

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	Markley	Schatz
Gillibrand	Menendez	Schumer
Harris	Merkley	Warren
Hirono	Reed	Whitehouse

NOT VOTING—2

Scott (FL) Sinema

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