make a rule that is fair, and let's make it work for everyone. My concern is, long-term for the Senate, this will be the new trend, and the next time there is a Democratic President, this is what Republicans will do to Democratic Presidents, and this will be the new way that we operate.

This isn't helpful for any President; this isn't helpful for the Senate; and this is something we need to fix.

We have 2 years of muscle memory on this now—of doing it over and over

and over. I don't think this gets better because I think the political pressure will be there just to keep doing this and slowing things down for everybody.

So we put a rule out there. It has gone through the Rules Committee. I have encouraged my Democratic colleagues to join in with this because there will be a Democratic President someday in the future, and they will not want this coming back at them and will say this is unfair, and I will agree. But it will happen, so let's fix it now. Let's resolve this in this Senate in this time from here on out—not a short-term rule but long-term, permanent—to take us back to this being the norm, when we could work better together.

I love hearing everyone say that we should be more bipartisan as a body. I would love to get this body working again. That is this proposal. This proposal is not a partisan proposal. It is not trying to get leverage on anybody. It is trying to get this body back to working again, and I hope in the weeks ahead, when this rule actually comes to the floor of the Senate, we can get overwhelming bipartisan support for it so that we can get back to working together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF ANDREW R. WHEELER

Ms. STABENOW. Mr. President, I rise today to speak about a vote that we will be having in just a few minutes on the process of moving Andrew Wheeler forward as the EPA Administrator.

This is not a time for talk; it is not time for theoretical debates. This is certainly not the time for an EPA Administrator who, during his time at the EPA, has ignored climate scientists, rolled back climate regulations, and taken action that will lead to more carbon pollution.

Instead, this is a time for bold, decisive action. We need to act today because life on our planet depends on it. The fate of our Nation depends on it. Our children's and grandchildren's futures depend on it.

For those reasons, I cannot support Andrew Wheeler for the critical position of EPA Administrator.

Climate change is real. In fact, it is more than real. It is an existential crisis, and it is already having real impact on Michigan families and Michigan's economy.

Some call it global warming. Katharine Hayhoe, a climate scientist from Texas Tech, has a better term. She call calls it "global weirding." Ask anybody in Michigan. Things have been weird.

Our lakes are heating up. In fact, Lake Superior is getting about 2 degrees warmer each decade. That could make the lake a happy home for invasive species, like sea lamprey.

As the waters warm, these parasites grow and kill off more trout and salmon and other fish that are key to the Great Lakes' \$8 billion recreational

fishing industry. It is believed that warmer temperatures contributed to algal blooms on the lake last summer.

Other changes we are seeing are life-threatening.

Thanks to the polar vortex in January, Michigan experienced temperatures colder than Antarctica. Scientists believe that climate change has caused the jet stream to become wobbly—that is a technical term, "wobbly"—pushing dangerously frigid air south.

Folks say: Well, how can it be global warming when we see the polar vortex? It is about what is happening to destabilize the atmosphere and the planet and the changes that are occurring.

Last weekend, a bomb cyclone hit my State, leaving tens of thousands of Michigan residents without power.

We are having to come up with new terms. I had never heard of a bomb cyclone—60-mile-an-hour winds, ripping up homes and farms and roadways.

The intensity of what is happening is incredible. The travel was so treacherous in Otsego County that all roads were closed—all of the roads were closed. Even drivers on Interstate 75 were getting stuck in drifts. That is our major highway.

We can't link any specific storm to climate change. However, we do know that overall climate change is making storms more intense. They are longer. They are more intense. They are happening more frequently with more intensity.

Last summer in Houghton County, more than 5½ inches of rain fell in 6 hours. It caused at least \$100 million in damage to infrastructure, and a 12-year-old-boy died when the basement of his home collapsed.

Our climate is changing, but you don't have to take my word for it. Just ask insurance company executives. Their companies paid out a record \$135 billion—billion dollars—from natural disasters in 2017 alone. That is almost three times as much as the historic annual average, and their projections show it getting worse.

We need to take action on climate change. While it is not widely recognized, I want to speak about something positive that we have done, and that was last year's farm bill.

As you know, the farm bill passed the Senate with a vote of 87 to 13—the most votes in history. While the bill was historic for a number of reasons, one of those is that it includes the most ambitious Federal climate-smart agricultural and forestry policies to date, working with farmers and ranchers as partners.

It helps farmers implement climate-smart policies by revamping USDA conservation programs to prioritize investments in soil carbon sequestration, incentivizing the planting of cover crops, and expanding USDA support for farmer participation in carbon markets.

It also invests in the Rural Energy for America Program, which helps

farmers and rural small businesses install renewable energy systems and creates a joint USDA-Department of Energy education grant program to drive carbon capture projects across rural America.

We must also protect forests and farmland, which serve as vital carbon sinks that hold carbon rather than releasing it and making the destabilization even worse.

The farm bill amends the popular Healthy Forests Reserve Program to prioritize carbon sequestration practices programs and discourage the development of forestland. It authorizes new programs to restore national forest landscapes, protect carbon-rich, old-growth trees, and prevent uncharacteristic wildfires and their emissions. It establishes a landmark soil health demonstration trial to keep carbon in the ground and promote healthy and productive farmland.

I am proud of what we did. It was done with the partnership of farmers and ranchers, and I have to say that our farmers understand the importance of protecting our land—their land—air, and water, I think, as much as, if not more than anyone else. No one's business is more impacted by severe and erratic weather than our farmers. They are caught right in the middle of it, and I appreciate their working with us to be part of the solution.

I am also working with my colleagues on policies to ensure that the United States, not China, is the global leader on advanced transportation technologies like electric and hydrogen vehicles.

Meanwhile, Andrew Wheeler and the Trump administration are upending fuel economy and carbon regulations in a way that hurts the auto industry, consumers, and our environment. We need to invest more in renewable energy and the research that is making it more affordable all the time.

Electric utilities in Michigan have committed to dramatically increase renewable electricity, reduce carbon emissions by 80 percent, and stop burning coal.

Meanwhile, Andrew Wheeler and the Trump administration have rolled back the historic Clean Power Plan.

I am proud of the fact that Michigan utilities are moving forward anyway because they know it is the right thing and they know what is at stake. But this administration—Andrew Wheeler—has rolled back the historic Clean Power Plan, the Nation's first regulation of greenhouse gases from the power sector.

We need to be laser-focused on climate change and the existential threat it represents. Meanwhile, Andrew Wheeler and the Trump administration are doing their best to pretend that climate change is no big deal. That is even as the Pentagon recently concluded that two-thirds of critical military installations are threatened—two-thirds of critical military installations are threatened—by climate change.

Climate change is a big deal, and it is time to do something about it that is real—not play political games, but to actually do something thoughtful and real about it.

In the wise words of Hank Williams, Jr., “We need a little less talk and a lot more action.” Andrew Wheeler has repeatedly shown no interest in acting. In fact, he wants to take us backward—and is taking us backward—on climate change. He has no interest in reducing, let alone eliminating, carbon pollution. We need to act, and it is clear that Andrew Wheeler is the wrong person to lead the EPA at this critical time for our country.

I urge a “no” vote on Andrew Wheeler for EPA Administrator.

#### NOMINATION OF NEOMI RAO

Mr. President, one other brief comment, as some colleagues will be coming to the floor in a bit, and I want to join them in speaking about the DC Circuit Court nominee Neomi Rao. I stand with them in opposing this nomination.

In the era of #MeToo, when women are sharing their stories about assault and abuse, we don’t need a judge who has written that women who drink are to blame if they are then sexually assaulted.

We do not need a judge who blocked a critical equal pay measure intended to help close the wage gap.

So I join with colleagues in encouraging, at the appropriate time, a “no” vote on this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that both Senator MENENDEZ and I be permitted to speak for up to 5 minutes each prior to the roll call vote on the Desmond nomination.

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

Mrs. MURRAY. Mr. President, I am delighted to join the Senator from Michigan today, to add to her comments about the replacement for now-Justice Kavanaugh after he was confirmed to the Supreme Court last year, and I want to remind my colleagues about the people who spoke up during Justice Kavanaugh’s nomination and the critical issues that they spoke about.

Women stood up. They rallied. They marched. They made clear they do not want to go back to the days before the Roe v. Wade decision affirmed their right to make their own healthcare decisions.

Incredibly brave survivors, such as Dr. Ford and so many others, said they wanted to be heard and believed, not silenced.

Families across the country said they wanted a Justice who would interpret the law fairly and objectively, without partisanship—someone whose priority is the Constitution and people across the country, not President Trump and his extreme agenda.

Unfortunately, but not surprisingly, it is clear that President Trump and Republicans in Congress aren’t listening to women or survivors or families, because the next nominee for the DC Circuit Court fails on each and every count I just listed.

As we speak, Neomi Rao is enacting the Trump agenda in her role as the head of the Agency that reviews and approves the Trump administration’s changes to regulations impacting so many people in communities who stood up to oppose Justice Kavanaugh’s nomination.

Under Ms. Rao’s leadership, the Trump administration finalized a rule that prevents healthcare providers from even informing patients who come to title X-funded health centers about where to go to get safe—safe—legal abortions and places new, burdensome, medically unnecessary requirements on title X-funded health centers, designed specifically to prevent Planned Parenthood from receiving these funds, meaning millions of patients may lose a source of quality, affordable, basic healthcare they trust.

Ms. Rao has helped put forward rules that would make it harder for members of the LGBTQ community and women to get the care they need by allowing providers to turn them away simply because of who they are or because they want birth control.

I also want to take a few minutes to address Ms. Rao’s deeply concerning comments about rape and sexual assault. While in college, she wrote that “a good way to avoid a potential date rape is to stay reasonably sober.”

Let’s be clear. It is never a survivor’s fault, ever, that someone raped or sexually assaulted them.

Ms. Rao was given an opportunity to explicitly reject those comments and failed to do so. She then sent a letter attempting to walk them back, but her actions speak louder than a letter sent during a nomination process, and her actions on this issue have been harmful.

In her role within the Trump administration, Ms. Rao has helped Secretary DeVos to roll back protections that help survivors get justice when they are sexually assaulted on campuses. In other words, at the same time that Ms. Rao claims her views have changed on sexual assault and consent, her actions are aligned with those who believe what she wrote in college. To the survivors I hear from and those who bravely spoke out against Justice Kavanaugh and so many others, Ms. Rao’s actions are what matters.

Ms. Rao is also listening to corporate lobbyists instead of scientists when it comes to climate and our public health and is advancing rules that would allow more discrimination in our Nation’s housing programs. Unfortunately, it seems that on many issues, where President Trump wants to do damage and hurt families, Ms. Rao is right behind him with a rubberstamp, just like Justice Kavanaugh and so

many others President Trump has nominated to the bench.

We need judges who will do what workers and families expect of a judge—to interpret our laws according to the Constitution and what is best for our country, not according to politics and what is best for President Trump. That is why I am strongly opposing her nomination, and I hope all of our colleagues will join us in doing so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### NOMINATION OF MICHAEL J. DESMOND

Mr. MENENDEZ. Mr. President, I rise today in opposition to President Trump’s nominee for Chief Counsel of the Internal Revenue Service, Michael Desmond.

This nominee comes before us just a week into this year’s filing season, when our need for an IRS that treats all taxpayers fairly is clearer than ever.

Already, thousands of taxpayers across America are grappling with the fallout of the Trump tax bill and its capping of the State and local tax, or SALT, deduction. Already, the IRS has reported an average 17 percent drop in the size of tax refunds this year. Already, the broken promises made by President Trump and his Republican allies are being laid bare.

They promised middle-class families thousands of dollars of tax relief and a \$4,000 raise in their salaries. Instead, they got \$1.5 trillion in more debt and an economy that is even more rigged for big corporations and wealthy CEOs.

As bad as the Trump tax scam is for the whole country, it is worse for New Jersey families. That is because Republicans paid for a big chunk of their corporate giveaways by gutting the State and local tax deduction that New Jersey and other States’ middle-class families depend on to write off their property taxes. In 2016, 1.8 million people—about 40 percent of New Jersey taxpayers—deducted their property and State income taxes. More than 80 percent of them earned less than \$200,000, and the average deduction totaled \$18,000—far above the arbitrary cap imposed by the Trump tax bill.

With tax season under way, many homeowners are just now realizing how badly their President ripped them off. To add insult to injury, the IRS issued haphazard guidance for the Trump tax bill that unfairly targets States like New Jersey, trying to simply lessen the burden heaped on them by the GOP.

In the final days of 2017, just days after President Trump signed the tax bill, New Jerseyans rushed to prepay their 2018 local property taxes and preserve their deductions before the new cap on the SALT deductions took effect. But then came Trump’s IRS, which issued guidance to try to limit their ability to deduct property tax payments made in 2017 on their Federal returns—a stunning backdoor attempt to retroactively apply the cap on property tax deductions without cleared legislative tax to warrant doing so.

Months later, the IRS again changed the rules on us by attacking New Jersey's new charitable deduction tax credit program. The IRS never had a problem when 32 other States offered tax credits for charitable donations. Only when New Jersey and other similarly situated States created a similar program did the IRS decide to change the rules.

Mr. Desmond would be the Chief Counsel of the IRS, the position directly overseeing the IRS's interpretation of these rule changes. Throughout his nomination, I was given no indication that Mr. Desmond would give fair treatment on these important issues affecting New Jersey and other States.

The full deductibility of State and local taxes has been a bedrock principle of our Tax Code since the income tax's creation in 1913, and that concept stretches all the way back to Alexander Hamilton's writings about the autonomy of States under the U.S. Constitution.

This commonsense policy allows States to invest in things like public safety, education, and infrastructure—the very things that make New Jersey a great place to live, work, and raise a family.

Make no mistake, the property tax deduction isn't just important for homeowners. It matters to all New Jersey families. It is why our public schools rank among the best in the Nation. It is why Save the Children named us the No. 1 State in America to raise a child. I want it to stay that way.

We must protect the investments that make New Jersey a place where families thrive. That is why last month I introduced bipartisan legislation to fully restore the State and local tax deduction. It is called the SALT Act, which stands for "Stop the Attack on Local Taxpayers." It is no secret that in New Jersey and in many of the Nation's most economically productive States, families face high property tax bills and a higher cost of living. Our bill is designed to provide some relief. Simply put, the more you pay in property and State taxes, the more relief you get from our bill, and we help pay for it by repealing some of Trump's most unnecessary tax breaks for the superwealthy. It is the exact opposite of what the Trump tax bill says, which is, basically that the higher the cost of living is in your State, the more you pay in State and local taxes and the more you will owe to the Federal Government. That makes no sense.

Make no mistake, President Trump and his administration and the IRS have it out for States like New Jersey. Mr. Desmond would be the arbiter of how the IRS would interpret important tax issues affecting these States. That is why I oppose his nomination.

I yield back my time.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Florida (Mr. SCOTT).

Further, if present and voting, the Senator from Florida (Mr. SCOTT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Arizona (Ms. SINEMA) is necessarily absent.

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

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 31 Ex.]

YEAS—83

Alexander	Ernst	Paul
Baldwin	Feinstein	Perdue
Barrasso	Fischer	Peters
Bennet	Gardner	Portman
Blackburn	Graham	Risch
Blumenthal	Grassley	Roberts
Blunt	Hassan	Romney
Boozman	Hawley	Rosen
Braun	Heinrich	Rounds
Brown	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Cantwell	Inhofe	Scott (SC)
Capito	Isakson	Shaheen
Cardin	Johnson	Shelby
Carper	Jones	Smith
Casey	Kaine	Stabenow
Cassidy	Kennedy	Sullivan
Collins	King	Tester
Coons	Lankford	Thune
Cornyn	Leahy	Tillis
Cortez Masto	Lee	Toomey
Cotton	Manchin	Udall
Cramer	McConnell	Van Hollen
Crapo	McSally	Warner
Cruz	Moran	Wicker
Daines	Murkowski	Wyden
Durbin	Murphy	Young
Enzi	Murray	

NAYS—15

Booker	Klobuchar	Sanders
Duckworth	Markey	Schatz
Gillibrand	Menendez	Schumer
Harris	Merkeley	Warren
Hirono	Reed	Whitehouse

NOT VOTING—2

Scott (FL)	Sinema
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table.

The President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to the cloture vote.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it is time to vote on the nomination of Andrew Wheeler to be the Administrator of the Environmental Protection Agency.

For the past year, Andrew Wheeler has served as the Senate-confirmed

Deputy Administrator of the EPA, and for the past 7 months, he has served as the Acting Administrator. He has done an admirable job in charge of the EPA.

Under his leadership, the EPA has put forward commonsense proposals to roll back punishing regulations and still protect America's air and water. He is committed to protecting both human health and the environment.

Andrew Wheeler's qualifications are without question. He has spent decades working in environmental policy at the EPA itself, here on Capitol Hill, and as a consultant to environmental and energy clients.

President Trump picked the right person to lead the Environmental Protection Agency when he nominated Andrew Wheeler. It is time for the Senate to confirm him to this important post. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise in opposition to the nomination of Andrew Wheeler as the Administrator of the EPA. Under the provisions of the Federal Vacancies Act, Mr. Wheeler can continue to lead the EPA until August 7 of this year.

Rushing to judgment on his nomination will close the window of opportunity the Senate has now to ensure that he reverses course on a handful of important policies that protect our planet while creating American jobs.

I am not calling for delay for delay's sake. We have 161 days to ensure that Mr. Wheeler withdraws his proposal to put the mercury and air toxics standards rule in legal jeopardy. We have 161 days to hear him say that he supports Senate ratification of a treaty that phases out harmful HFCs while creating jobs. We have 161 days to ensure that he negotiates with a coalition, including California and 12 other States, on vehicle fuel efficiency standards and greenhouse gas emissions while giving the auto industry the certainty they need.

While progress is being made on these important issues, I am asking my colleagues to vote no today on cloture on the motion to proceed to this nomination.

Ms. COLLINS. Mr. President, after careful consideration, I have decided to oppose the confirmation of Andrew Wheeler, the nominee for Administrator of the Environmental Protection Agency, EPA.

While Mr. Wheeler is certainly qualified for this position, I have too many concerns with the actions he has taken during his tenure as Acting Administrator to be able to support his promotion. I believe that Mr. Wheeler, unlike Scott Pruitt, understands the mission of the EPA and acts in accordance with ethical standards; however, the policies he has supported as Acting Administrator are not in the best interest of our environment and public health, particularly given the threat of climate change to our Nation.

I met at length with Mr. Wheeler, and we discussed many important environmental issues about which I care