

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

deeply, from EPA's enforcement of landmark environmental laws to greenhouse gas emissions and mercury pollution. Since last August, the EPA has proposed to roll back environmental protections, including determining it is no longer "appropriate and necessary" to regulate mercury emissions from power plants, halting efforts to reduce greenhouse gas emissions from cars and trucks, and replacing the Clean Power Plan.

These efforts are of great importance to the State of Maine, which is located at the end of our Nation's "air pollution tailpipe" and is on the receiving end of pollution generated by coal-fired power plants in other States. Moreover, there is no doubt that the greenhouse gas emissions driving climate change pose a significant threat to our State's economy and our natural resources, from our working forests, fishing, and agricultural industries, to tourism, and recreation.

Reducing harmful air pollutants is critical for public health, particularly for Maine, which has among the highest rates of asthma in the country. In Maine, cars, trucks, and other vehicles produce more than 50 percent of our State's greenhouse gas emissions. Controls for mercury, one of the most persistent and dangerous pollutants, are especially important for children and pregnant women. The Agency's recent efforts to halt progress in these critical areas takes us in the wrong direction.

In keeping with my past practice, I will vote to allow the full Senate to consider Mr. Wheeler's nomination so that every Senator can have a clear up or down vote on this important nomination of a member of the President's Cabinet.

However, due to the actions Mr. Wheeler has taken during his tenure at the EPA, I will vote against his confirmation.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency.

Mitch McConnell, Thom Tillis, John Boozman, Johnny Isakson, Mike Crapo, Pat Roberts, John Hoeven, Shelley Moore Capito, Roger F. Wicker, John Barrasso, Joni Ernst, Mike Rounds, John Thune, John Cornyn, Jerry Moran, Chuck Grassley, Richard Burr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the nomination of Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. 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 (Mr. ROMNEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—52

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (SC)
Collins	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Murkowski	
Ernst	Paul	

NAYS—46

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

NOT VOTING—2

Scott (FL) Sinema

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise to speak this afternoon about the nomination of Andrew Wheeler to become Administrator of the Environmental Protection Agency.

The day after Mr. Wheeler was named EPA Acting Administrator, I wrote him a letter. I reminded Mr. Wheeler of the opportunity he had to try a new course for that Agency after Scott Pruitt's scandal-plagued administration.

Yet in the 7 months as Acting Administrator, unfortunately, Mr. Wheeler has so far chosen not to reverse course at EPA in too many important instances. In some cases, he has even accelerated the environmental damage and regulatory zeal that his predecessor began.

I knew that Mr. Wheeler and I would not always agree on every issue, but like so many others, I did hope that he would moderate some of Scott Pruitt's most egregious and environmentally destructive policies, specifically on policies where industry and the environmental community are in broad agreement. Sadly, my hopes have not been realized.

To be clear, Mr. Wheeler is not the ethically bereft embarrassment that Scott Pruitt was. Mr. Wheeler has also engaged more frequently and substantively than Scott Pruitt did with both Congress and EPA career staff, but time and again, Mr. Wheeler has proven that his environmental policies are almost as destructive and extreme as his predecessor's, despite the explicit promises Mr. Wheeler has made to Members of Congress, both in private and in public meetings.

One of those promises was Mr. Wheeler's recent insistence that, when it comes to getting a deal on vehicle fuel economy and greenhouse gas standards with California and a coalition of 12 other States, including my State and the Presiding Officer's State, "no one wants a 50-State deal more than I do." That was Mr. Wheeler's promise during his nomination hearing in front of the Environment and Public Works Committee in January.

Just weeks later, the headlines told a different story. For months, Mr. Wheeler said repeatedly that he shared my goal of striking a deal—not just my goal, but the goal of many of us here—with the State of California and a dozen of other States on fuel economy and greenhouse gas emissions standards. Not long after he became Acting Administrator, however, Mr. Wheeler signed off on the Trump administration's proposal that freezes the standards for the better part of a decade, eliminates most of the air conditioning, electric vehicle, and other compliance credits that are supported by chemical companies, automobile and parts manufacturers, and utilities and preempts California's authority to set its own stronger standards.

What is more, the Trump administration reportedly plans to penalize rules that call for a 0.5-percent increase. That is a one-half of 1-percent increase in the stringency of those standards—one-tenth the pace called for in the rules that are already on the books.

Since that proposal was put forth, the entire automobile industry, many Members of Congress, and many other stakeholders have repeatedly asked the EPA to forge a compromise that avoids years of costly litigation and uncertainty for our automobile industry. So far, that is all for naught.

Just last week, unfortunately and inexplicably, EPA announced, with the