The Campaign for Tobacco-Free Kids, which is an organization that rarely, if ever, gets involved in judicial nominations, has found the position Mr. Readler took on behalf of these tobacco companies so far out and so extreme that they have taken the position of opposing the nomination.

So whether it is fighting to dismantle protections for people with preexisting conditions, as Mr. Readler did from his perch in the Trump Department of Justice, or whether it is the positions he took as a lawyer for the tobacco industry, trying to knock down local ordinances and other laws to protect kids from tobacco and getting addicted to nicotine, or the position he has taken not to prevent discrimination but to say our laws do not protect people against basic forms of discrimination, in my view, Mr. Readler is disqualified from taking a position on a court where the goal of every justice, regardless of who appoints them, should be justice itself and making sure everybody who comes before that court gets a fair shake. They should not be positions based on the power of a special interest like the tobacco lobby, and it should not be a decision based on political slogans or political promises. Rather, it should be based on the law itself. So I urge my colleagues to oppose this nomination.

Even among nominees who are very far to the right and who take a very restricted view of our rights and liberties, this is a nominee who finds himself way outside the mainstream.

I urge my colleagues to oppose the nomination of Mr. Readler.

Ms. COLLINS. Mr. President, I rise to announce my opposition to the nomination of Chad Readler to be a Judge on the Sixth Circuit Court of Appeals.

As the Acting Assistant Attorney General of the Justice Department's Civil Division, Mr. Readler was both a lead attorney and policy adviser in the Department's decision not to defend the Affordable Care Act, including its provisions protecting individuals with preexisting conditions.

Rather than defend the law and its protections for individuals with preexisting conditions, such as asthma, arthritis, cancer, diabetes, and heart disease, Mr. Readler's brief in Texas v. United States argued that they should be invalidated.

I strongly objected to DOJ's position to not defend the law, and it is telling that this position also concerned some other career attorneys in the Department. In fact, three career attorneys withdrew from the case rather than support this position, and one of those attorneys eventually resigned.

In my view, the Justice Department's severability argument is wrong and implausible. On June 27, 2018, I wrote to Attorney General Sessions and urged the Justice Department to reverse course and to defend the law's critical protections for individuals with preexisting conditions. Even the Justice Department acknowledged that it was ''rare'' for the government to refuse to defend the laws of the United States against constitutional challenges.

I have continuously stressed the importance of protecting Americans who suffer from preexisting conditions, including 45 percent of Maine's population: 590,000 Mainers. In July 2017, I voted to block several proposals to repeal the ACA, which I feared would reduce protections for individuals with preexisting conditions. In October 2018, I voted to overturn a Trump administration rule that expands the duration of short-term health insurance plans, which could deny coverage to people with preexisting conditions.

Mr. VAN HOLLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TILLIS. Madam President, I ask unanimous consent that I be allowed to finish my comments before the vote. I expect it to take not more than about 3 or 4 minutes.

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

NOMINATION OF ALLISON JOAN RUSHING

Mr. TILLIS. Madam President, I come to the floor to thank my colleagues who voted and who will be voting to move forward the nomination of Allison Joan Rushing to be the U.S. Circuit Court judge for the Fourth Circuit.

Ms. Rushing has a great history in North Carolina. She is actually from East Flat Rock, NC. Both of her parents were educators who taught in the North Carolina public school system. She received her degree with honors from Wake Forest, and she received her law degree from Duke University. She now has over 11 years of experience practicing law and is really considered one of the fast-rising stars of the legal profession.

I have had the opportunity to get to know Ms. Rushing through the nomination process, and I know she is going to do a great job as a circuit court judge on the Fourth Circuit.

From the ABA, she has received from a substantial majority a ''qualified'' rating and from a minority a ''well qualified'' rating. She is clearly qualified to do this job. She is young. She is bright. She is a topnotch litigator, and I look forward to casting my vote here in a couple of minutes. Again, I think my colleagues will also be casting a vote in support of confirming this nomination.

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

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

Mr. TILLIS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. HEINRICH), the Senator from Vermont (Mr. SANDERS), and the Senator from Arizona (Ms. SINEMA), are necessarily absent.

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—53

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 (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—44

Baldwin	Harris	Reed
Bennet	Hassan	Rosen
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	

NOT VOTING—3

Heinrich	Sanders	Sinema

The nomination was confirmed.

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

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Chad A. Readler, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Mitch McConnell, David Perdue, Roy Blunt, John Cornyn, Joni Ernst, Lindsey Graham, John Boozman, Mike Rounds, Thom Tillis, Steve Daines, James E. Risch, John Hoeven, Mike Crapo, Shelley Moore Capito, John Thune, Pat Roberts, Jerry Moran.

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

The question is, Is it the sense of the Senate that debate on the nomination of Chad A. Readler, of Ohio, to be United States Circuit Judge for the Sixth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—53

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 (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—45

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

NOT VOTING—2

Sanders	Sinema

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Chad A. Readler, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, in California, several counties and cities are suing the big oil companies to hold them liable for the damages that climate change is causing to the infrastructure out there. As judges consider these cases, one thing they will be asked to keep in mind is Big Oil's history of deception and lies.

A group of scientific experts filed this friend-of-the-court brief out in the Ninth Circuit, carefully charting that history, that pattern of deception and lies. The group of scholars and scientists chronicled how the fossil fuel companies had actual knowledge of the risks of their products and had taken ''proactive steps to conceal their knowledge and discredit climate science'' while at the same time taking steps based on that science to protect their own assets from the impacts of climate change.

It is a 51-page document, so let me cut to the chase. Big Oil knew for a very long time that the production and burning of fossil fuels would be disastrous for the planet. Yet they did everything in their power to confuse the public, undermine the scientific evidence of the dangers, and prevent action to stave off this worldwide problem. The brief makes a fascinating read. Here are some highlights.

Way back in 1959, when I was a kid and Dwight Eisenhower was President, Columbia University held a symposium attended by oil industry executives to mark the 100th anniversary of the petroleum industry. At that event, the legendary Dr. Edward Teller, a physicist, warned the industry about global warming. He said:

[A] temperature rise corresponding to a 10 percent increase in carbon dioxide will be sufficient to melt the icecap and submerge New York. . . . [T]his chemical contamination is more serious than most people tend to believe.

In 1959. A few years later, in 1965, at the American Petroleum Institute's annual meeting, API president Frank Ikard briefed the Big Oil trade group on a report from President Johnson's Science Advisory Committee that predicted significant global warming by the end of the century, caused by fossil fuels, and warned that ''there is still time to save the world's peoples from the catastrophic consequence of pollution, but time is running out.'' The American Petroleum Institute, 1965.

API then commissioned a Stanford Research Institute report on the climate problem which was made available to its membership in 1968. The report said:

[R]ising levels of CO_2 would likely result in rising global temperatures. . . . [T]he result could be melting ice caps, rising sea levels, warming oceans, and serious environmental damage on a global scale.

Then, in 1969, Stanford produced a supplemental report for the American Petroleum Institute. As the authors of this brief tell the Ninth Circuit, ''The report projected that . . . atmospheric CO_2 concentrations would reach 370 [parts per million] by 2000—exactly what it turned out to be.'' That was 1968 and 1969, very clear warnings that have come to pass.

Big Oil did not just rely on the American Petroleum Institute to do its research on climate change. Ed Garvey was an Exxon scientist at the time. Mr. Garvey said:

By the late 1970s, global warming was no longer speculative.

Did you get that? ''By the late 1970s, global warming was no longer speculative,'' said the Exxon scientist.

The issue was not were we going to have a problem, the issue was simply how soon and how fast and how bad was it going to be. Not if.

Indeed, Exxon did a lot of climate research, and they understood the science well. A 1979 internal Exxon study found that:

[The] increase [in CO_2 concentration] is due to fossil fuel combustion . . . and the present trend of fossil fuel consumption will cause dramatic environmental effects before the year 2050.

Meanwhile—back to the American Petroleum Institute—they had put together a task force on what they called the CO_2 problem. In 1980, Dr. John Laurman told this API task force that ''foreseeable temperature increases could have major economic consequences [and] globally catastrophic effects.'' The American Petroleum Institute, 1980.

Back at Exxon, Roger Cohen, the director of Exxon's Theoretical and Mathematical Sciences Laboratory, warned in 1981—the next year—about the magnitude of this problem.

[I]t is distinctly possible that [Exxon's planning] scenario will later produce effects which will indeed be catastrophic (at least for a substantial fraction of the earth's population).

In 1982, Roger Cohen reiterated his warning:

Over the past several years a clear scientific consensus has emerged regarding—

This is 1982—

the expected climatic effects of increased atmospheric CO_2.

He continues:

[There is] unanimous agreement in the scientific community that a temperature increase of this magnitude would bring about significant changes in the earth's climate.

Unanimous agreement in the scientific community.

In 1982, Exxon's own scientist said this, but almost four decades later, the Trump administration pretends that we just don't know. Well, we do know.

Back to the brief. In 1982, an internal Exxon corporate primer said that, in order to mitigate the effects of global warming, ''[there is a need for] major reductions in fossil fuel combustion. . . . [T]here are some potentially catastrophic events that must be considered. . . . [O]nce the effects are measurable, they might not be reversible.''

So on into the late seventies and the early eighties, they knew.

This is from a 1998 report by Shell Oil's Greenhouse Effect Working Group:

Man-made carbon dioxide, released into and accumulated in the atmosphere, is believed to warm the earth through the so-called greenhouse effect. . . . [B]y the time the global warming becomes detectible it could be too late to take effective countermeasures to reduce the effects or even to stabilise the situation.

So, long story short, Big Oil knew, API knew, Exxon knew, Shell knew. They knew, but Big Oil also realized that understanding climate change meant limiting carbon emissions, and that meant less oil sales. So they

began to tell something very different than what they knew to the public.

A 1998 Exxon internal memo acknowledged that the ''greenhouse effect may be one of the most significant environmental issues for the 1990s,'' but Exxon's position would be to try to ''[e]mphasize the uncertainty in scientific conclusions regarding the potential enhanced Greenhouse effect,'' and that became the drumbeat of the industry: minimize the danger—the one they knew—that the greenhouse effect may be one of the most significant environmental issues for the 1990s but, instead, undermine the science.

So the industry set up front groups with innocuous-sounding names like the Global Climate Coalition or the Information Council on the Environment to do this PR work for it. The scientific brief notes this bit of industry propaganda from 1996 from the so-called Global Climate Coalition: ''If there is an anthropogenic component to this observed warming, the GCC believes that it must be very small.''

Well, here is what an earlier draft of the same document said: ''[The] scientific basis for the Greenhouse Effect and the potential impacts of human emissions of greenhouse gases such as CO_2 on climate is well established and cannot be denied.''

They just weren't telling the truth. They knew, and they said things they knew were not true.

Money poured from the oil industry into these denialist groups. In 1991, the so-called Information Council on the Environment launched a nationwide campaign with one goal, to ''reposition global warming as theory (not fact).'' This thing they said was well established and cannot be denied, they decided to reposition as theory, not fact.

The polluters kept this up all the way through the 1990s. A 1998 American Petroleum Institute strategy memo tells what they wanted people to believe, even though they knew it wasn't true. They said: ''[It is] not known for sure whether (a) climate change is actually occurring, or (b) if it is, whether humans really have any influence on it.''

Again, well established, cannot be denied on the one hand and not sure whether it is occurring or whether humans have anything to do with it on the other hand.

Here is Martin Hoffert, who was an Exxon scientist for 20 years. He said:

Even though we—

''We,'' meaning the Exxon scientists.

Even though we were writing all these papers . . . [saying] that climate change from CO_2 emissions was going to change the climate of the earth . . . the front office—

The front office said otherwise.

. . . the front office which was concerned with promoting the products of the company was also supporting people that we call climate change deniers.

So even as they spun this massive fraud out to the public, Big Oil internally took the evidence of climate change seriously. They took the evidence of climate change seriously enough to factor it into their own planet. So while they were telling the public ''This isn't for real, and we don't have anything to do it with, and the science isn't secure,'' they were doing their own planning based on that very science.

For instance, in designing and building the Sable gas field project off the shores of Halifax, Nova Scotia, Mobil, Shell, and Imperial Oil explicitly told their own engineers about sea level rise. They said that ''[a]n estimated rise . . . due to global warming, of 0.5 meters may be assumed.''

Big Oil protected its own assets against predicted sea level rise based on this science, while, at the same time, funding a massive campaign of deception to fool the public and policymakers about this science. They protected themselves, and they connived to prevent the public from taking steps to protect itself.

There are some unsung heroes in this climate battle. Among them number the dedicated and assiduous group of scholars and scientists who track this climate denial apparatus that this industry built. Many of them are the authors of this brief, such as Robert Brule, Justin Farrell, Benjamin Franta, Stephan Lewandowsky, Naomi Oreskes, and Geoffrey Supran. They are just a few. There are many, many others who are watching, examining, reporting, and subject to a peer review chronicling the climate denial apparatus set up by the oil industry to fool the public. They patiently and thoroughly assembled in their brief a record of industry malfeasance, and they are helping to make sure that the long history of industry deception is part of the court's official record.

I thank them for their work.

I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that all postcloture time on the Readler nomination expire at 4 p.m. on Wednesday, March 6; further, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NOMINATION OBJECTION

Mr. GRASSLEY. Madam President, I intend to object to any unanimous consent request relating to the nomination of William R. Evanina to be Director of the National Counterintelligence and Security Center, PN192.

When I noticed my intention to place a hold on this nominee back in June of 2018, I made it very clear to the public and to the administration my reasons for doing so, and I put my statement of those reasons in the RECORD. I have done that consistently, not only since the rules of the Senate require every Member to do that, but even before that rule was ever put in place.

I continue to experience difficulties obtaining relevant documents and briefings from the Justice Department and the Office of the Director of National Intelligence, ODNI, related to 2016 election controversies. On several occasions, Deputy Attorney General, DAG, Rod Rosenstein has personally assured me that the Senate Judiciary Committee would receive equal access to information provided to the House Permanent Select Committee on Intelligence, HPSCI, with regard to any concessions in its negotiations regarding pending subpoenas from that committee. However, I and the Judiciary Committee have not received equal access.

For example, on August 7, 2018, I wrote to the Justice Department and pointed out that the House Intelligence Committee had received documents related to Bruce Ohr that we had not received. The Department initially denied those records had been provided to the House Intelligence Committee. After my staff confronted the Department, we eventually received some Bruce Ohr documents. In that 2018 letter I have referred to, I asked for documents based on my equal access agreement with Deputy Attorney General Rosenstein, and I have not received a response to date.

I have since learned that the Justice Department has taken the position that Director Coats has prohibited them from sharing the requested records with the committee.

In addition to the records request, in May 2018, the Director of National Intelligence and the Justice Department provided a briefing in connection with a pending House Intel subpoena to which no Senate Judiciary Committee member was invited.

Thus far, the committee's attempts to schedule an equivalent briefing have been ignored.

The administration's continued, ongoing, and blatant lack of cooperation has forced my hand. I must object to any consideration of this nomination.

In the authorizing resolution that created the Senate Select Committee on Intelligence, SSCI, the Senate explicitly reserves for other standing committees, such as the Senate Judiciary Committee, independent authority to ''study and review any intelligence or intelligence-related activity'' and ''to obtain full and prompt access to the product of the intelligence and intelligence-related activities of a department or agency,'' when such a