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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.

O God, who has been our guiding light throughout life's seasons, keep our lawmakers within the circle of Your divine will. Lord, give them hearts that seek Your wisdom, feet that flee from evil, and hands that serve Your purposes for our Nation and world. Empower them to be faithful to You and their calling to do Your will on Earth, inspiring them with Your purpose to live lives above reproach. May they be guided by integrity as they permit righteousness to deliver them from trouble. Make them worthy of Your redemptive love.

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 (Mrs. HYDE-SMITH). Under the previous order, 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 Paul B. Matey, of New Jersey, to be United States Circuit Judge for the Third Circuit.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

BUDGET PROPOSAL

Mr. MCCONNELL. Madam President, yesterday the White House released its budget proposal for fiscal year 2020. Understanding the President's key priorities and vision for Federal spending is critical to the success of the entire funding process here in Congress.

Republicans agree that we need to remain focused on important goals, such as the continued rebuilding of our military, keeping up the fight against opioid abuse, and addressing the ongoing security and humanitarian crisis at our southern border.

As the senior Senator from Kentucky, I was especially encouraged to see the President's commitment to our Nation's veterans front and center, including a request to fully fund construction of the new Robley Rex VA Medical Center in my hometown of Louisville.

Together with my Senate colleagues, I look forward to carefully reviewing the administration's priorities as this year's funding process moves ahead.

NOMINATIONS

Madam President, on another matter, building on last week's progress, the Senate will consider two more of President Trump's outstanding judicial nominees, in addition to another executive branch nominee, this week.

The first item of business is the nomination of Paul Matey of New Jersey to the Third Circuit Court of Appeals. Mr. Matey holds degrees from Scranton and Seton Hall Universities, as well as clerkships on our Nation's Federal courts. He has served the people of his State in the Office of U.S. Attorney in

New Jersey and has built an impressive record.

I hope my colleagues will join me in voting to advance and confirm Mr. Matey and these other distinguished nominees so the Senate can fulfill our responsibility to the American people.

MEDICARE FOR ALL

On a final matter, here is a quote: "I think the \$33 trillion price tag for 'Medicare for all' is a little scary." That came from a Democratic Member of Congress who happens to sit in a leadership role. She sounds worried, and I don't blame her.

The new House Democratic majority has wasted no time—no time at all—rolling out one half-baked socialist proposal after another. Apparently, the remarkable job growth, wage growth, and new opportunities pouring into communities across America have failed to persuade my Democratic friends of a simple reality: Things go pretty well when government gets its foot off the brake and lets American families live their lives without oppressive supervision from Washington Democrats. Apparently, that is just inconceivable, because the outlandish, government-driven proposals to take over one economic sector after another continue to roll in.

We have all heard about the Green New Deal—the far left's master plan to hurt American energy independence, disrupt millions of workers' livelihoods, put entire industries out of business, and let Washington regulators redesign every building in America, while letting China and other countries off the hook. That is just for starters. We have all heard about the price tag as estimated by the one research outfit that has actually taken a shot at hanging some numbers on all the vague, pie-in-the-sky language. They calculated the total could exceed \$90 trillion.

But let's not lose sight of the other party-defining, socialist pivot many Democrats are rushing to embrace: Medicare for None. Yes, Democrats

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



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have taken the pulse of the American people, and here is what they have decided: They have decided that American seniors want their Medicare hollowed out until the only thing left is the name. They have decided that middle-class families are eager—eager—to be kicked off their health insurance plans and forced into a one-size-fits-all government alternative. Oh, and they have decided that taxpayers up and down the income scale are clamoring—just clamoring—to send much more of their money to the IRS. No choices. No options. No alternatives. No more Medicare as we know it. Every single American has to obediently take a seat and buckle up for the Democrats' wild ride toward government-run health insurance.

The sequel to ObamaCare and its soaring premiums is coming soon to a Democratic press conference near you. This time, they want to turn the entire system over to those bureaucrats and make it unlawful—unlawful—to possess competing private coverage. That sends quite a message, doesn't it? My colleagues are so confident American families will love their new government-mandated healthcare plan that they feel compelled to outlaw any competition.

It has already been quite an experience watching liberal leaders grapple publicly with the question of whether, in fact, their movement is seriously going to double down on these socialist policies.

Michael Bloomberg said this sort of proposal "would bankrupt us for a very long time." Speaker PELOSI herself had to wonder publicly, "How do you pay for that?" Well, if you are Vermont or Colorado—two places that have flirted with the idea of single-payer healthcare—there is a simple answer: You don't pay for it because you can't.

In 2014, when Vermont grappled with a proposal to implement a State-run, single-payer system, the Governor's office was forced to conclude from its own analysis that the cost of the program would nearly double State spending in its first year of implementation and could lead to \$100 million deficits within 5 years. That was in Vermont.

In 2016, Colorado Democrats put forward a ballot measure to pursue this in their State. Once again, the program's costs were projected to exceed the entire State's budget. So voters rejected it. In Colorado, 80 percent of them rejected it, to be exact.

Those are just two States, but this is exactly the kind of broken mathematics that Democrats are now hoping to force on our entire country—an estimated \$32 trillion over the first 10 years, at least. That is more than the government has laid out in the last 8 years, combined, on everything—on everything.

I am sure we will be advertised the same old leftwing talking points about millionaires and billionaires magically paying for all of it. How often have we heard that? As I have noted before, it is

just not possible. There are not enough millionaires and billionaires in the entire country to pay the tens of trillions of dollars this takeover would require. Even if the IRS seized every cent Americans earned beyond \$1 million—all of it, took all their money—it wouldn't even cover half the hole this proposal would leave in the Treasury. That is why one economist wrote that "the simple fact is that Medicare-for-all would require a dramatic shift in the federal tax structure and a substantial tax increase for almost all Americans." Almost all Americans.

Even leading Democrats can't help but laugh at this stuff. This was Governor Andrew Cuomo of New York describing this idea in the context of his own State. This is what the Democratic Governor of New York said:

No sane person will pass it . . . you'd double everybody's taxes. You want to do that?

So parts of the Democratic Party here in Congress are running towards a policy that even the stalwart liberal Governor of New York derides as out-of-this-world expensive and impractical. No wonder some Democrats are worried about the radical rumblings within their party.

Fortunately, the American people don't have to worry a bit—at least not for now. This craziness will never get through the U.S. Senate.

Madam 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. Madam 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.

DECLARATION OF NATIONAL EMERGENCY

Mr. SCHUMER. By the end of this week, the Senate must vote on the resolution to terminate the President's declaration of a national emergency.

There are three very clear reasons to vote to terminate. First, there is no factual basis of an emergency at the border. The President made that clear when he said he didn't need to do this. If we allow Presidents to declare emergencies for such nonemergency-type situations because they want to do it, we are headed down a very bad road.

Second, the emergency would cannibalize funds intended for our brave men and women in uniform in order to pay for the wall, including military construction, and maybe even military pay and pensions.

The bottom line is, we hear from the other side how we have to make sure we give our soldiers what they need. We completely agree, but all of a sudden, when there is this wall, we take it away from the soldiers; we take it away from military readiness. That is not a trade most Americans would make.

Third and most important is the danger to our Constitution. The emergency declaration is an injury to this great Constitution under which we live. It claims powers for the Presidency that were explicitly given to Congress. It distorts the separation of powers, and it sets a dangerous precedent for future Presidents.

The bottom line is, one of the things the Founding Fathers gave the most thought to was the balance of power and how to prevent an overpowerful and overleaning executive branch. That is why they gave Congress the power of the purse. Are we going to reverse 220 years of a balance of power because a President is demanding a wall that Congress couldn't get him, that Mexico couldn't pay for? It goes far beyond the wall, whether you are for or against it. It goes far beyond all these other issues. It goes to the very nature of our government, and it will set us on a path that historians will come back and look at as a very bad turning point for America.

BUDGET PROPOSAL

Madam President, yesterday the Trump administration released its annual budget. These Trump budget requests have become so outlandish, so removed from reality, that even Republicans in Congress can't work with that budget and can't treat them seriously. They are essentially statements of principle from an administration that doesn't care about governing. What does it care about? What are its priorities? That is what they talked about because I bet they know not a single Republican would vote for the budget.

We looked at the budget and what it would mean for my home State of New York. The President's budget would cut millions of dollars from the Department of Justice programs that hire police officers, provide their equipment, and combat the opioid epidemic. The budget would cut millions from New York's educational programs that would help schools throughout our State, including those schools on military bases. It would hurt afterschool programs and STEM initiatives teaching our young people about science and math. The cuts to NIH would devastate New York's hospitals, particularly rural hospitals, and would cut back on our great medical research. We are all living longer and healthier, in part, because of the medical research done by NIH. Hardly anyone wants to cut that. The President did.

The cuts to Medicaid would affect 6.5 million New Yorkers who rely on it. I think that story can be repeated for just about every State. New York is a very diverse State, with large urban, rural, and suburban populations, and every one of them is hurt across the board from safety and security to education and healthcare, to infrastructure and economic development. The Trump budget would be a gut punch to New York's middle class. The same is true for the Nation.

Setting aside, for the moment, the humanity of these cuts, this budget reveals the depth of President Trump's hypocrisy on several of his signature issues. Donald Trump campaigned for President promising not to cut Medicare, Medicaid, or Social Security. In 2015, he tweeted:

I was the first & only potential GOP candidate to state there will be no cuts to Social Security, Medicare & Medicaid. Huckabee copied me.

Let's look at President Trump's budget. It cuts Medicare by \$845 billion, cuts Medicaid by \$1.5 trillion. I understand the challenges of the office sometimes prevent Presidents from achieving precisely what they campaigned on, but this is literally the opposite of what Donald Trump said in his campaign. No one is forcing his hand. He is proposing this.

Candidate Trump? No cuts to Medicare and Medicaid. President Trump? Cut those promises by more than \$2 trillion.

This budget says: "Promises kept." Balderdash—balderdash—when it comes to Social Security, Medicare, and Medicaid. Promises kept? Donald Trump said he wouldn't cut Medicare or Medicaid. The budget slashes them brutally. How can they dare say "promises kept" on probably the most significant domestic-side programs we have when they slash them?

You don't even need a long memory to find out the hypocrisy of the President in this budget. Only a few months ago, the President spoke to the American Farm Bureau, promising a bright future for American farmers. Yet his administration proposed cutting the Department of Agriculture in the midst of implementing a new farm bill by 15 percent.

In his first address to a joint session of Congress, President Trump called education the "civil rights of our time." Yesterday, he proposed cutting the Department of Education by 12 percent. Promises kept? Balderdash.

One of the few bipartisan moments during the President's most recent State of the Union was when he pledged to "defeat AIDS in America and beyond." The President's budget, however, cuts the program that seeks to eliminate AIDS around the globe by 22 percent. Promises kept? Balderdash.

Of course, the President famously promised Mexico would pay for the border wall. His budget asks the American taxpayers to shell out \$8.6 billion for the wall. Promises kept? Balderdash.

On the cover of the President's budget are emblazoned the words "Promises Kept." He must really believe no one will read beyond the cover page because this budget document is a list of broken promises by President Trump, one after the other. What he says to the public and what he puts out in his budget are in two different worlds. Promises kept? He said he wouldn't cut Medicare or Medicaid. He cuts them. Promises kept? He said he would bolster our farmers. He cuts the farm bill

15 percent. Promises kept? Mexico will pay for the wall—not in this budget. The American taxpayers pay for it.

It is just pathetic that in this world in which we live, a President can be so hypocritical and contradictory by saying one thing and then having his budget do the exact opposite.

I have a challenge to my friend Leader McConnell, another challenge, because he seems to duck about every issue we have. Put President Trump's budget on the floor of the Senate. You are putting the Green New Deal on the floor of the Senate. Put this budget on the floor of the Senate. Let's see if a single Republican votes for it.

CLIMATE CHANGE

Madam President, this morning, the President tweeted a quote from a guest on "FOX & Friends" who called climate change fake science. Here is the quote: "There is no climate crisis, there's weather and climate all around the world, and in fact, carbon dioxide is the main building block of life."

There is weather and climate all around the world. Really, the President endorsed that quote. Just about every scientist who has studied it knows climate change is the greatest challenge facing our planet. Anyone who lives with these dramatic changes in weather, whether it is through California wildfires, whether it is through floods in the Middle West and Upstate New York, whether it is Miami streets flooding near the coast over and over again, everyone knows things are changing dramatically. It is not just the normal cycle I lived through the first 50 years of my life. We all know it is happening, and what does the President do? Not only does he deny it—it is worse—he acts on it in the wrong direction.

He has rolled back commonsense environmental protections, opened up more Federal lands for oil and gas, and announced the United States would leave the Paris accord. In the budget, President Trump proposes to cut more than one-third of EPA's funding and cuts other programs that combat climate change. Communities across the country are staring climate change in the face. Ask any farmer. They will tell you their growing seasons have changed. They will tell you about record droughts. They will tell you in the Mountain West about rebuilding from devastating wildfires and homeowners along the coasts picking up the pieces after hurricanes and storms have ripped through their States. It is just shameful. It is embarrassing the President continues to deny science and peddles these lies—absolutely shameful. I hope my Republican colleagues will stand up to the President and call out this nonsense. So far they haven't been willing to contradict the President's lies about climate change. That needs to change.

We challenge our Republican friends to join the resolution by Senator CARPER, myself, and others. It says three simple things: One, climate change is

real. Do you believe that, all of my Republican friends? Can you answer yes or no? Two, it is caused by human activity. And, three, we need to do something to stop it, to stop the dramatic change in global warming.

Why are our Republican friends so silent on this? That is perhaps the major issue of our day. When history looks back, it is not going to look kindly on them. What are they afraid of—the oil industry? What are they afraid of—the facts? What are they afraid of—right-wing orthodoxy, often funded by the Koch brothers, who don't want to admit to climate change? It is a shame. It is a shame.

BUYBACKS

Madam President, on buybacks, I have come to the Senate floor several times over the past year to sound the alarm about the explosion of corporate stock buybacks. Corporate executives have been leaning on them more and more to satisfy shareholders who tend to be wealthy. The top 80 percent of all shares are owned by the top 10 percent of America; that is even including pension funds.

After the Trump tax bill, last year buybacks reached their highest recorded level—over \$1 trillion in a single calendar year. That is not money going to workers. That is not money going to communities. That is not money going into research to make better products. That is simply going to the wealthy CEOs and shareholders without other real benefit to the country.

Based on an analysis of America's largest companies, for 466 of Standard & Poor's 500, the equivalent of 92 cents out of every dollar went to stock buybacks or dividends—92 percent. That has never happened before. Surely, there are more productive ways for corporations to allocate capital. Surely, those numbers suggest an overreliance, if not an obsession, with stock buybacks in an attempt to raise stock prices.

This unhealthy development is not good for the long-term interests of companies or for America. Just yesterday, a major American corporation saw its outlook downgrade because it is spending tens of billions of dollars on corporate stock buybacks at the expense of investment and research and development. But some just refuse to look at the plain facts.

Over the weekend, the Wall Street Journal editorial board criticized Congress—Members of both parties, in fact—for even expressing concerns about the level of stock buybacks that we have seen recently.

Here is what the Journal editorial board wrote:

Repurchasing shares is simply one way a company can return cash to owners if it lacks better ideas for investment. Tax reform increased corporate cash flow by cutting tax rates and letting companies repatriate their cash held overseas.

First of all, it is notable that the Wall Street ed board basically admits that the Trump corporate tax cuts

have fueled the explosion of stock buybacks. But, second, and more importantly, the Wall Street Journal makes no mention of the record amount that corporate America has announced in buybacks since the tax bill passed—\$1 trillion—or the many things corporations could invest in with their spare cash.

One thing the Journal never talks about is how income distribution is getting worse and worse and how the wealthiest at the top own more and more of our wealth and our income while the middle class is more and more worried about the future and even about paying their bills now.

What about workers' wages? Wouldn't America be better off if workers were paid more? Income distribution is the worst it has been in decades. Why not reward workers for increases in productivity with higher wages? Productivity has gone up over the last decade—I think since about 2000—and workers haven't gotten that gain, even though they have produced a lot of it.

What about pension funds? Listen to this. There are large numbers of corporate America that have not met the obligation of their pension funds—what they promised the workers they would pay to them in their retirement—and, instead, are using the money for corporate buybacks. How many of the S&P 500 have underfunded pension plans but are still authorizing billions of dollars for share repurchases? I think America would like to know that. In my view, I believe corporate America would have a hard time refuting that it is unconscionable for corporations to buy back billions in stock while letting its pension fund wither, breaking a promise to its workers, many of whom have spent decades and decades and decades working hard for their company and looking forward to a retirement with an amount of money that will not make them rich but at least allows them to live decently.

The Wall Street Journal makes no mention of any of these options. They said that buybacks are simply "one way a company can return cash to owners if it lacks better ideas for investment."

Well, if that is the case, a lot of companies are willfully ignorant. When 92 percent of profits are going to buybacks and dividends, corporations must be trying really hard not to think about workers, pensions, or R&D. To think about the maldistribution of income, to think how wealth is agglomerating to the top—it is all bad for America, both economically and politically, in the long term.

I refuse—refuse—to accept that corporate America's sole responsibility is to maximize return for executives and wealthy shareholders. The American economy has to work for workers and communities. The Wall Street Journal just defends the status quo as things get worse and worse and worse in terms of middle-class workers' viability, getting gains from their productivity in-

creases, and income distribution. It is a crisis in America.

No matter what the Wall Street Journal editorial board thinks, this topic deserves the Senate's attention. If they don't believe our solutions on buybacks are the answer, what is their solution to income maldistribution?

They said the tax cuts would work. I remember the President saying that every worker will get a \$4,000 increase. Where is that? Almost all of that money is going to wealthy shareholders and corporate CEOs as the buyback mania, if you will—92 percent—continues.

I yield the floor.

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. THUNE. 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. THUNE. Madam President, before I get to my main topic, I just want to briefly respond to something the Democratic leader, the Senator from New York, said regarding the tax cuts bill that passed in 2017.

The Democrats, none of whom voted for it, obviously, have not ceased to criticize the passage of that tax relief bill, notwithstanding the significant economic progress that we have seen as a result of its passage, coupled with relief from regulations and other policies that have been implemented by this President in working with the Congress.

There is historic economic data to report. We have record unemployment rates all across the country. We have seen record wage increases.

The Senator from New York talked about how this hasn't benefited working Americans. That couldn't be further from the truth. If you look at the data, it is very clear that wage rates are growing. They are growing at the fastest rate in over a decade. Today, we actually have more jobs available in this country than we do people looking for jobs. That is also a historic first and something that has been happening now for many months in a row.

We have record low unemployment, record high wages, and growth in the economy that we haven't seen in over a decade either—3.1 percent in a calendar year, fourth quarter over fourth quarter. That is the first time we have seen north of 3 percent growth in our economy since 2005. So if you look at the evidence, it is pretty clear that the tax relief bill that was passed by the Congress and signed into law by the President in late 2017 is having the desired effect.

With respect to the arguments that were made that this is what is contributing to the debt and the deficit, just last week there was a piece in the Wall Street Journal by a former colleague of ours, Senator Phil Gramm from Texas,

who pointed out the Congressional Budget Office has adjusted its projections when it comes to growth in the economy since the tax bill passed.

In 2017, when it was in the process of being passed, the CBO was projecting 2 percent growth in 2018 and 1.7 percent growth in 2019. They have now modified those projections to 2.9 percent in 2018 and 2.7 percent in 2019.

What that means is—an additional percentage point of growth means higher government revenues. In fact, the CBO has adjusted their projections with respect to government revenues upward to about \$1.2 trillion over the next decade. Government revenues of \$1.2 trillion would be about 80 percent of what the projected cost of the tax bill was, about \$1.5 trillion. At the time, we projected we would see additional economic growth as a result of passing tax reform and allowing individuals and businesses, whether they are organized as C corps or whether they are organized as passthroughs, to benefit from these provisions and changes in the Tax Code—faster cost recovery and lower rates—that would encourage them to invest, grow, and expand their operations. That is exactly what has happened.

As a result of that, according to the CBO and based on their projections, you have seen government revenues going up and up by over \$1 trillion. Again, that is almost 80 percent and pays for the cost of the tax bill that the Democrats are so quick to criticize as contributing to the deficit and the debt.

So I would argue that if you look at the facts—facts are stubborn things—if you look at the record, if you look at the data, and if you look at the statistics, they all point to the impact of tax reform and other pro-growth policies that have been implemented by the Trump administration and this Republican Congress; they are having the desired effect. We are seeing increases in wages. Obviously, we are seeing a tremendous impact on growth and on jobs in this economy, and that is good for American workers.

Obviously, when you reduce tax rates, hopefully, that benefits everybody, but when you have a growing, vibrant, and robust economy, that lifts all folks. Everybody benefits from that, and we are seeing the effects of that as a result of this policy.

I know the Democrats all voted against it, so I suppose they have every reason to try to criticize it, but, again, if you look at the facts, if you look at the record, and if you look at the actual data, you get a very different conclusion from the one that they are trying to put forward and advance.

JUDICIAL NOMINATIONS

Madam President, last week, we confirmed John Fleming to be Assistant Secretary of Commerce for Economic Development. The story of his confirmation process has been a familiar one over the past 2-plus years. He is a noncontroversial nominee being forced

to languish in limbo for months because Democrats will not agree to move the nominee forward outside of the lengthy cloture process.

As Senators, we have to take our confirmation responsibility seriously, and sometimes that means that we oppose a candidate who raises serious concerns about his or her suitability for the position for which he or she has been nominated. What it should not mean—what it should not mean—is that we reflexively slow-walk qualified candidates simply because we don't like the President who is doing the nominating. But that is what Democrats have done over the past 2 years, over and over and over. Again and again, the President has put up a qualified candidate the Democrats don't really object to, and, again and again, they have forced the leader to file cloture on the nomination, delaying confirmation for weeks or months.

How do we know the Democrats didn't have genuine objections to a lot of these candidates? We have the Democrats' votes to prove it. Nearly half of the recorded cloture votes in the 115th Congress received the support of 60 or more Senators when it came to a vote. More than one-third of the recorded cloture votes ultimately received 70 or more votes in support. That means that more than one-third of the time, 17 or more Democrats voted in support of ending debate on a nomination and moving forward to a vote. Yet, in each of those instances, Democrats delayed the nomination from coming to a vote by forcing the leader to file cloture.

In one particularly egregious instance of objection, Democrats forced the Senate to spend more than an entire week considering four district court judges, even though not one single Democrat voted against their confirmation. That is right. Not one single Democrat voted against their confirmation. These judges could have been confirmed in minutes by a voice vote. Instead, Democrats forced the Senate to spend more than an entire week considering the nominations, a week that could have been spent on the many issues—serious issues that are facing this country—or a week that could have been spent on nominations that actually needed to be debated on the Senate floor.

During the 115th Congress, Senate Democrats forced 128 cloture votes on President Trump's nominees—128 cloture votes. Do you want to know how many cloture votes Republicans forced during President Obama's first Congress, his first 2 years in office? Twelve.

In our democracy, you win some elections and you lose some elections. That is the way it goes. Sometimes you are a big fan of the person in the White House and sometimes you are not. That is the nature of free elections. That is the nature of life in a democracy.

But 2-plus years on, Democrats still can't accept that they lost the 2016

Presidential election. They have spent the past 2 years doing everything they can to oppose the President, even if the American people get hurt as a result.

There is a reason that Senators, during previous administrations, have not objected to votes on a President's nominees, even when they didn't like the President. It is because Senators have generally recognized that a President needs to fill vacancies in the executive branch so that the work of the government can get done. Senators have also tended to think that a President duly elected by the American people deserves to be able to staff the administration that the American people have chosen.

Democrats have apparently decided that it is more important for them to be able to express their antipathy to President Trump than for the government to be able to get its work done.

Democrats' unprecedented obstruction has also eaten up time that the Senate could have been spending on other priorities—from growing our economy to making healthcare more affordable, to helping Americans save for education and their retirement.

I would like to suggest to my Democratic colleagues that 2 years is long enough for throwing a tantrum over the 2016 Presidential election. It might be time to accept the election results and to work with Republicans to confirm the President's nominees in a timely fashion. After 2-plus years of Democratic obstruction, I am not holding out a lot of hope, but there is always a chance that Democrats will decide that it is time to stop playing partisan games and to start focusing on the business of the American people.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

NOMINATION OF PAUL B. MATEY

Mr. BOOKER. Mr. President, I rise today to speak on the nomination of Paul Matey, who has been nominated by President Trump to a New Jersey seat on the U.S. Court of Appeals for the Third Circuit.

The Constitution actually charges this body with a sacred obligation. This body is charged by our Founders and by our Constitution with providing advice and consent on the individuals the President nominates to serve on the Federal courts.

Over the last century, the United States has developed a process for carrying out that duty of evaluation, evaluating those nominees, but just a couple weeks ago, the body broke a century-old precedent. Until then, the Senate had never ever confirmed a judicial nominee over the objections of

both home State Senators. I looked into this through the Congressional Research Service, and they didn't find a single example where that has ever happened.

During the last century before the Trump administration, you could count on one hand the number of times the Senate had confirmed a judicial nominee when even one home State Senator had objected. That happened four times during the 1980s and once during the 1930s. That is it. But with the nominees now coming to the Senate floor, to this body, it is breaking a longstanding, bipartisan tradition and has jettisoned that rule and that idea. This has already happened—ignoring the objections of one home State Senator—five times.

Now that is happening in a doubling-down capacity. The Senate confirmed Eric Miller to the Ninth Circuit a couple weeks ago, and he was opposed by both of his home State Senators, my friends PATTY MURRAY and MARIA CANTWELL. This was the first time in a century that this body has disregarded the objections of both duly-elected Senators, who know their States, who know their communities. It was a breakdown of this longstanding, bipartisan tradition, this idea that this body is different from the majoritarian body in the House; that in this body, we believe home State Senators should have a say on the nomination of judges. Not that they are in line ideologically—clearly, when you have a Republican President, you are going to see Republican-appointed judges. But this breakdown has now undermined this tradition that in the Senate, we find a way to come together and work together on this sacred duty of putting people into that third branch of government.

What worries me now is this week, the Senate is on the brink of doing it again. Senate Republicans are moving to confirm an individual to the Third Circuit over the objections of both home state Senators—in this case, both home State Senators from New Jersey, Senator MENENDEZ and me. So this moment is personal to me, but more importantly, I want to sound the alarm yet again and not just sit as a bystander to history and let this Senate tradition be eviscerated.

When I first got to the Senate, I made it known that I really wanted to be a member of the Judiciary Committee. It took me years to get on that committee. I am so proud to be on a committee that has an incredible record of doing bipartisan work, whether it was the bill we passed out of committee to protect Robert Mueller or just last Congress when we worked together across the aisle to do comprehensive criminal justice reform.

I know the history of that committee. I have been watching it since I was much younger and had a lot more hair. I knew that this committee—as Senator DURBIN so eloquently described last week in our markup committee—this is a committee whose

Members have worked together to confront many great challenges. But now we find ourselves in a perilous position where important guardrails that were put in place to properly vet judicial nominees are being thrown by the wayside.

The latest development in the Senate is disregarding the blue-slip tradition, which over the last century has enabled home State Senators to have a meaningful role in the nomination process.

In late January of this year, the Senate Judiciary Committee held a markup meeting for 44 judicial nominees. Folks around here were literally calling it the monster markup. At that meeting, I told Chairman GRAHAM, just as I had told Chairman GRASSLEY last year, that the White House had not meaningfully consulted with me or Senator MENENDEZ ahead of that markup. In fact, I pointed out, the White House had not offered to even arrange a meeting between Mr. Matey and me or Senator MENENDEZ. We didn't get an offer of a meeting before the nomination. We didn't get an offer of a meeting before the confirmation hearing. We didn't get an offer of a meeting before the markup.

Chairman GRAHAM said he would make sure that Mr. Matey and I would be able to meet before the full Senate voted on his nomination, and we did. I really appreciate that and Senator GRAHAM being a man of his word. But when I met with Mr. Matey last week, our conversation was refreshingly honest because we both knew it was just a courtesy. We knew this process was completely backward. Two home State Senators had just been rendered completely irrelevant in the selection of a circuit court judge from their State.

I ask any of my colleagues to imagine this: that a person to the circuit court from their community—and Mr. Matey is from my city—that you don't even have a chance to meet with them, have a discussion, ask them questions. If it weren't for my presence on the Judiciary Committee, where I got 5 minutes to question him, this person would have sailed through without any consultation with two home State Senators. I ask my colleagues how they would feel if this happened to them.

This breaking of a century-old precedent has made it clear that we are going to keep on breaking it. This is something that is now going to become a part of this body. Are we all really comfortable with the implications of that?

The Republicans on the Judiciary Committee just voted out two Second Circuit nominees over the objections of their home State Senators—again, historically unprecedented—and three more nominees to the Ninth Circuit with the very same problem are about to come before this committee.

Senate Republicans seem to be intent on dismantling the century-old process for the vetting of judicial nominees. This is being done methodically—tak-

ing it apart piece by piece, whatever it takes to push through these nominees.

The pendulum does swing in this place. I was told by Senators whom I respect—I still remember coming here and sitting down with some of the statesmen in this area on both sides of the aisle. I still remember conversations with Senator Harkin, who is no longer here, and Senator McCain telling me to respect the traditions of this body, to understand that this body, as our predecessors said, should be the cooling of the partisan rage or passions of the time; that we should preserve those parts of this institution that create comity, that force us to come together. But the wound that is being created right now goes to the ability of any Senator in this body to truly represent their State.

Look, the pendulum is going to swing. Eventually, there is going to be a Democratic President. This body will shift again. Every single Senator, should they stay in this body, is probably going to see the time when, because of what we are doing today, they will have no say whatsoever when it comes to their constitutional duty of advice and consent.

My message to my colleagues is this: The feeling I had last week when I met with Mr. Matey is a feeling that everyone in this Chamber is going to have at some point if we do not stop this now. If we continue down this path, you will find yourself rendered irrelevant in the selection of judicial nominees from your State. You were duly elected by the people of your State, and there won't be a thing you can do to stand up for their interests in this process.

This will be a sad chapter if we allow it to be written into our history. It doesn't have to be this way. We could go back in this process. We could say: You know what, this guy is qualified. Why don't we go back and have the process done the right way—have the White House sit down with their home State Senators and see if they can work out a deal, as it was done before, to make sure we have a role in the process the Founders designed.

The guardrails we have established in this body have an important purpose: to enable the Judiciary Committee and Senators to properly vet judicial nominees, to ensure that those nominees are not just qualified to serve but that they are more in the mainstream, not ideologues, and to ensure that they have a good judicial temperament.

We cannot walk away from the long-standing Senate practice of respect for the views of home State Senators about the judges who will serve in their State. I urge my colleagues to vote no on this nomination because of the trashing of the processes that have been a time-honored way of doing things in the Senate. But let me be clear. This is about more than just the dismantling of the Senate procedures. As a Senator, I do have a perspective on the nature of some of the nominees who are being put forward to serve on

our courts, and I want to take a moment to speak to that.

The Constitution charges this body with vetting the President's judicial nominees for good reason. It is our duty as Senators to provide a check and balance on those nominations to ensure that people who serve as Federal judges can be fair and impartial. It is our duty to help protect the independence of the judiciary. But over and over, we are seeing that President Trump is selecting nominees precisely because they will bring an ideological agenda to the bench.

This will be seen as we soon consider the nomination of Neomi Rao to the DC Circuit Court. Ms. Rao is a prime example of how the administration is working to politicize our Federal courts to achieve far-right policy objectives that do not sit in the mainstream of America. The examples of this are not just rhetoric; the examples of this are clear.

The DC Circuit Court often gets the last word on legal challenges to important regulatory protections. Who is the person the President has chosen to sit on this court? Ms. Rao has dedicated much of her career as a law professor and as a Trump administration regulatory czar to tearing away critical protections for American citizens.

During her time in the Trump administration, Ms. Rao has overseen efforts to roll back an array of Federal protections, from fair housing to clean air and water, from women's rights to LGBTQ rights, from food safety to workers' rights, to so many areas that impact Americans of all backgrounds and all aspects of American life. She has also criticized landmark decisions by the Supreme Court. Other Trump nominees have not gone as far as she has. She literally criticized *Brown v. Board of Education*, *Lawrence v. Texas*, and *Roe v. Wade*.

Worse still, Ms. Rao has been unwilling to make the firm commitment to recuse herself from legal challenges to regulations that her office reviewed while she was a Trump administration regulatory czar. This is fundamental to the independence of our judiciary.

If you compare her position to others within the Trump administration, you will see that other judicial nominees, including President Trump's prior nominee to the DC Circuit, have pledged to recuse themselves from matters they worked on in the executive branch, but Ms. Rao is refusing to do the same.

Given her long track record of opposing critical Federal protections, the serious concerns about independence and recusal, Ms. Rao is the wrong person to sit on the DC Circuit Court, and I urge my colleagues to vote no on the nomination as well.

Most importantly, I urge my colleagues—all of my colleagues, Democrats and Republicans—who do not want to be rendered irrelevant in the selection of judges from their States to

stop—stop—this evisceration of a long-standing blue-slip tradition in the Senate.

I thank you for the time.

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

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

JUDICIAL NOMINATIONS

Mr. CORNYN. Mr. President, this week, the Senate will continue to fill vacancies across the Federal bench.

This afternoon, we will vote to confirm Paul Matey to be U.S. Circuit Court Judge for the Third Circuit, and then we will move to the nomination of Neomi Rao for a seat on the DC Circuit Court of Appeals—the seat that was vacated by Justice Brett Kavanaugh.

Throughout her career, Ms. Rao has served in all three branches of government. She clerked for Justice Clarence Thomas on the U.S. Supreme Court and Judge Harvie Wilkinson on the Fourth Circuit Court of Appeals. She also worked here in the Senate on the Judiciary Committee for then-Chairman Orrin Hatch.

She has worked as Associate Counsel and Special Assistant to President George W. Bush and in her current position as Administrator for the Office of Administration and Regulatory Affairs—one of the most important and least understood Federal Agencies.

In addition to her outstanding career in public service, Ms. Rao was also an associate professor at the Antonin Scalia Law School at George Mason University and is a leading scholar in the field of administrative law.

Knowing her impressive background, it was no surprise to see that the American Bar Association, once hailed by the minority leader as the “gold standard by which judicial candidates are judged,” rated her as “well qualified.”

When considering this particular seat, it is hard to imagine anyone better prepared. The DC Circuit Court of Appeals has sometimes been referred to as the “second highest court in the land” and is unique because its caseload is disproportionately weighted toward administrative law and litigation involving the Federal Government.

Despite her outstanding qualifications, our Democratic colleagues have attempted to tank Ms. Rao’s nomination over decades-old writings. That sounds pretty familiar, although, as I recall, Justice Kavanaugh was excoriated for things in his high school yearbook. At least we have moved on to college when it comes to Ms. Rao.

During her confirmation hearing last month, critics reverted back to that Kavanaugh playbook and began criticizing her for things she wrote in college rather than asking her productive questions about maybe what she has

learned since that time or how her views may have changed or how she has functioned as head of the OIRA or how her office has reduced regulatory costs by more than \$23 billion. Instead, critics chose to focus on her decades-old writings in college.

Over the years, Ms. Rao has done what we have all done: She has grown and learned from her experiences. She has repeatedly said that she no longer holds the views that she wrote about back in college.

I believe we should judge a nominee not by views they expressed in high school or college but what they have done since that time as mature adults and professionals. So just add me to the long list of people who believe Neomi Rao should be confirmed for the DC Circuit Court of Appeals.

Two dozen former Supreme Court clerks who worked alongside Rao sent a letter to the Judiciary Committee, touting her qualifications. They said:

Many of us have worked in government, at both the federal and state levels, some for Democrats and some for Republicans. . . . While our professional and personal paths may have diverged, one of things we have always shared is admiration for Neomi. We are confident she will serve our country well on the DC Circuit.

We have seen similar letters from her classmates at both Yale and the University of Chicago Law School, as well as a group of more than 50 of her former law students.

Her former students wrote:

Our views span the political spectrum; we have differing positions on the role and work of the Federal judiciary; and we have gone on to work in law firms, government, public interest organizations, and judges’ chambers. Yet despite her differences, we all agree that Professor Rao would make an outstanding addition to the bench. We have no doubt that, if confirmed, she would be a brilliant and fair arbiter of the cases that came before her.

I agree.

I supported Ms. Rao’s nomination in the Senate Judiciary Committee, and I will once again look forward to supporting her nomination when the full Senate votes on her nomination this week.

FREEDOM OF INFORMATION ACT

Mr. President, on another matter, this Saturday will mark the 268th birthday of James Madison, the Father of the Constitution and an ardent advocate for open government.

It is no coincidence that near his birthday each year, we also celebrate something called Sunshine Week—a time to promote transparency in government and access to public information.

I have always been proud of the fact that Texas is known for having one of the strongest and most robust freedom of information laws in the country. As attorney general of Texas for 4 years, it was my privilege to enforce those laws.

We strive to maintain an open and honest government. Not only does it keep citizens in the know, it also helps keep government accountable.

As we all know, Justice Brandeis famously said: “Sunlight is said to be the best of disinfectants.” When I came to Washington, I wanted to bring that same Texas sunshine to the national level.

During my time in the Senate, I have made government transparency a priority, and I have pressed for more openness in the Federal Government through commonsense legislation.

Over the last decade-plus, my closest ally in that effort has been my friend and colleague from Vermont, Senator PAT LEAHY. Some people consider us to be the odd couple when it comes to this topic because Senator LEAHY is on the other end of the political spectrum.

As a conservative, I think if people act in government as if their actions are going to be known and available to the people they work for—the taxpayers—it really changes their behavior. It doesn’t require Congress or the government to pass more regulation or more laws to get them to do what they know they should do if they knew that what they were doing was going to be made public; hence, my support for the Freedom of Information Act and public information law.

Senator LEAHY and I have worked so well together because we understand that this is not a Republican or Democratic issue. We both recognize that whether it is a Republican administration or a Democratic administration, everyone wants to trumpet their successes and hide their failures. That is just human nature. But in order for our government to run well and the American people to trust that it is running well, we need transparency and the accountability that goes along with it.

Safeguarding our right to public information is the Freedom of Information Act, or FOIA. FOIA serves not as a weapon but as a shield, protecting the American people from a government that may seek to abuse its power or conceal fraud and abuse.

In the more than 50 years since FOIA was first enacted, we have seen a tug of war taking place in both Republican and Democratic administrations, with some favoring more openness and others favoring less. That is why it is so important that we fight here in the Senate to ensure that the balance doesn’t tilt away from transparency.

This is a great opportunity both to reflect on the important steps we have taken in the past and to recommit ourselves to the ongoing important work that we still need to do.

I believe the most significant legislation Senator LEAHY and I shepherded during our work together is the FOIA Improvement Act, which became law in 2016. It required government Agencies to operate under a presumption of openness when considering whether to release government information.

It also aimed to reduce the overuse of exemptions to withhold information from the public and to minimize the bureaucracy in the FOIA request process by requiring the creation of a single

portal through which individuals can submit a request to any Agency.

On top of that, that legislation required Agencies to proactively disclose documents that are likely to be of public interest in order to increase access to government documents outside the often bureaucratic and onerous FOIA request process. In other words, we built upon the work of our Founding Fathers and what they recognized hundreds of years ago: A truly self-governing people depends upon an informed citizenry to hold their elected leaders accountable.

While that was a big step in improving government accountability, our work, of course, is not done. I continue to look for new opportunities to improve the Freedom of Information Act process and to ensure that it remains robust and workable for all of our citizens.

I will continue to advocate for policies in the Senate that build on a more transparent government and bring more of that Texas sunshine to Washington, DC. I hope this Sunshine Week we can all grow even more committed to the mission of open and honest government that serves its people and not itself.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRUZ). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. 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. GARDNER. Mr. President, I ask unanimous consent to complete the full duration of my remarks.

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

TRIBUTE TO SAM MAMET

Mr. GARDNER. Mr. President, today I rise to recognize a great citizen of the State of Colorado and a dear friend of mine, Sam Mamet. Sam is retiring at the end of March after 40 years of working with the Colorado Municipal League. CML is an organization that is dedicated to representing the best interests of cities and towns throughout the State of Colorado.

In 1979, shortly after receiving a master's in public administration from the University of Colorado at Boulder, Sam began his tenure at CML. For 26 years, he worked diligently to make sure that local communities had the proper tools to better serve themselves.

In 2005 he was appointed executive director of the organization. From this unique position, Sam was at the forefront of developing the organization's policies and executing vital programs with the overarching purpose of helping those who oversee communities become more effective leaders. It is clear to the people of Colorado that Sam has excelled in this position from day one.

It is unlikely you will find someone in Colorado government or politics who doesn't know Sam or hasn't worked with Sam, and there is no shortage of recognition for the incredible work he has done. If you need proof, you can look through the abundance of awards he has received, including a lifetime achievement award from the Colorado City & County Management Association earlier this year. It is also not surprising that Sam has his own day, Sam Mamet Day, on February 4, which was dedicated by the city of Greenwood Village as a thank-you for his years of sincere dedication to them. These are just a few of the many examples of appreciation that showcase the passion and zeal Sam has for the cities and communities across our great State.

I can't stress enough how Colorado communities have benefited and how the State of Colorado has benefited from the work of Sam Mamet. His years of persistence and dedication in his work have had a tremendous and monumental impact. His work transcends beyond partisanship, and I think that is the most important thing to talk about. When you see Sam Mamet, you don't think of left or right or red or blue. You see nonpartisanship in the work he does.

He cautions leaders to avoid demeaning an issue or individual on the other side, something so important in today's political environment, and to focus more on cultivating policies that will simply benefit each and every community based on the specific needs and requirements of the people. We need more leaders like Sam.

Sam has long believed public service is the highest calling. He recognizes the gravity the position holds and why it is so important that public servants are given the tools necessary to better the streets and neighborhoods and communities they belong to. This is what each and every citizen expects of their leaders and what he has dedicated his life to accomplish.

"Empowered Cities and Towns, United for a Strong Colorado," is CML's vision statement, and Sam is the embodiment of these words. Each and every day he worked to give the cities and towns around him the tools and knowledge to empower them, and for 40 years he helped to unite a stronger Colorado. While CML and the local municipalities they serve will be losing an exceptional, talented, and impassioned civil servant, I have every confidence Sam will continue to better the lives of the people of Colorado in his work going forward.

On a personal note, there are many times when Sam and I were on the same side of an issue and were able to work together and accomplish great things. There were also times when Sam and I were on opposite sides of an issue, and some of my most glorious defeats were at the hands of Sam Mamet. As legislation went down in flames of glory, thanks to work he was able to lead, I never took it personally

because Sam Mamet never took it personally. I remember meeting Sam through my father and his work on the city council years ago. When a leader like Sam steps down, he will be missed. He has big shoes to fill, but I know Kevin Bommer, the next executive director, will do an outstanding job.

I know we all wish for Sam to stay involved in his next endeavors that will continue to benefit our great people of Colorado. Thank you.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

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

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

Mr. PORTMAN. 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.

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

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 42 Ex.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Murray

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 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 Neomi J. Rao, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Mitch McConnell, Chuck Grassley, Johnny Isakson, John Cornyn, John Barrasso, Roger F. Wicker, James E. Risch, Steve Daines, John Thune, Lindsey Graham, James M. Inhofe, Tim Scott, Pat Roberts, Thom Tillis, John Hoeven, David Perdue, Mike Crapo.

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 Neomi J. Rao, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 43 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—46

Baldwin	Durbin	Manchin
Bennet	Feinstein	Markey
Blumenthal	Gillibrand	Menendez
Booker	Harris	Merkley
Brown	Hassan	Murphy
Cantwell	Heinrich	Peters
Cardin	Hirono	Reed
Carper	Jones	Rosen
Casey	Kaine	Sanders
Coons	King	Schatz
Cortez Masto	Klobuchar	Schumer
Duckworth	Leahy	Shaheen

Sinema
Smith
Stabenow
Tester

Udall
Van Hollen
Warner
Warren

Whitehouse
Wyden

NOT VOTING—1

Murray

The PRESIDING OFFICER (Mrs. BLACKBURN). On this vote the yeas are 53, the nays are 46.

The motion is agreed to.

The clerk will report the nomination.

The legislative clerk read the nomination of Neomi J. Rao, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Hawaii.

UNANIMOUS CONSENT REQUEST—S. RES. 94

Ms. HIRONO. Madam President, the entire Senate Democratic caucus and I are introducing a resolution that simply asks the Department of Justice to do what it is supposed to do—defend the duly enacted laws of this country.

This resolution shouldn't be necessary, but last year, as 19 States joined Texas in challenging the constitutionality of the Affordable Care Act, Attorney General Jeff Sessions refused to defend the ACA in court and, in fact, filed a brief arguing that several vital protections of the law should be ruled unconstitutional, including protections for Americans living with preexisting conditions.

In making his decision not to defend a duly enacted law, Jeff Sessions himself acknowledged that he was going against a "longstanding tradition of defending the constitutionality of duly enacted statutes if reasonable arguments can be made in their defense."

Guess what. There are many reasonable arguments for the ACA. Even conservative lawyers who previously argued against the ACA agree. One attorney filed an amicus brief in opposition to the Department of Justice's position calling it "dangerous," "beyond the pale," and "effectively [usurping] legislative power."

The Justice Department lawyer who authored the brief opposing the ACA, Chad Readler, was just rewarded with a confirmation to a lifetime position to the Sixth Circuit. In fact, Mr. Readler's circuit court nomination came on the exact same day that he filed the brief on behalf of the Department of Justice. Talk about yet another Trump nominee who auditioned for his position.

The Justice Department's actions were blatantly political and had a specific outcome in mind: accomplishing through the courts what Republicans have tried and failed to achieve through the legislative process; that is, repealing the Affordable Care Act.

Three career attorneys at the Department of Justice withdrew from the case in protest of their Department's failing to defend the ACA.

In December, a Federal court in Texas sided with the Trump administration, Texas, and 19 other States in declaring the entirety of the ACA unconstitutional. Of course, this will be appealed.

The Fifth Circuit—one of the most conservative appellate courts in the country—will hear the case next. The case is destined for consideration by the Supreme Court, wherein Trump-appointed Justices Gorsuch and Kavanaugh will cast two deciding votes on whether to uphold the ACA or cast it aside. I shudder to think which way they are likely to go.

The outcome of this case will have a profound impact on virtually every American, especially the 133 million people living with preexisting conditions.

This is not a game. Lives are at stake. Without the ACA's protections, millions of Americans living with conditions as common as diabetes, obesity, heart disease, or cancer could be charged exorbitant premiums or denied insurance coverage altogether.

The stakes in this ongoing court battle are incredibly high. Our resolution simply asks the Department of Justice to do its job, defend the ACA as a duly enacted act of Congress, and stand up to protect Americans living with preexisting conditions.

Although many of my Republican colleagues profess to support protections for those with preexisting conditions, not a single one of them has signed on to support this resolution.

Under new leadership, the Department of Justice can do the right thing. During his confirmation hearing, newly confirmed Attorney General Bill Barr indicated he was open to reassessing DOJ's decision to oppose the ACA in court. We shall see.

With this resolution, my Democratic colleagues and I urge him to reexamine the Department's position, consider the monumental impact this case would have on millions of Americans, and stand up for the 133 million Americans living with a preexisting condition.

Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 94 and the Senate proceed to its immediate consideration; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Madam President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii.

Ms. HIRONO. Madam President, I often say that I like to see when people reveal themselves.

With this objection today, my colleague from Wyoming has sent a clear message to Americans living with preexisting conditions that the Republican Party doesn't care about them. I am disappointed with his objection, but I can't say that I am surprised. Today's

action is very consistent with the Republican Party's hostility to the ACA and their belief that healthcare is a privilege reserved only for those who can afford it.

To recap, Republicans voted dozens of times over the past 9 years to repeal the ACA in its entirety. The Senate came within one vote in July 2017 of repealing the law—one vote.

The majority leader and my Republican colleagues from South Carolina and Louisiana proposed—and came close to passing—a bill that would have gutted the ACA and cut hundreds of billions of dollars from Medicaid.

As part of their huge tax cut for the rich and corporations, Donald Trump and congressional Republicans eliminated the individual coverage requirement of ACA, driving up premiums across the country.

So the assault on healthcare continues. The American people are paying attention, and Republicans will be held accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

UNANIMOUS CONSENT REQUEST

Mr. BARRASSO. Madam President, I come to the floor today to ask unanimous consent that the Senate proceed to the consideration of the Senate Resolution that is at the desk, expressing the sense of the Senate that efforts to create a one-size-fits-all government-run healthcare system referred to as "Medicare for All" should be rejected.

Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. HIRONO. Madam President.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Reserving the right to object, this resolution is a cynical attempt to divide Democrats where no division exists. The Democratic Party is united behind the principle that healthcare should be affordable and accessible to all. As far as I am concerned, healthcare is a right, not a privilege reserved for those who can afford it.

Medicare for All is one way to get to universal healthcare that is affordable for everyone, but it is not the only way. While Democrats are working to build on the success of the Affordable Care Act to cover even more Americans, Senate Republicans have tried time and again to eliminate coverage for tens of millions of Americans. This is particularly evident in the President's budget—a budget that would make over \$2 trillion in cuts to Medicare and Medicaid, programs that provide healthcare coverage to one out of every three people in our country.

I call on my Republican colleagues to join us to improve the ACA and expand coverage to more Americans rather

than trying to repeal the Affordable Care Act time after time.

It is unfortunate that my colleagues would rather offer this distraction than acknowledge that millions of Americans rely on Medicare, Medicaid, and the ACA for healthcare. In offering this resolution, Republicans continue to do nothing except propose cuts to all three critical programs.

I object.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I would just point out that what my friend and colleague from Hawaii described as a distraction is one of the key points of the Democratic Party.

Medicare for All, as they call it, is part of the so-called Green New Deal, which would bankrupt the country, which is unaffordable, unworkable. The fact is, this Medicare for All proposal, which so many of the Democrats have signed on to, would cost a minimum of \$33 trillion and maybe a lot higher after what we have heard from the Presidential candidate, BERNIE SANDERS, as to the things he wants to do going beyond just Medicare for All.

We know that taxes would increase significantly under their proposal. We know that for Americans who have health insurance right now through their work, over 150 million Americans would lose that. We know that for people on Medicare, it would make their ability to use Medicare much harder. Then, of course, there would be the issue of rationing for care—the lines and the time to wait.

There was an article in the New York Times, an opinion piece by David Brooks, on Friday, talking about why the so-called Medicare for All will not work, and it made reference to healthcare in Canada.

I would say to the Presiding Officer that as a Senator who is also a surgeon, I operated on people from Canada in my practice prior to becoming a U.S. Senator and while practicing in Wyoming. People in Canada—where the healthcare is paid for by taxes but is free—I have taken care of people who couldn't afford to wait the amount of time it would take to get their free operation.

The article in the New York Times on Friday made reference to the fact that the waiting times are so long that after you are actually seen by the primary care provider in Canada, the wait time to get to see an orthopedic surgeon is 9 months—9 months. The Democrats are proposing something that has given the people of Canada a waiting time of 9 months.

So what we see under this Medicare for All proposal—and I have just introduced today this Senate resolution saying that Medicare for All should be rejected, and there should also be a rejection of the tax increases, the loss of choice, and the long lines that will come from this Democrat-sponsored proposal for Medicare for All.

Thank you.

I yield the floor.

Ms. HIRONO. Madam President.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Very briefly, I simply want to ask my Republican colleagues whether they believe that healthcare should be accessible and affordable for all. Apparently, they do not, because they have offered absolutely nothing to make sure healthcare is accessible and affordable for all.

In fact, in their continuing efforts to sabotage the Affordable Care Act and, in fact, eliminate the Affordable Care Act, they would rather have a healthcare system where millions of Americans are without healthcare at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

WOMEN'S HISTORY MONTH AND THE EQUAL RIGHTS AMENDMENT

Mr. CARDIN. Madam President, this month we celebrate the storied history of incredible women in our country. We recognize the sacrifices made and the battles fought to ensure a future where our daughters and granddaughters are born into a world of equality and limitless opportunity.

Throughout Women's History Month, we mark the historic strides women have taken to advance our culture, our sciences, our States, and our Nation. As we recognize these achievements, we must also assess and advocate for the work still to be done, including the ratification of the Equal Rights Amendment, the ERA. Ratifying the ERA would be a major milestone on the road to equality. Not only would ratification enshrine equal rights for women in the Constitution, it would also honor all of those who have fought for justice along the way.

One such inspiring woman is civil rights activist Juanita Jackson Mitchell. A Baltimore native, Mrs. Mitchell fought to end legally sanctioned segregation in her community while she simultaneously reached out to young people and mobilized them into civic engagement. After she received her law degree from the University of Maryland, she was the first African-American woman to practice law in our State, and she worked tirelessly on a number of cases to provide more job opportunities for African Americans. As the President of the NAACP in Baltimore, she advocated for integration and later convinced the city to hire Black social workers, librarians, and police officers, which bolstered the community by helping to bring an end to long-held systemic prejudices.

As a community activist and champion of women's rights, Mrs. Mitchell exhibited true bravery in her engagement with her community. She fearlessly paved the way for other women to join the movement. She worked with the Kennedy and Johnson administrations to find solutions for systemic social and educational discrepancies in communities of color. Mrs. Mitchell

understood the importance of representative democracy and of empowering those who could make differences in their communities. Juanita Mitchell is a shining example of why a constitutional amendment to guarantee women's rights is long overdue.

The ERA, which Congress approved in 1972, guarantees equal protection under the law regardless of one's sex. At that time, Congress imposed a 7-year deadline—later extended to 10 years—for the States to act. By the time this artificial deadline expired in 1982, 35 States had approved the Equal Rights Amendment—three short of the 38 States necessary to add it to the Constitution. Since then, two more States have approved the amendment, which leaves us just one State shy of reaching the goal. Congress must act to authorize additional time for the remaining States to consider the amendment.

Earlier this year, I and the senior Senator from Alaska, Ms. MURKOWSKI, introduced a bipartisan Senate resolution, S.J. Res. 6, to reopen consideration of the ERA. It may come as a shock to many that in a country to which the world looks as being an example of liberty and justice, our Constitution does not guarantee women the same rights and protections as men. That is why this bipartisan resolution is imperative as we urge Congress and the remaining States to finish what we started nearly 50 years ago to ensure equality under the law for all women.

In the early 20th century, women were disenfranchised and had little or no legal, financial, or social opportunities to pursue. Property ownership, jobs, and economic equality were privileges women did not have. Today, a century later, more women have entered the workforce than ever before. Women are filling leadership roles at unprecedented levels, and we are finally on the verge of ratifying the ERA. This change has boosted our economy, strengthened our families, and brought our society to new heights of innovation, enlightenment, and opportunity. We see that change is not only possible, it is essential to realizing our greatest potential as a nation.

While ratifying the Equal Rights Amendment is critical to giving women in our country the rights they deserve, it is not, in and of itself, enough. I will continue to fight for the ERA but also for women's economic opportunities and reproductive rights.

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

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

NOMINATION OF NEOMI J. RAO

Mr. BLUMENTHAL. Madam President, there are many reasons to care about our Federal judiciary. It touches all of us in our everyday lives even though we often fail to appreciate its enormous impact. No court of appeals in the United States is more important than the DC Circuit, and so few of the nominees whom we will consider in this body will be more important than Neomi Rao to the U.S. Court of Appeals for the DC Circuit.

It has a unique jurisdiction that makes it the court to most frequently hear challenges to the Federal Government's public protections. It considers issues of national consequence, ranging from workers' rights, nondiscrimination policies, consumer protections, immigration policies, money in politics, reproductive rights, access to healthcare, environmental justice, antitrust cases, and regulatory action, like the possible grounding of an unsafe airplane by the FAA.

I have called on the FAA to ground the 737 MAX 8 and MAX 9. I have asked the airlines to do it voluntarily. If the FAA does the right thing, as it should, and orders these planes grounded, its decision may be challenged in the U.S. Court of Appeals for the DC Circuit, and the safety of our skies and our airline passengers will hang in the balance. This is just one example of how the DC Circuit can matter not only to the lives of people within a particular geographic area but to, literally, the entire United States.

When I ask nominees questions that are designed to elicit their views, their opinions, their past positions, and their present policies, I expect direct, candid answers, but I received just the opposite from Neomi Rao on some of the critical, bedrock issues that are important to all of us in this Chamber when judging a nominee.

I asked Neomi Rao whether she thought *Brown v. Board of Education*—a pillar of our jurisprudence—was correctly decided. She declined to answer. She said she felt it was inappropriate for a nominee to the court to be giving views on specific cases. I asked her for her views and her position on that case. She declined to give them. She also declined to give them on *Roe v. Wade* and on *Griswold v. Connecticut*.

One of my Republican colleagues on the Judiciary Committee also has reservations about Neomi Rao's opinions in some of these cases. He fears that Ms. Rao actually supports a woman's right to choose and supports the legal doctrine of substantive due process. Unlike me, he met Ms. Rao in private, and he got straightforward answers about her views on those cases and on the underlying legal theories. She passed his test, the President's litmus test, and the test of those outside groups—extreme rightwing, conservative groups—that have been given authority as a result of the President's outsourcing of these decisions to, in effect, decide on the nominees to our highest Court.

She passed the test established by the President—that he would appoint judges who would overturn *Roe v. Wade*.

But as abhorrent and objectionable as I find many of her views and her failure to give straightforward answers, she has also written a number of very troubling articles and op-eds about her views on women's rights and women's healthcare. We have in this Chamber a term called "confirmation conversion," and I thought Ms. Rao would completely disavow and abandon those pieces.

In an op-ed about date rape, she wrote: "If [a woman] drinks to the point where she can no longer choose, well, getting to that point was part of her choice." In another op-ed criticizing aspects of feminism, Rao wrote that women "must be thoroughly educated about the consequences of their sexuality in order to prevent such problems" as date rape. From early in her career, these writings indicate that she believes women bear a major part of responsibility for date rape.

These writings are from early in her career, and I thought she would completely break with them and reject them, but she failed to do so. Only after the hearing did she disavow them, without directly apologizing, and that kind of confirmation conversion is inherently unbelievable.

Undermining her credibility even more are the actions she took later in her career—after those writings and before she was nominated.

She serves as the head of the Office of Information and Regulatory Affairs, also known as OIRA. Her job is to review all regulatory actions—all of them—proposed by the administration. In that capacity, Ms. Rao approved rescinding guidance provided to schools on how to address and prevent campus sexual assault. Under the new rules, sexual assault survivors would be required to undergo live cross-examination by their attacker's representative. In the course of an administrative proceeding, there would be cross-examination by the attacker's lawyer or other representative. Schools would be required to use a higher standard of proof for claims of sexual misconduct.

Under this administration's own analysis, these rules would have a profound, chilling effect on the number of campus sexual assault investigations that are conducted. That is the reason they are proposing the new rules—to discourage survivors from coming forward to seek justice.

It is not only Rao's early writings that stigmatize and blame women survivors of sexual assault; the recent policies she approved and authorized institutionalize these really regrettable and unacceptable views. Her deeply troubling positions on sexual assault and her victim-blaming rhetoric—which she tried to excuse initially as the reckless musings of a college student rather than breaking with them and rejecting them—place the

rights of women and others at risk. We should deny her confirmation.

Equally important, she has also used that position at OIRA to restrict reproductive rights.

Let's be clear. One of the important features of the Affordable Care Act is a requirement that health insurers cover contraceptives as an essential health benefit—no charge to consumers because it is an essential health benefit.

Last year, the Trump administration issued rules that would allow any and all private companies to deny contraception coverage if the CEO had a moral or religious objection. Two Federal courts found that the rules were illegal because they violate the due process clause—the legal process required by law to implement the new rules—and that objection was found to be an inadequate justification for, in effect, violating the rights of women who would seek that kind of care at no charge. As the head of OIRA, Neomi Rao not only approved of the substance of the new rules but was so committed to implementing them that she signed off on an illegal process to do so.

That is not all Neomi Rao has done to, in effect, discourage and deter reproductive health. The Department of Health and Human Services recently finalized a new title X regulation. Under this rule, "Any organization that provides or refers patients for abortions is ineligible for title X funding to cover STD prevention, cancer screenings, and contraception." As with any rule, OIRA had to conduct a cost-benefit analysis in order to approve that rule, and I am deeply troubled by Rao's views and actions on reproductive rights that led her to approve that rule and encouraged and condoned the rule and its disastrous effects on women's rights and healthcare.

We are living in an era fraught with abuses of power, under a President who has shown nothing but disdain for the rule of law. In this dark and dangerous era, it is all the more important that we have someone willing to set limits on executive power to prevent an imperial Presidency.

In fact, Ms. Rao is a proponent of a fringe theory on executive power known as the unitary executive theory. She believes that the President, as the head of the executive branch, holds absolute control over executive power.

As recently as 2014, she outlined the implications of this theory in the *Alabama Law Review*. According to her, the President must be able to remove at his sole discretion all principal officers, including the heads of independent Agencies.

She has criticized the Supreme Court's decision in *Morrison v. Olson*, which upheld the independent counsel statute in effect at that time. In her view, the President must be able to fire at will anyone in the executive branch. In her view, that includes special prosecutors tasked with investigating wrongdoing by the President.

In 2016, she was interviewed on Hugh Hewitt's radio show. She was asked

whether she believes the current special counsel regulations have similarly restrictive effect on executive power and whether the President can direct the actions of the Attorney General or Acting Attorney General. Her view? The Constitution vests all executive power in the President. He can direct his subordinates. He can fire the special counsel.

I hoped that during her confirmation proceedings, she would disavow those views. I asked her whether she thought the President could fire Robert Mueller, the current special counsel. She refused to answer my question.

That extreme view of Presidential power is deeply alarming when it is held by a member of one of the most important courts in the country, which may review decisions of that special counsel to subpoena the President or potentially indict the President or take other actions in the course of an investigation.

I am more than alarmed; I am strongly opposed to this nomination. I hope my colleagues will join me in voting no on final confirmation.

I yield the floor.

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

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

S. 556

Mr. GRASSLEY. Madam President, I recently reintroduced the Accountability through Electronic Verification Act this Congress, as I have in previous Congresses. This commonsense bill would require all employers to use E-Verify programs, which in turn would ensure that they are employing nothing but a legal workforce.

As most Americans have realized, the immigration debate here in the Congress today—and for a long time—has become highly partisan and obviously has been controversial. Of course, worst of all, it has become completely unproductive.

I believe there is a sliver of hope, however, and that is through the passage of an E-Verify program that makes E-Verify mandatory.

Whether you are a Democrat or a Republican, whether you are for open borders or you want secure borders, we all ought to agree that enforcing the law and protecting Americans is a bipartisan goal.

In 1986, the Immigration Reform and Control Act made it, for the first time, a Federal crime to employ undocumented workers. Ten years later, in 1996, Congress created a new tool to verify employment eligibility known as E-Verify.

Today, E-Verify is a voluntary program that gives employers a web-based tool to verify the identity and employment eligibility of new employees.

I have worked to renew and expand the program for use in all 50 States and to allow for information-sharing between Federal Agencies, including the Department of Homeland Security.

Participating employers then tap into a user-friendly, free electronic system that cross-matches documents provided by employees on their I-9 forms with Federal records available to show the U.S. Citizenship and Immigration Services, the Social Security Administration, and the Department of Homeland Security. So the records of a worker applying for a job can be compared with government records to know whether somebody is legally in the country.

Today E-Verify provides instant verification for more than 750,000 employers and businesses all across America. In fact, my Senate office uses E-Verify when hiring employees whom the taxpayers pay for, but I am responsible for their employment. My Senate office uses E-Verify when hiring our staff, and I have found it to be quick and easy to use.

At my annual 99 county meetings that I have throughout Iowa, I regularly hear about the growing economy, rising wages, and the vitality on Main Streets. Iowa now ranks first in the Nation for the lowest level of unemployment. That also means there are growing challenges for employers in my State to hire the workforce needed to grow and expand. I will bet a lot of my colleagues hear that in their respective States as well.

We need to make sure hiring practices don't harm U.S. workers or those authorized to work in the United States. That is why I reintroduced the bill I announced in the first words of my speech today, the accountability through electronic verification bill.

This legislation will help businesses comply with immigration laws by certifying the legal status of their workforce. The bill will permanently authorize the E-Verify Program, and require employers to use the program to determine workers' eligibility. It would then make every employer have to use it, except as contrasted for the last couple of decades on a voluntary basis.

For decades, E-Verify has served as a proven tool for employers that want to use it. It has helped to reduce incentives for illegal immigration and safeguard job opportunities for Americans and other legal workers. Expanding the system to every workplace will improve accountability for all businesses and take another very important step toward putting American workers first.

Current law requires all contractors doing work for the Federal Government to use E-Verify, repeating for a third time now the mandatory aspect of this compared to the voluntary aspect of the present law.

States that have passed laws mandating the use of E-Verify also may require employers to participate, for example, as a condition of business licensing. With low unemployment

across the country, and with Iowa leading the way, policymakers have a responsibility to ensure the growing economy has the workforce it needs to continue to do the growth of the last few years.

As the former chairman of the Senate Judiciary Committee, I worked extensively to protect the integrity of employment visas and work permits for foreign workers. A top priority must be to ensure immigration policies aren't displacing American workers or depressing wages.

Making E-Verify a permanent and mandatory requirement for all U.S. employers will bring across-the-board certainty to hiring practices throughout our country. Certifying the legal status for prospective hires makes common sense, and having in place the tools at one's fingertips makes it a simple, convenient solution.

E-Verify is a proven tool to encourage legal immigrants to apply for unfilled jobs and to deter illegal immigration and human trafficking.

In addition to making E-Verify permanent and mandatory within 1 year of enactment, my bill will increase penalties for employers who illegally hire workers unauthorized to work in our country. The bill will also require employers to check the status of all current employees within 1 year using the E-Verify system and terminate employment of those found unauthorized to work in the United States.

This bill establishes a demonstration project in rural areas without internet capabilities to assist small businesses.

Finally, the bill will require the Social Security Administration to improve its efforts to detect identity theft using Social Security numbers.

Expanding E-Verify will help restore integrity and trust in our Nation's immigration system by curbing incentives for hiring persons unauthorized to work in America.

I was pleased to hear my colleague, now-Chairman GRAHAM of the Judiciary Committee, highlight the benefits of E-Verify in a Judiciary Committee hearing held last week. He is right. Nationwide E-Verify would go a long way to relieve concerns about illegal immigration and workforce displacement.

Let me repeat. This bill will not change immigration law. All it does is ensure that businesses are complying with existing Federal law through a quick, cost-efficient, and proven online method of proving that people are legally in the country and legally able to work here.

It is a simple first step toward tackling larger issues within immigration; in other words, bringing credibility to our immigration system where credibility has been lost because for the last 20 or 25 years, we in Congress have been telling the American people we are going to control the border and people can only come here legally, and we haven't done it.

We have to do things to build up credibility if we are going to deal with

issues like what do you do about the 10 or 11 million people who are unauthorized to live and unauthorized to work in America.

Some people say: Well, you are going to load them up and get them out of the country, but that isn't realistic, and it wouldn't be humanitarian. To deal with that issue, we have to have credibility for the whole immigration system, and E-Verify will help that, along with everything we are doing to control the borders, and we have to do more to control the borders.

Again, to repeat, this is a simple first step to tackling larger issues within immigration. Best of all, it has the support of the American people.

A recent Zogby poll showed that mandatory E-Verify enjoys widespread support from voters. Seventy-four percent of all voters polled support mandatory E-Verify. In fact, the support is very bipartisan. The poll showed that roughly 55 percent of Democrats, 78 percent of Independents, and nearly 91 percent of Republicans support the idea of E-Verify.

Support for Nationwide E-Verify isn't just nonpartisan, it is supported by Americans across all ethnic boundaries. Fifty-eight percent of Hispanic voters, 52 percent of Black voters, and 74 percent of Asian voters polled all support E-Verify.

I will close with this. Perhaps it is time that Congress and both parties take a very deep breath and listen to the American people instead of to our own echo chambers.

Before we discuss expanding guest worker programs or discuss comprehensive immigration reform, let's first codify E-Verify and restore the American people's trust in our immigration system.

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

The PRESIDING OFFICER (Mr. CASSIDY). Without objection, it is so ordered.

MILITARY WIDOW'S TAX ELIMINATION BILL

Mr. JONES. Thank you, Mr. President.

Mr. President, I rise today to talk about something that, quite frankly, I find to be completely abhorrent, and that is the short-changing of our Nation's military widows when it comes to survivor benefits they paid for and earned. It is something that I was dismayed to learn is happening to some 65,000 surviving spouses of American military servicemembers—including more than 2,000 Alabamians—who were killed in action or died as a result of service-connected causes.

After suffering the loss of a loved one, military widows and their families can find themselves unexpectedly losing out on vital survivor benefits they had planned to receive in these tragic

circumstances. That is because, under current law, surviving spouses are entitled to receive VA dependency and indemnity compensation benefits, or what is known as DIC.

Some families go a step further. Like many families in the private sector, many go a step further by voluntarily paying into the Defense Department's Survivor Benefits Plan, which acts like an additional life insurance policy. Again, they are entitled to the DIC benefits, but they pay for additional coverage should there be a tragic accident or tragic death, which acts like an additional life insurance policy. That policy is something these families voluntarily pay into, and like any other life insurance plan you or I might buy, they expect to get the benefits they have paid for.

For those who are entitled to receive these benefits from both programs, they are subject to what has been known as the widow's tax. Again, this is only for those folks who are getting benefits from both programs—the DIC and the survivor's benefit programs. That is because our law prohibits widows from receiving their full benefits from both programs. That is the widow's tax. Instead, their SBP annuity is prorated because their DIC payment is subtracted from it. They don't get the full benefit of both programs when one gets subtracted from the other.

Simply put, it is really a way for the Federal Government to save a few bucks by simply ripping off military widows whose family paid extra to receive these additional benefits. They voluntarily paid extra to receive these benefits.

This isn't just a problem facing Active-Duty families. It is far bigger, folks, because it impacts anyone who has a service-connected death.

To put that in context, in Alabama alone, there are over 60,000 Department of Defense retirees whose families could be impacted by the widow's tax if the veteran were to pass from a service-connected cause.

Now, I understand that we have to be careful stewards of taxpayer dollars. I am fully aware of that. But give me a break when it comes to military spouses and widows. This is a benefit that families paid for out of their own pockets. If they are not getting the money, then, it begs the question: Who is?

No surviving spouse should be faced with this kind of unexpected and completely unfair cut to the benefits they ought to be able to count on in these heartbreaking circumstances.

No surviving spouse should have to fight for what their families are owed—in the wake of family tragedy, no less. Again, this is what they are owed. This is the thing they have paid for in more ways than one.

No surviving spouse should have to mount a massive lobbying effort in the Capitol of the United States, of this great country, to get folks to understand that this is wrong and we need to

fix it. Every year, there is a campaign to fix this program. Yet, it doesn't get done.

Instead, these families should be focusing on helping their families begin to heal and find strength. They should be given the space and time to breathe.

It is an absolute shame that this is even a problem we need to address. That is why I have introduced bipartisan legislation with several of my colleagues on both sides of the aisle—Senators COLLINS, TESTER, CRAPO, and 31 others—to repeal the law that prevents these families from receiving their just due.

The Military Widows Tax Elimination Act of 2019 reflects our belief that people who put their lives on the line for our country deserve to know their families will be taken care of if something, God forbid, ever happens to them.

Our bill has support from the Gold Star Wives of America, the VFW, the Military Officers Association of America, the National Military Family Association, the Tragedy Assistance Program for Survivors, and so many others. In fact, some of the most dedicated activists from the Gold Star Wives are watching today from the Gallery right now, including Crystal Wenum, Harriet Boyden, and Donna Eldridge. I thank them all for their leadership and for their continued contributions to our country.

This legislation has been introduced in previous sessions of Congress, but it has yet to pass—in large part because of concerns about the cost. As I said, while I certainly understand that there is going to be a cost associated with this, we are talking about a benefits plan that these families paid for on their own accord. It is their money that went into this fund, not taxpayer money and not money that is appropriated every year. It is their money, and they deserve to get it back.

I think we can all agree that ending the widow's tax is the right thing to do for our military families. Why don't we finally get it done in this, the 116th Congress? Let's show our troops and their families that we support them not just in word but in deed. Let's show these surviving spouses and their children that we stand with them long after their loved ones have made the ultimate sacrifice for this country and long after we know that they, too, have made a sacrifice in the name of this country. Let's right this wrong and finally pass the Military Widows Tax Elimination Act.

I urge my colleagues to do the right thing. It is never ever too late to do it. Even though this has been tried before, it is never ever too late to do the right thing and support this bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

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.

CHINA

Mr. LANKFORD. Mr. President, China is no doubt a Communist country. It also has the largest population on Earth, which means it has the largest consumer market on Earth. It is a growing economy, although it has had a significant slowdown in the previous couple of years. It is a \$400 billion market for the United States currently, in our trade, and it is a significant place of trade when dealing with agriculture in particular.

We have a lot of issues and differences with China, but we should be able to work out those differences long term, as we do with every other nation. We have to resolve some of these things.

I am proud that the administration is full force taking on the issue of China. Over the past couple of decades, every administration has tried to work out some kind of ongoing conversation with China on trade, and all of them have been somewhat successful, but significant issues are still prevailing. This administration has had a singular focus on trade in dealing with China and trying to resolve those issues with them, and I hope it is successful long term. I hope that we will be very specific in how we actually handle that strategy and that at the end of it, we will still be openly trading and reducing some of those barriers.

It is a Communist country. It doesn't always play by the rules. It also uses some of the rules to its own advantage in ways unlike any other country. For instance, when they joined the WTO—the World Trade Organization—they self-declared themselves as a “developing nation.” Developing nations are able to waive a lot of the World Trade Organization rules because they are developing. May I remind this body that China is the second largest economy in the world—second only to ours? They are not a developing nation. They have used the rules of WTO to call themselves developing so they do not have to live up to the international standard of basic trade.

On March 22, 2018, President Trump signed a Memorandum on Actions by the United States related to what is called a 301 investigation. They are targeting what the White House calls “economic aggression” from China. Let me give some specifics on that.

China uses joint venture requirements on any foreign investment. They want to have ownership in those companies actually doing business there. They put pressure on technology firms to transfer their technology to China if they are going to actually sell to China. The result of that is that they may not take the product that is manufactured there, that those original companies sell back to the United States, but they will take that infor-

mation and then actually sell to other parts of the world from that stolen information from a technology transfer.

Akin to that, China maintains unfair licensing practices. Typically, in other parts of the world, our intellectual property that we have is guarded by that nation, or we actually have a licensing agreement with them that is fair market value. Not so with China. They put pressure on entities and actually cheat and steal our intellectual property at times. That doesn't happen with every company but especially certain types of firms, where, long term, China wants to produce it on their own rather than buy it from other countries. If that production is done in China, China will take the intellectual property, and the plan is clearly to then take that intellectual property and use it for themselves in the days ahead.

China is notorious for supporting cyber intrusions to take the information that they can't get, especially from American companies or Western companies. If there is a design they are interested in, whether that be an airplane or 3D printing or whatever it may be that is designed somewhere else, they reach in and try to hack and steal it. This is not recent; this has been going on for quite a while. In 2014, the Department of Justice indicted five Chinese military actors for cyber espionage against multiple U.S. corporations. Recently, in 2017, the Department of Justice charged three Chinese nationals with hacking and theft of trade secrets. And it goes on and on.

Just in the past couple of weeks, the World Trade Organization has agreed with the United States in our complaint against China and how they handle agriculture subsidies. Agriculture subsidies from any country are limited in that country, but China uses large ag subsidies through their farmers and ag companies to subsidize those products with state taxes. Let me give an example of that. Thirty-two percent of the return for rice in China is a government subsidy back to rice farmers.

I have heard folks say: Well, in the United States, we also have a farm program. We have a farm bill. We provide subsidies as well.

That is true, but our rice farmers have a 2-percent subsidy. Chinese rice farmers have a 32-percent subsidy.

The World Trade Organization agreed with us on this, and they have determined that China is in violation and the United States can retaliate on that.

China is using that policy and abusing that policy on subsidizing. It is not only causing problems in China and with trade with China and their pricing, what they sell for, it is also causing uncertainty worldwide. Let me give a for-instance. Cotton farming. Oklahoma is big in cotton farming, but China has oversubsidized cotton for years through its cotton farmers, and so they are overproducing what they need or what they can sell. Currently,

60 percent of the world's cotton supplies are stacked up in China, just in piles, not being used anywhere, but because China is subsidizing people to produce it, they are overproducing it in mass quantities. They have nowhere to send it, and they are just stacking cotton up in piles. The same thing with wheat. Forty percent of the world's wheat supplies are currently piled up in stacks in China. That destabilizes worldwide wheat prices and worldwide cotton prices because no one knows what China is going to do with that massive stack. WTO has considered them to be in violation for that, and we are allowed to reach back and retaliate.

The United States is not the only one watching China's trade policies and how they actually interact and the subsidies they give; the rest of the world sees this same issue with China. They would engage with us more to cooperate and push back on China, but currently, we have so many steel and aluminum tariffs on our friends around the world that they are not engaging with us to the level they could be to have a clear focus against China.

We need to not isolate our friends but gather friends and say that China and their policies are clearly a worldwide issue, and it needs to be resolved. Worldwide collaboration is going to be the only way that we are going to really isolate an economy as large as China.

I encourage our administration to resolve trade issues worldwide and resolve tariff issues with our friends worldwide. Instead of saying it is a national security threat with Canada and Mexico and others, and so we need to have steel and aluminum tariffs, see the real national security threat that we have from China, and gather a cooperative group and focus on that one area.

One of those areas is those 301 tariffs that I mentioned before. Any tariffs that go into place must first and foremost not hurt American consumers, American companies, and American workers. My concern is that 301 tariffs—as they have grown—will hurt and are currently hurting American consumers, American employees, and American companies.

The 301 tariffs—these are products that are manufactured in China. They are often designed so the engineering, the marketing, all of those things, the design of those—the intellectual property is here in the United States. Companies in the United States look for manufacturing expertise. They find expertise in certain types of products, like electronics, lighting, and other things, where there is a lot of that manufacturing and expertise—in China. It is a natural thing to say: There is a large body of groups and individuals and technology that is already there to do it. Let's do the manufacturing there and the design and engineering here.

It makes sense just on the supply chain function.

This administration has laid down tariffs—so far, three different tiers of tariffs.

The first tier. Every American company was allowed to say “Is there any other place that can do it?” and to ask for exclusions through that process. If they could find exclusions, they could petition the government and get out of it.

The second tier. They were also allowed to ask for exclusions through the process, to ask for basically a waiver, to say: This is the best place to do it. There is no other competition. There is no one pressuring us not to do it here.

But when the third and largest tier came out—\$200 billion in products—no exclusion process was given for these American companies. A 10-percent tariff was laid down on these companies. Here is what that means. If you are a company that produces a consumer electronic or lighting or one of the other resources that is manufactured in China, most of the people you are selling it to—you made a contract a year or two ago on what the price would be.

Whether selling to Lowe's or Home Depot or Walmart or Best Buy or whatever it may be, you made a deal about how much you are going to sell that product for and how much you are going to sell. With a 10-percent tariff laid down, who pays that tariff? It is not going to be the end user initially because the contract has already been made. It is not going to be the Chinese manufacturing location. It is going to be the companies doing the production in the United States. The American workers and the American companies pay the brunt of all of those, and, by the way, there is no way to file an exemption on this group. For \$200 billion worth of products, Americans are actually facing the brunt of that.

So far, Americans have paid \$12 billion in tariffs. It is not punishing the Chinese; it is punishing us. By the end of the year, if this continues, those contracts will have run out, and they will be repricing consumer electronics products all over the country, and the American consumer will be the one to pay higher prices on this. So 301 tariffs disproportionately hurt those in the middle class and those in poverty who have fixed incomes. This needs to be resolved.

First and foremost, there needs to be a way to have a waiver process. As we have done in the first two sections, there is no opportunity to get it out of the third and largest group. It is a reasonable thing for American companies to say: How can we actually produce this?

I have partnered with Senator COONS in the Senate and Representatives KIND and WALORSKI in the House, and we put together a basic bill dealing with import tax relief, dealing with this 301, laying down for the first time how we would actually manage tariffs in the days ahead and what exclusion process there would be and has to be.

It is reasonable to have a predictable level to benefit the American consumer, especially those in poverty and with fixed incomes, and to benefit American workers. We can't have tariffs on a foreign country that actually hurt American workers. That is an issue we still have to resolve. I am glad to have a partnership with Senator COONS to work on that, and we hope to get that done this year to guard workers for the future.

Along with that, in any trade negotiations, we have what is called trade promotion authority. We have basic standards. An example would be environmental concerns. We don't want to work with another country that is ignoring environmental concerns. We are concerned about where we are in the environment—the air we breathe and the water we drink. That is important to us as Americans because we want to protect our families. We understand it pushes up the cost of some products, but the long-term benefit is greater, and we are very careful in evaluating our regulations. When we overregulate and it drives up costs, we push back on that, saying that we don't want to overregulate and drive up costs, but we want to have clean air and water.

For the Chinese, that is not so. In many areas of China, you can't breathe, and on a regular daily basis people wear masks over their faces because of the exhaust, the fumes, and the toxic air they breathe, based on their limitations on the environmental quality of the air. It is becoming a worldwide issue because of the amount of trash the Chinese are allowing to go into the Pacific Ocean, filling the Pacific Ocean with plastic and trash.

Part of our trade promotion authority and one of the agreements we have is to lean in and have dialogue with individuals we trade with, saying that we want to resolve trade issues, but we also want to protect our environment, and we think it is a reasonable thing to do.

It is reasonable, as Americans, to place a high value on religious liberty and human rights. It is part of our trade promotion authority and, in fact, an area I worked very hard to get implemented as a part of our trade promotion authority—that when we negotiate trade issues with countries, we also deal with the basic issue of human rights and freedom of religion.

We, as Americans, believe that our religious belief is our most precious private property, and no government should be able to step in and steal private property. Your most private possession is your faith. Every individual should have the right to have any faith they choose, be able to change their faith, or have no faith at all. That should be their choice, but that is not so in China right now.

In fact, in 1999, the State Department designated China as what is called “a country of particular concern.” This

deals with the issue of religious freedom in their country and China's aggressive move to limit religious freedom in their country. Recently, President Xi has worked toward secularization of religion to try to make everything in the country—every area—equal and the same, stripping away religious symbols from buildings of all types, stripping away religious practice that is not approved by the Government of China. This discrimination has impacted Tibetan Buddhists, Muslims, Catholics, and Falun Gong practitioners. It has led to the destruction of houses of worship, demolition of religious educational institutions, restrictions in the practice and study of faith by people of whatever culture or language, restrictions on religious attire, religious rituals, and imprisonment of religious leaders and followers.

In fact, right now we are tracking the imprisonment of a pastor named Pastor Cao. Pastor Cao and his wife are American citizens, and his children are American citizens. He is allowed to have legal residency in the United States, but 2 years ago as of this month, he was imprisoned in China.

Pastor Cao has a hearing coming up on the 22nd of this month, and we hope for Pastor Cao and for his family that hearing happens. It has been postponed again and again.

On the 22nd of March, we anticipate the Chinese Government will have his hearing and will give him a moment to have this finally resolved. There is no reason for Pastor Cao to be in prison right now.

We don't want to see, in China, forced reeducation facilities, intimidation, lack of medical attention for people of faith. Let's see for the people of China what people worldwide have the opportunity to have—freedom of religion. In our trade conversations we think it is highly advisable to engage in that type of dialogue for people like Pastor Cao, whose children are looking forward to holding him in their arms again and for him to be released.

China is an important part of the worldwide conversation. They are a powerful nation. We should be able to work together on key issues. The Chinese Government needs to determine how they are going to trade and if they are a developing country or if they are really a worldwide leader.

We need to determine how we are going to do fair trade with them, and we need to determine who they are going to be on the world stage, dealing with human rights and dignity. It is not all about sameness of a world; this is about the power of the individual within the country.

I am sure the people of China are very proud of their country. We would love to engage with the people of China, and we appreciate their engagement with us as we receive thousands of Chinese students and visitors every single year.

This is a point where we should resolve the trade issues that have been

lingering for decades now, and we hope we can get to an agreement that is right, from our administration being attentive so that the tariffs don't hurt our own citizens to the Chinese economy that is slowing down due to the ongoing trade conversation. Let's work toward the benefit of all of our people to see if we can't resolve trade issues together.

I yield the floor.

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

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

ENES KANTER

Mr. WYDEN. Mr. President, I have come to the Senate floor this afternoon to talk about a young man named Enes Kanter, who plays basketball for my hometown Portland Trail Blazers.

I wish I could be here to run through Saturday's box score or preview tonight's match up against the Clippers, but, unfortunately, Mr. Kanter is facing dangers that are far more serious than the outcome of any basketball game. His family is now facing those dangers as well.

Mr. Kanter is from Turkey. His love of basketball brought him to the United States in 2009, and he was selected third overall in the 2011 NBA draft by the Utah Jazz. Enes is a bright, intelligent, and soft-spoken guy. He pays attention to what goes on back home in Turkey; he cares deeply about his country's future; and he rightfully believes that he ought to be able to express his opinion as he sees it on these important issues. For that, Turkey's President Erdogan has labeled Enes Kanter a terrorist.

President Erdogan and his cronies are too thin-skinned to tolerate Enes Kanter's eloquence and inspirational dissent off the court. Erdogan revoked Mr. Kanter's passport based on accusations that lacked any real proof. President Erdogan has demanded that INTERPOL issue a red notice on Mr. Kanter, which means he has to stay in the United States whenever his team travels outside the country. It has kept Mr. Kanter from going to London and going to Toronto.

As Mr. Kanter himself wrote in a recent Washington Post opinion article, "I am definitely a target, and Erdogan wants me back in Turkey where he can silence me."

Following strategies right out of "The Dictator's Playbook," Erdogan has responded like a coward to Mr. Kanter's criticism and has tried to silence him by threatening his family—his family who still lives in Turkey.

Mr. Kanter recently told reporters that his father would be going on trial this week, in just a few days, in Turkey. The details of that trial are shrouded in the fog of secrecy—where

authoritarians thrive. Yet Mr. Kanter's powerful words cut cleanly through that fog just a few days ago. When asked what his father was on trial for, Enes said for "just being my dad."

Enes is a young man who has already sacrificed so much. As a teenager, he moved thousands of miles away from home to pursue his dream of playing in the NBA. For the crime of just voicing his opinions on the future of Turkey—a nation that is supposedly an American ally—Enes was labeled a terrorist. Years ago, he cut off contact with his family because he believed Erdogan would punish them for speaking with someone who was critical of Erdogan's government. Now, without being able to contact them, Enes has to live in constant fear of what is going to happen to his loved ones back home.

So, as I stand on the floor of the U.S. Senate, I want to make sure there isn't any confusion on two important topics.

First, Mr. Erdogan, the world is watching how you treat Enes Kanter's father this week and in the weeks ahead. Mr. Erdogan, the world is watching how you treat Mr. Kanter both when he is on American soil and when Enes travels abroad.

Second, the United States cannot and must not stand idly by while Enes and his family are subjected to this autocratic torment.

I have called on Secretary of State Mike Pompeo to raise Mr. Kanter's case with his counterparts, and I have asked our Secretary of State to state clearly that our country will actively resist these contrived red notices or extradition requests. The fact is, our State Department should be taking all of the necessary steps to ensure that Mr. Kanter can travel safely with the Trail Blazers or to advocate for the freedom of his people. Enes Kanter is a young man—an American resident—who is exercising the right to free speech that is enshrined in our Constitution. The United States must not stay silent in the face of such a blatant attack on free thought and expression.

In my view, this is not exactly an isolated issue. It is certainly not just a sports story. The situation ought to be examined in a broader context—a government that is taking a supposed NATO ally down an increasingly authoritarian road.

When the Saudis brazenly killed Washington Post columnist Jamal Khashoggi in a consulate in Turkey, Erdogan styled himself a fierce defender of journalists, but this is a classic situation of actions speaking louder than words, for Erdogan jails more journalists than do the Saudis. In fact, Erdogan jails more journalists than do the Russians, the Chinese, and more than any other authoritarian regime that is out there.

Erdogan does not only target journalists or independent media outlets, all of whom knowingly, bravely risk such oppressive actions when they just want to report the truth; Erdogan has thrown peaceful demonstrators into

jail as well. Just last Friday, he cracked down on people who were assembling peacefully in Istanbul for International Women's Day.

It gets worse—worse because Erdogan is brazen enough to push his assaults on democratic norms right here on American soil. Less than 2 years ago, Erdogan gave the go-ahead for his security detail to brutally attack non-violent demonstrators right here in the Nation's Capital. That assault, to emphasize the point, took place on American soil—right here, just a short walk from the White House. Americans ought to be outraged over this sort of behavior, especially from a supposed friend and ally like Turkey.

It has not gone unnoticed that Erdogan recently doubled down on his decision to make a major military purchase from Vladimir Putin's Russia, and his use of fraudulent INTERPOL red notices is right out of Vladimir Putin's playbook.

It is past time for the State Department to stand up to this behavior. The State Department needs to call this behavior out. It is not a far-off threat to other people the Federal Government can conveniently ignore. Erdogan's abuses are happening right here in our country, on American soil. People like Enes Kanter are the victims.

As a younger man back in the day, I went to school on a basketball scholarship. I often tell people at my townhall meetings that I wanted to play in the NBA—a ridiculous idea because I was too small, but I made up for it by being quite slow. My abilities on the court were certainly light years removed from Enes Kanter's, but I can tell you, from playing in college, I certainly remember the value of a full-court press. I am firmly committed and will state once more that our State Department must put a full-court press on Turkey to treat Mr. Kanter—and all of those who speak out against Erdogan's totalitarian regime—with respect for their human rights and freedom of expression.

I yield the floor.

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

The PRESIDING OFFICER (Ms. MCSALLY). Without objection, it is so ordered.

BUDGET PROPOSAL

Mr. DURBIN. Madam President, the President's inauguration over 2 years ago was a historic moment. Though my candidate didn't win, I attended it in my capacity here in the U.S. Senate and saw a lot of people, but the one person I saw who was nothing short of remarkable was Jimmy Carter.

The reason why it was remarkable to see the former President, who left office in 1980—39 years ago—was the fact that most everyone had counted him

for dead. If you will remember, he was diagnosed with a form of cancer that was supposedly fatal. People were talking about making their last trip to Plains to attend his church on Sunday and hear his last sermon. I thought it was over, and most everyone did, too, but then something amazing happened. There was a new drug that came along, and it turned out to be just the right drug to save his life.

When I saw Jimmy Carter a little over 2 years ago, I thought to myself: I never thought I would see him again, and I never thought I would see him looking this good.

Those things don't just happen. Those drugs aren't just discovered. They are the product of a great deal of work and research and application.

I remember asking Dr. Collins at the National Institutes of Health what Jimmy Carter's story was. He explained that early research at NIH, which is the premier medical research facility in the world, had led to some new possibilities in treating cancers. It just so happened that Jimmy Carter's cancer was responsive to that drug. Others have been, too, and I hope that even more are discovered.

The good news is that the U.S. Senate and Congress understand this. Do you know what has happened over the last 4 years? What has happened over the last 4 years is a dramatic show of bipartisanship when it comes to medical research. ROY BLUNT, from Missouri, is in my neighboring State. I, of course, represent Illinois. He is the head of the Appropriations subcommittee that funds the National Institutes of Health. LAMAR ALEXANDER, from the State of Tennessee, is the chairman of the authorizing committee for the National Institutes of Health. PATTY MURRAY, my Democratic colleague from the State of Washington, serves in both the appropriations and authorization committees and couldn't be a stronger advocate when it comes to medical research. We have a little team together, the four of us, and we said we were going to do something or try to do something each year.

Here is what we set out to do. We set out to take the appropriations for the National Institutes of Health and give it 5 percent real growth every single year—because Dr. Collins told me: If you do that, Senator, then the people who do the research believe that next year could be a good year, too, to continue their research, and they will stick with it, and when they stick with it, amazing things happen.

So we did. I want to give credit to Senator BLUNT, Senator ALEXANDER, and Senator MURRAY. I was happy to be a part of the effort. For 4 straight years, we added 5 percent real growth to the National Institutes of Health. In total, when you look at all of the increase of that period, there is a 30-percent increase in medical research in a period of 4 years and more to follow—more to follow, if we get a chance.

That is why, when we received President Trump's budget yesterday, it was

such a heartbreaking disappointment. He has given up in terms of our continued increases in medical research. In fact, he wants to cut \$5 billion out of the appropriations for the National Institutes of Health.

Each of us decides why we want to be here and what is worth fighting for. I think medical research is worth fighting for. The team that has been fighting for it has been a bipartisan team in the Senate, and I hope they felt the same way I did—a feeling of real disappointment in President Trump's budget.

I have to tell you that he believes his wall is the most important thing on Earth. I believe medical research and saving lives are among the most important things on Earth. As for cutting money out of medical research—for whatever reason you are going to use it—I just have to say to the President and others that you are in for a fight. There are a lot of us who are standing up and representing patients that are counting on that research to find a breakthrough and families who are dealing with Alzheimer's.

How many friends of mine and how many families could I tell you about who have some form of Parkinson's or dementia or Alzheimer's that has changed the family dramatically? Can we and should we be looking for more medical research to delay the onset of Alzheimer's and, God willing, to find a cure some day?

We are reaching a point where this is going to absolutely take over the medical budget of America if we are not careful. Shortsighted cuts in medical research jeopardize those new cures for cancer, heart disease, diabetes, Parkinson's, Alzheimer's, and dementia.

The President is just wrong in his priorities—just wrong. Some of the other things he has done in the budget are equally troubling. According to his budget request, the President wants to cut \$1.5 trillion from Medicaid—\$1.5 million from Medicaid.

What is the Medicaid Program? It is health insurance for poor people. Who are those poor people? In my State of Illinois, out of all the babies born in my State each year, half of them are paid for by Medicaid. There are low-income moms delivering babies—we hope healthy babies—because Medicaid as health insurance is there to help them.

But that isn't the biggest charge on the Medicaid Program. The biggest charge on the Medicaid Program—that health insurance program—is for your mom, your grandmother, or your father. When they reach that stage in life where nothing is left, when there is no savings and maybe a little Social Security check, and they have medical needs, it is the Medicaid Program that comes through for them.

If we cut what the President is suggesting, \$1.5 trillion in Medicaid, which of those groups do you want to reduce care for—the mothers with their new babies or the parents and grandparents at a stage in life where they have no

place to turn and no savings to turn to? That is not a good outcome.

Then there was the suggested cut of \$845 billion in the Medicare Program. Medicare is health insurance for the elderly. When you reach age 65, you have paid into it through your working life and you have that Medicare insurance plan. The President cuts \$845 billion out of Medicare.

Does Medicare work? There is one way to test it. What is the life expectancy of senior citizens today, after Medicare, compared to their life expectancy before Medicare? It is dramatically different. People are living longer and more independent lives because Medicare gives them quality care when they reach age 65, and President Trump believes we should cut that program by \$845 billion. That, to me, is shortsighted.

When it comes to our health, is there anything more important? When it comes to the health of our families, of seniors, of the disabled, and of women who are about to have a baby, is there anything more important than to make sure that turns out right? It is hard for me to think of what it might be.

The cut to the Centers for Disease Control of \$1.3 billion in the President's budget is another one you just shake your head at. The Centers for Disease Control shows up when no one else will enter the room, when they are facing diseases that are life-threatening. For the Ebola crisis in western Africa and the fear that it would spread throughout that continent and maybe to the United States, it was the Centers for Disease Control that stepped in and said: We are going to tackle it. We will take it on.

They did, and they did it successfully.

We are only one plane ticket away from some of those diseases making it into the United States. I want the Centers for Disease Control to stop them in their tracks before they come to the United States, and the President cuts \$1.3 billion.

The SNAP food stamp program is another one—a cut of \$220 billion. This is a program that provides supplements for food for families. Many of them are working families who just don't make enough money to get by. I can't tell you how many food pantries I visited in Illinois where the people who run it—many of them volunteers with churches and charities—say: The people who are coming in to see us now are folks who are working and not making enough money.

Some of them qualify for food stamps, and some of them don't, but feeding America should be fundamental in this country; shouldn't it? Shouldn't that be one of the basic things we pride ourselves on as Americans?

Remember when President Trump spoke about the aging infrastructure of America during his campaign? Even though I wasn't supporting his candidacy, I certainly cheered those re-

marks. Infrastructure is bipartisan. The roads and bridges in Arizona and Illinois and in every other State all need help, and they count on us in Congress to come through with it. Well, the budget that the President released this week slashes infrastructure funding by 22 percent. When we should be putting more into making a more modern and more efficient infrastructure to build our economy, the President cuts it. He cuts 31 percent from the Army Corps of Engineers.

Today, I had a visit from the Illinois corn growers. We are proud. There is a lot of corn in Illinois, and we are proud of being No. 2 to Iowa, I might add, when it comes to corn production. But do you know what they talked about in addition to ag programs? They talked about the locks and dams on the Illinois and Mississippi Rivers. Those are the avenues of commerce for agriculture in the Midwest, and they are old and getting older and falling apart.

The Army Corps of Engineers are counted on to modernize them, and the President cuts 31 percent of their budget—one-third of their budget—and 16 percent of the Department of Housing and Urban Development.

The President's budget completely ignores the threat of climate change, cutting the Environmental Protection Agency by 30 percent.

Here is one that hits home. The President cut the Great Lakes Restoration Initiative by an outrageous 90 percent. They did a survey a few years ago and asked the people of Chicago, the city I am proud to represent: What do you think is the defining characteristic of the city?

The overwhelming response was Lake Michigan. That beautiful lake, a part of the Great Lakes, is not just a source of pride, but it is a source of good, clean drinking water and of recreation and commerce. We know it is threatened in every direction, from chemical runoffs to invasive species, and we fight to make sure those lakes will survive for another generation. The President cuts the funds for that effort by 90 percent.

These are just a few examples of decisions made in the President's budget.

Needless to say, I have saved the best for last. Though he has cut everything I just talked about—from medical research to protecting our Great Lakes, to transportation and infrastructure, to taking care of senior citizens, to making sure that health insurance is there for expectant mothers—the President needs \$8.5 billion for his almighty wall, this wall on our southern border.

We have given the President 120 miles of fencing—new and replacement fencing—over the first 2 years he was in office. That is 120 miles to add to the 640 already on our border. Do you know how many miles have been built, as I stand here today, for the last 2 years that we have given the President? None. It takes a long time to build these fences, and the President is

learning it the hard way. Yet he wants to take money out of programs across the board on the possibility that they may be built in the future—needed or not. Congress needs to step up—and I hope on a bipartisan basis—to assert our constitutional authority and to find a bipartisan way to put together a budget that is much more balanced and that realizes the real values of America.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, this week, Senate Republicans are looking to confirm two more circuit court nominations, which would make a total of six circuit court confirmations this year.

None of these six circuit court nominees have had any prior judicial experience. Some have had very little courtroom experience at all.

Four of them have been put forward over the opposition of Senators in their home State: Eric Miller, who was opposed by both Washington Senators; Chad Readler and Eric Murphy, who were opposed by Senator BROWN; and now Paul Matey, who was nominated over the objections of both Senators BOOKER and MENENDEZ.

I believe the Republican majority is making a serious mistake by abandoning blue slips for circuit court seats. They have set a precedent that could affect each and every one of our States.

Already, the Trump administration has nominated a person for a Ninth Circuit California seat, Daniel Bress, who has only lived in California for 1 year since high school and who practices in Washington, DC.

It is absurd to see a nominee to a California-based seat with such minimal ties to California. That is what the Republicans have brought about by abandoning circuit court blue slips. It is a big mistake.

This week, Majority Leader MCCONNELL plowed right through with a vote on Paul Matey, President Trump's nominee for a Third Circuit seat based in New Jersey. Mr. Matey had recently served for 4 years as the general counsel for University Hospital in Newark, N.J. While Mr. Matey was there, a patient safety organization gave this hospital annual grades of "C," "D," "D," and "F" for patient safety. The grades got worse while Mr. Matey was there.

Previously, Mr. Matey had been a longtime staff member to New Jersey Governor Chris Christie. He served as Governor Christie's chief ethics officer and deputy chief counsel. Mr. Matey said he provided a rigorous system of ethics training, monitoring, and oversight for staff members in the Governor's office; yet it is unclear what steps, if any, he took to ensure that ethics rules were followed. It certainly appears that Mr. Matey's ethics guidance fell way short during the so-called Bridgegate scandal in 2013. That is when Christie administration officials arranged to close lanes on the George Washington Bridge as retaliation

against a mayor who had not endorsed the Governor's reelection. The deputy chief of staff, Bridget Kelly, was sentenced to 18 months in prison for her role in this scandal.

In addition to being a former staffer to a Republican-elected official, Mr. Matey is a longtime member of the Federalist Society. But just because a nominee meets the ideological litmus tests of the Republican Party and the Federalist Society doesn't mean he has the experience and judgment to be a good circuit court judge. More likely, it is a sign the nominee will be an ideological judge.

New Jersey's two Senators opposed Mr. Matey's nomination, but the White House and Senate Republicans plowed right through with this controversial nominee.

Also this week, Senator MCCONNELL has scheduled a vote on D.C. Circuit nominee Neomi Rao. The DC Circuit is often considered the second most important court in the land, and typically the nominees to this court bring with them a wealth of legal and judicial experience.

Ms. Neomi Rao has virtually no practical experience in law. She has never tried a case in court. She has never argued an appeal in court. She has never made an appearance in an American court, and she has filed one court brief in her entire career.

How in the world could someone suggest that this woman get a lifetime appointment to the second highest court in the land, never having tried a case, never having argued an appeal, never having made an appearance in the court, and having filed only one court brief in her entire career?

She was a political appointee of the President, working at the Agency known as the Office of Information and Regulatory Affairs. When she was there, she set out to rescind a lot of Federal regulations—regulations, however, that might have been better left on the books—that protected workers, the environment, and Americans facing discrimination. She was out to put an end to those regulatory protections.

She has been an academic. She has written a lot. In the year 2009, she wrote: "The President may also decide not to follow Supreme Court precedent, and in the rare instance, may decide against the enforcement of a particular judgment."

That would be considered a radical statement by most standards. It is a radical view of Executive power that Ms. Rao put forward. It flies in the face of Supreme Court rules and decisions, where the final word on constitutional interpretation was decided and established two centuries ago in *Marbury v. Madison*.

Ms. Rao has also published a number of articles in college, in which I can't even describe to you what she was thinking. They were shocking and inflammatory writings on issues involving race, sexual orientation, sexual assault, and date rape.

In April of 1993, this woman—destined for the circuit court and a lifetime appointment, where she will use her judgment on a daily basis to decide the outcomes of cases and the legal framework of America—wrote: "Date rape exemplifies the attempts of the nurture feminists to develop an artificial, alternative world in which women are free from sexual danger and 'no always means no.'"

In October of 1994, she wrote of date rape survivors: "If she drinks to the point where she can no longer choose, well, getting to that point was part of her choice."

In September of 1994, she wrote that a group at Yale called the Bisexual, Gay and Lesbian Co-Op was "spreading myths about AIDS."

In November of 1993, she wrote:

Myths of sexual and racial oppression propagate themselves, create hysteria, and finally lead to the formation of some whining new group. One can only hope to scream, "Perspective, just a little perspective, darling!"

These are a few examples of writings, which are difficult to describe in the fairest terms and inflammatory at the least.

While she wrote a letter to the Judiciary Committee apologizing for some of these writings, what does it say about her values, her thinking, and whether she should be in this legal position for the rest of her life?

The bottom line is this. Ms. Rao has minimal practical experience in the law. Her legal views are beyond extreme, and her personal views, as reflected in her own personal writings, are deeply troubling.

I would like to say to the President and those who are in charge of picking his nominees: Please, isn't there a good Republican conservative somewhere in this area who has actually been in a courtroom, who has actually made an appearance in a case, who has maybe even tried a case, who has maybe even filed a motion, or who would know a courthouse if they saw it and not on television? Is that too much to ask for a lifetime appointment to the second highest court in the land?

This nominee may be ideologically perfect for somebody who decided she was destined for this court, but this nomination is not a perfection when it comes to the legal system in America. It is an imperfection, which, if approved by the Senate, is going to be with us for a lifetime.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Massachusetts.

NOMINATION OF NEOMI J. RAO

Ms. WARREN. Madam President, I come to the floor to oppose the nomination of Neomi Rao to be a judge of the second most powerful court in the country.

My decision boiled down to just this one question: Will Ms. Rao advance equal justice for all or will she continue to tilt the courts in favor of the rich and powerful?

Ms. Rao's record shows that she will continue to tilt our courts in favor of the powerful few and leave everyone else behind, and that is why I oppose her nomination, but that is also exactly why she was selected by the President for this important lifetime appointment.

In the last 2 years, with the Trump administration controlling the White House and Republicans, until January, controlling both Houses of Congress, the rich and powerful have had unparalleled access to the Federal Government, and they have been terrifyingly effective at making Washington work even better for themselves.

Just think of some of their high-profile victories: a tax plan that takes away money from working Americans and gives it straight to the biggest corporations and wealthiest individuals, rollbacks of countless protections to protect public health, consumer welfare, and environmental safety. Those are just the policies that people have been paying attention to.

For decades now, billionaire-funded rightwing groups have operated in the shadows to take over our courts by installing rightwing judges who will put the interests of giant corporations and wealthy individuals ahead of everyone else. For those special interests, Neomi Rao is the ideal candidate.

In 2017, I came to the floor to oppose Ms. Rao's nomination to lead the Office of Information and Regulatory Affairs—the small but powerful Agency that reviews and signs off on economically significant Federal rules. I was concerned about Ms. Rao's advocacy for weakening or handcuffing Federal Agencies that are there to help protect the public from giant corporations that prey on consumers, that mistreat their workers, and that pollute our environment.

I worried that confirming her to lead OIRA would threaten the health and safety of all Americans. For example, Ms. Rao attacked the Consumer Financial Protection Bureau—the Agency that has returned \$12 billion to working families who were cheated—arguing against its authority to protect consumers from predatory lending practices.

That was exactly the kind of candidate that Big Business and billionaires wanted, so the Republican-controlled Senate confirmed Ms. Rao, and the all-too-predictable happened.

Under Ms. Rao's leadership, OIRA approved the EPA's decision to roll back important environmental positions, OIRA rubberstamped changes at the Department of Labor that allowed certain employers to hide workplace injuries, and Ms. Rao blocked a proposed measure from the Equal Employment Opportunity Commission that would have helped uncover pay discrimination. The list goes on.

Ms. Rao pairs her pro-corporate stance with harmful, regressive views about sexual assault. In college, she wrote an article placing blame on the

survivors of sexual assault if they drank alcohol, claiming that such behavior was “part of their choice.”

At her hearing, she refused to fully disclaim this line of thought, claiming she was just recommending certain actions women could take to make themselves less likely to be assaulted.

If that wasn't worrisome enough, Ms. Rao also argued in a book review that public protections for women, for people of color, and for Americans with disabilities are bad because they have eroded the power of traditional elites, going so far as to call affirmative action the “bane of all good elitists.”

For President Trump, congressional Republicans, and their billionaire buddies, Ms. Rao's commitment to protecting the interests of the rich and powerful over everyone else was a feature of her tenure at OIRA, not a bug. Now, as a reward for spending a year and a half rolling back public protections and rubberstamping corporate America's wish list, the Trump administration has selected her to be a judge on the second highest court in this country.

At the DC Circuit, Ms. Rao would have even more power to stop Federal efforts to protect Americans from abusive corporations and billionaires. She would rule on attempts to protect the air we breathe and the water we drink. She would have the power to overturn protections for workers from unsafe working conditions, and she would have the chance to upend rules to prevent big corporations from discriminating against people of color, LGBTQ Americans, and other marginalized communities.

Throughout her career, Ms. Rao has made very clear what her preferred hierarchy looks like: corporations and billionaires up at the top, and everybody else at the bottom.

As a judge on the U.S. Court of Appeals, Ms. Rao will have an opportunity to practice that philosophy at an even larger scale.

Madam President, our Federal courts are supposed to defend equal justice for all Americans, not cater to the wealthy and well connected. Neomi Rao's record shows that she will continue the corporate takeover of our courts.

A vote for her is a vote against the millions of Americans who have already borne the consequences of the radical, pro-corporate policies she has advanced throughout her career. That is why I believe the Senate should reject her nomination.

NOMINATION OF WILLIAM BEACH

Madam President, I also want to express my strong opposition to the nomination of William Beach to run the Bureau of Labor Statistics. BLS's accurate and impartial analysis is crucial to policymakers, workers, and businesses.

In Mr. Beach, President Trump has chosen someone who has spent years at so-called think tanks that are funded by radical rightwing billionaires pushing so-called studies that criticize So-

cial Security and support draconian budget cuts and tax cuts for the richest Americans—studies that have since been discredited. That is not whom we need running one of our country's most important statistical Agencies.

Besides Mr. Beach's radical, pro-corporate background, I want to join Ranking Member MURRAY in expressing my serious concern with my Republican colleagues' refusal to confirm Democratic nominees to other important Agencies for workers—the National Labor Relations Board and the Equal Employment Opportunity Commission. This obstruction is a total departure from precedent, and it is preventing these Agencies from protecting the rights of millions of American workers to bargain collectively and to go to work without worrying about illegal discrimination and harassment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for probably about 15 minutes, and should Senator VAN HOLLEN from Maryland—who is scheduled to arrive—arrive, that I be able to engage in colloquy with him.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, there is now no doubt that climate change is happening, that it is caused by human activity, and that we must act now to avoid the worse of it.

As science guy, Bill Nye, has said: “Climate change is happening, it's our fault, and we've got to get to work on this.”

For too long we have seen the fossil fuel industry and its army of front groups use manufactured doubt, phony doubt, as their weapon of choice to obstruct any solution. Well, science studies things, and it even studies doubt. A scientific study published by Nature has found that the evidence of human-caused climate change occurring has now achieved what scientists call the five sigma level of certainty.

What does that mean? This scientific standard means there is 99.9999 percent confidence that Earth is warming due to human activity. Put another way, there is a 1 in 3.5 million chance that human-caused warming is not occurring.

To compare, you have a 1 in 15,000 chance that you will be struck by lightning in your life. You have a 1 in 100,000 chance of being born a conjoined twin, and you have a 1 in 3.5 million chance the fossil fuel industry's phony doubt about climate change is true.

Yet, just one Republican has signed on to Senator CARPER's resolution stating the basics—that climate change is real and caused by human activity, and Congress should take action now to address it.

In an editorial last week—this one here—even the middle-of-the-road USA Today said climate change is “a true

crisis facing the United States and the world,” that “fossil fuel polluters keep using the atmosphere as a free waste dump,” and, finally, that “[t]he public is growing impatient.”

Well, last week, here on the Senate floor, we actually had something resembling a climate debate break out. It was a little weird. As a debate, it coughed and banged and sputtered, and we didn't really engage. Many of our Republican colleagues had a very hard time mentioning the actual phrase “climate change.” They found it impossible to talk at all about the costs of climate change—the floods, the fires, the rising seas, the worst yet to come. No one could mention the 1.5 degree centigrade limit that we need to meet.

They mostly wanted to have fun bashing an imaginary Koch brothers-invented version of the Green New Deal. However, some did say that they accepted the science. In particular, I was happy to see the chairman of the Environment and Public Works Committee clearly accept that climate change is real, that it is caused by humans, and that we have a responsibility to do something about it.

I appreciate that he pointed to the bipartisan work he and I have done on carbon capture and removal. I enjoyed working with him on that legislation, and I hope we can get its successor bill passed too. We just had a very good bipartisan committee hearing on it, but put those two bills together, and you are still nowhere near the scale of action that science demands.

Our scientists report that we must aim for net zero carbon emissions by the middle of this century to avoid the worst consequences of climate change. Carbon capture will be a part of that, but there is zero chance it alone will be sufficient, and any plan that falls short of that mark amounts to its own diluted brand of climate denial. Bashing the Green New Deal doesn't solve the problem.

This is a good moment for me to interrupt my remarks because I see the majority leader on the floor. If I may, I will yield to him to close out the Senate and then have myself and Senator VAN HOLLEN recognized at the conclusion of the majority leader's comments.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Madam President, I ask unanimous consent that all postcloture time on the Rao nomination expire at 12 noon tomorrow; 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. I further ask unanimous consent that if cloture is invoked on the Beach nomination, all postcloture time expire at 1:45 p.m. tomorrow; and 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. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. 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.

ARMS SALES NOTIFICATION

Mr. RISCH. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19-12 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$240.5 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 19-12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:

Major Defense Equipment * \$219.6 million.

Other \$ 20.9 million.

Total \$240.5 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: The Government of Australia has requested to buy defense articles and services from the U.S. Government in

support of the National Advanced Surface to Air Missile System (NASAMS).

Major Defense Equipment (MDE):

One hundred eight (108) AIM-120C-7 Advanced Medium-Range Air-to-Air Missiles (AMRAAM).

Six (6) AIM-120C-7 AMRAAM Air Vehicles Instrumented.

Six (6) Spare AIM-120C-7 AMRAAM Guidance Sections.

Non-MDE: Also included are containers, weapon system support equipment, support and test equipment, site survey, transportation, repair and return warranties, spare and repair parts, publications and technical data, maintenance, personnel training, and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics support.

(iv) Military Department: Air Force (AT-D-YAI).

(v) Prior Related Cases, if any: AT-D-YLD.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: March 12, 2019.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—AIM-120C-7 Advanced Medium-Range Air-to-Air Missiles

The Government of Australia has requested to buy up to 108 AIM-120C-7 Advanced Medium-Range Air-to-Air Missiles (AMRAAM); six (6) AIM-120C-7 AMRAAM Air Vehicles Instrumented; and six (6) spare AIM-120C-7 AMRAAM guidance sections. Also included are containers, weapon system support equipment, support and test equipment, site survey, transportation, repair and return warranties, spare and repair parts, publications and technical data, maintenance, personnel training, and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics support. These items are in support of Australia's purchase of the National Advanced Surface to Air Missile System (NASAMS). The estimated total program cost is \$240.5 million.

This sale will support the foreign policy and national security of the United States by helping to improve the security of a major ally that is an important force for political stability and economic progress in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

This proposed sale is in support of the Australian Defence Force (ADF) Project LAND 19 Phase 7B for acquisition of a ground based air and missile defense capability. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, Arizona. There are no known offset arrangements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 19-12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. AIM-120C Advance Medium Range Air-to-Air (AMRAAM) is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying and low flying and maneuvering targets. AIM-120C Captive Air Training Missiles are non-functioning, inert missile rounds used for armament load training, and which also simulates the correct weight and balance of live missiles during captive carry on training sorties. The AIM-120C-7, as employed in the National Advanced Surface-to-Air System (NASAMS), protects national assets from imminent hostile air threats. The AMRAAM All Up Round is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Australia.

ADDITIONAL STATEMENTS

TRIBUTE TO HARRY C. LABONDE, JR.

• Mr. BARRASSO. Madam President, today I recognize the distinguished career of Harry C. LaBonde, Jr., who, following decades of service in the State of Wyoming, is retiring this week.

Harry began his career shortly after graduating from college with a civil engineering degree. His first job allowed him to specialize on issues related to water and wastewater treatment. In 1991, he became the public works director for the city of Riverton. He went on to serve in the same position for the city of Laramie, until he later became city manager. For the past 15 years, Harry worked for the State of Wyoming, first as Wyoming's Deputy State Engineer and, more recently, as director of the Wyoming Water Development Office.

When at the State Engineer's office, Harry was involved with addressing a backlog of coal-bed methane reservoir permits in the Powder River Basin and transitioning the office from paper to electronic records, which required the modernization of millions of documents related to water and permits.

Wyoming was also facing severe water shortages due to an extended period of drought, requiring Harry to make the difficult decisions resulting from those shortages.

As director, Harry was instrumental in carrying out key responsibilities of Wyoming's Water Development Office: developing Wyoming's water resources through sound water planning and use. Water is a precious resource in the west. It is key to maintaining an excellent quality of life, economic security, and growth. Through Harry's leadership, numerous water storage projects are underway in the State, which will help Wyoming realize its water storage potential for today and to serve communities tomorrow. Whether it is through the reconstruction of the Middle Piney Dam or the storage enhancement project at Fontenelle Reservoir, Harry understands the importance of securing water resources in the State for future Wyoming generations.

In addition to reservoir planning and construction, Harry oversaw the development of river basin plans, weather modification projects, addressing watershed threats from wildfires, and carrying out the Small Water Project Program. Water affects everyone. Making sure Wyoming's water resources are used efficiently and responsibly for the benefit of the people of Wyoming is a responsibility Harry takes very seriously.

Harry's expertise and the strong relationships he has fostered throughout the basins we share with neighboring States is invaluable. He has contributed to a number of regional water supply efforts, including the Colorado River Basin States Salinity Control Program. He also serves as Wyoming's representative on the Platte River Recovery Implementation Program, a cooperative agreement with Nebraska, Colorado, and the Federal Government, to maintain water usage and development by implementing conservation practices for certain endangered and threatened fish and birds.

We are fortunate Harry chose early in his professional life to use his skills and talents to focus on water. He has dedicated his career to being a water advocate for the people of Wyoming and to finding long-term solutions to securing Wyoming's water needs. We are all better for his efforts.

I invite all members of the Senate to join me in congratulating Harry on his retirement, and wishing both him and his family much happiness and success in the future.●

TRIBUTE TO STEVE CANNON

● Mr. CRAPO. Madam President, I congratulate Steve Cannon, who is retiring after a 42-year career in Idaho television.

Steve Cannon translated his deep interest in weather as a youth into a longtime career. He retired this month from his position as weatherman for KIDK Eyewitness News 3, which has

coverage in my hometown of Idaho Falls and the Pocatello area. He got his start in front of the camera in 1977, when he went to work for the former KID TV 3, but he began his broadcasting career in radio, working for a radio station in Rexburg. Leading up to his career in weather reporting, Steve graduated from Idaho Falls High School, studied journalism at Brigham Young University, served a mission in Great Britain, and finished his degree at Idaho State University.

Steve's love for his profession and deep understanding and appreciation for the people of eastern Idaho show in his thoughtful reporting. He is known for his humor, relatability, dependability, and strong work ethic. Steve has reported with agility and skill, as he has navigated significant advancements in weather reporting over the past four decades. Steve's weather reporting has shaped how countless Idahoans have planned their days, and his attentive reporting has been instrumental as he has reported on the major weather events that have had considerable impacts on lives.

In addition to his career, Steve has given his time and talent in support of service projects in the community. This includes his assistance with the creation of the Idaho Falls Citizen's Watch Patrol for the Idaho Falls Police Department.

I understand that Steve has looked forward to being able to dedicate all his time to his family and loved ones during retirement that begins as his wife also retires from teaching. I wish you both well, and thank you for your outstanding work in our community.●

REMEMBERING GEORGE DAUGHERTY

● Mr. MANCHIN. Madam President, my home State has truly lost a shining star. We have lost a devoted West Virginian, a noble Army Veteran, a gifted performer, and a dear friend to all. George Daugherty's enthusiasm for life was infectious to anybody who had the privilege of knowing him, and it is an honor to recognize his life and legacy.

You could often find George on Morgantown's High Street next to the bronze statue of Don Knotts singing a rousing chorus of "Hail West Virginia." He would usually tack on a phrase at the end about beating Pitt that was met with rousing applause from those who stopped on the street to cheer him on. He was quite a character and best known as a musician, but he made a life for himself by practicing law.

Despite his musical comedy role in the Charleston jamboree, George's professionalism working on medical malpractice cases never faltered. He said he never had a bad relationship with a doctor he sued, and he generally ended up becoming friends with them. That was just who he was.

Another key component that made George the person he was, affecting his

music and life, was his unwavering patriotism. His father was a World War I veteran and instilled in him the pride and, of course, the patriotic songs that George would perform on stage, dressed in American flag-themed attire. He instilled these values in his children and grandchildren, encouraging them to be grateful for our freedom and to always remember where they have come from, and our statewide community is better for it.

It was an honor to call George my friend, a man who proudly showcased our State through performances across the Nation as "the Earl of Elkview" or "the Duke of Dunbar." He and my Uncle A. James were dear friends for many years, and I know he would have been so very proud to see all that George did to promote the State we love. Whether performing on the Capitol City Jamboree and the Mountain Stage, contributing over 50 years of excellence and professionalism practicing law, or giving back to his community, George represented the best of West Virginia, which is saying quite a lot. He was a proud representative of our beautiful State no matter where life took him.

What is most important is that he lived a full life, surrounded by dear friends and family. It is my hope that his loved ones are able to find peace, strength, and support in one another. I extend my condolences to Mary Jarvis Currence and their children, Dick, Nancy, Sallie, and Thomas, their grandchildren, Kiera, Devlin, Aidan, Jamie, and Beth, as well as to George's many dear friends and extended family. I know he is looking down on all of you with a smile. I am honored to join each of you in honoring George's memory, as well as the unwavering love he had for his family, our great Nation, and our home State.●

TRIBUTE TO DAN O'NEILL

● Mr. MERKLEY. Madam President, Robert F. Kennedy once said: "We want to make sure that we bequeath to our descendants a better and safer world than the one in which we live today." For nearly four decades, Dan O'Neill has dedicated himself to creating that better, safer world for future generations. As he prepares to step back from his work and enjoy a much-deserved retirement, I want to share a few thoughts about this wonderful individual.

As a young man volunteering for an NGO in Africa, Europe, and the Middle East, Dan came face to face with some of the worst that humankind has to offer: extreme poverty, oppression, famine, and war. At first, he documented these horrors in photos, articles, and journals, until one day when he decided he couldn't just watch anymore. In the face of relentless horror and carnage, specifically the brutal genocide in Cambodia and coverage of the Khmer Rouge Killing Fields, Dan's conscience wouldn't allow him to just

sit by as a witness. He knew he had to act; and act he did.

In 1979, he founded the Save the Refugees Fund to give lifesaving aid to hundreds of thousands of Cambodians fleeing for their lives and safety. Three years later, he expanded on that effort by cofounding Mercy Corps, a global nongovernmental, humanitarian aid organization with the goal of alleviating suffering, poverty, and oppression by helping people build just, secure, and productive communities.

Thirty-eight years later, Dan has traveled the world to meet with political and religious leaders; worked on the ground to establish and run Mercy Corps programs in some of the least hospitable places on Earth; and witnessed, firsthand, natural disasters, human catastrophes, political upheavals, war, and famine. The organization that he created, Mercy Corps, has provided over \$4 billion in lifesaving assistance to more than 220 million people in need in at least 122 countries.

Today, amid the world's most dire situations, you can always count on Mercy Corps to be there, building the foundation for those just, secure, and productive communities. Where this is a desperate challenge, you are likely to find Mercy Corps at work, providing vital aid and assistance to refugees in Jordan; giving water to famine-stricken families in South Sudan; or bringing desperately needed public attention to today's worldwide refugee crisis. All of that is, in no small measure, thanks to Dan O'Neill's inexhaustible passion and leadership.

So to Dan O'Neill, who has done so much, for so many, for so long, I simply want to say, thank you. I wish him all the best as he begins this next chapter of his life.●

RECOGNIZING JUNIOR ACHIEVEMENT USA

● Mr. GARDNER. Madam President, today I want to recognize Junior Achievement USA, who are celebrating their 100th anniversary this year. In 1919, Junior Achievement opened its doors to young people, with the simple goal of helping students succeed in their future careers. This was accomplished by helping students develop skills necessary to make smart choices in their academic and economic futures.

Junior Achievement strives to positively impact students by providing skills centered on financial literacy, work readiness, and entrepreneurship. They focus on preparing tomorrow's workforce by bridging the gap between traditional education and the obtaining of career skills and competencies needed to succeed beyond a student's high school years. Junior Achievement provides classroom programs, capstone educational experiences, and entrepreneurship summits, all while partnering with companies who value relevant hands-on learning.

Headquartered in Colorado Springs, Junior Achievement impacts a diverse

population in all 50 States. Today Junior Achievement USA reaches almost 5 million students in over 22,000 classrooms across the country. It employs nearly 1,600 people and approximately 250,000 volunteers help inspire students along the way.

Throughout its history, Junior Achievement USA has had an impact on more than 110 million students, making them one of the Nation's most accomplished organizations dedicated to providing young people the skills necessary to plan for the future and create their own economic success. We need more organizations like Junior Achievement that work to empower young people and help them recognize the opportunities and realities of life and work in the 21st century. Junior Achievement USA has and will continue to be valued and appreciated for their significant contributions to the State of Colorado and to the country as well.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Ridgway, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12957 ON MARCH 15, 1995— PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days before the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared on March 15, 1995, is to continue in effect beyond March 15, 2019.

The actions and policies of the Government of Iran continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

For this reason, I have determined that it is necessary to continue the national emergency declared with respect to Iran and to maintain in force com-

prehensive sanctions against Iran to respond to this threat.

DONALD J. TRUMP.
THE WHITE HOUSE, March 12, 2019.

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 758. An act to provide a safe harbor for financial institutions that maintain a customer account or customer transaction at the request of a Federal or State law enforcement agency.

H.R. 974. An act to amend the Federal Reserve Act to require the Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System to provide a written report, and for other purposes.

H.R. 1122. An act to authorize the Secretary of Housing and Urban Development to carry out a housing choice voucher mobility demonstration to encourage families receiving such voucher assistance to move to lower-poverty areas and expand access to opportunity areas.

H.R. 1414. An act to amend the duties of the Financial Crimes Enforcement Network (FinCEN) to ensure FinCEN works with Tribal law enforcement agencies, protects against all forms of terrorism, and focuses on virtual currencies.

At 2:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act to expand Americans' access to the ballot box, reduce the influence of big money in politics, and strengthen ethics rules for public servants, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 758. An act to provide a safe harbor for financial institutions that maintain a customer account or customer transaction at the request of a Federal or State law enforcement agency; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 974. An act to amend the Federal Reserve Act to require the Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System to provide a written report, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1122. An act to authorize the Secretary of Housing and Urban Development to carry out a housing choice voucher mobility demonstration to encourage families receiving such voucher assistance to move to lower-poverty areas and expand access to opportunity areas; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1414. An act to amend the duties of the Financial Crimes Enforcement Network (FinCEN) to ensure FinCEN works with Tribal law enforcement agencies, protects against all forms of terrorism, and focuses on virtual currencies; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 333. A bill to authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes (Rept. No. 116-5).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

*Thelma Drake, of Virginia, to be Federal Transit Administrator.

*Jeffrey Nadaner, of Maryland, to be an Assistant Secretary of Commerce.

*Claudia Slacik, of New York, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2023.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL (for himself, Mr. GARDNER, Ms. CORTEZ MASTO, and Mr. WHITEHOUSE):

S. 738. A bill to require the Federal Communications Commission to make the provision of Wi-Fi access on school buses eligible for E-rate support; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL (for himself, Mr. BOOKER, Ms. CORTEZ MASTO, Mrs. FEINSTEIN, Ms. HARRIS, Mr. HEINRICH, Ms. HIRONO, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Ms. SMITH, Mr. TESTER, and Ms. WARREN):

S. 739. A bill to protect the voting rights of Native American and Alaska Native voters; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Ms. COLLINS):

S. 740. A bill to amend the Public Health Service Act to authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SMITH (for herself, Mr. MORAN, Mr. MURPHY, and Mr. WICKER):

S. 741. A bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for cost sharing for oral anticancer drugs on terms no less favorable than the cost sharing provided for anticancer medications administered by a health care provider; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Ms. ERNST, and Mr. COTTON):

S. 742. A bill to protect children through eliminating visa loopholes; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Ms. BALDWIN, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. COONS, Mr. COTTON, Mr. DAINES, Ms. DUCKWORTH, Ms. ERNST, Ms. HASSAN, Mr. INHOFE, Mr. JONES, Mr. KENNEDY, Mr. MARKEY, Mr. MORAN, Ms. MURKOWSKI, Mr. PERDUE, Mr. ROUNDS, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, and Ms. WARREN):

S. 743. A bill to award a Congressional Gold Medal to the soldiers of the 5307th Composite Unit (Provisional), commonly known as "Merrill's Marauders", in recognition of their bravery and outstanding service in the jungles of Burma during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Mr. CORNYN, and Ms. KLOBUCHAR):

S. 744. A bill to amend section 175b of title 18, United States Code, to correct a scrivener's error; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. CARDIN, Mrs. SHAHEEN, Mr. COONS, Mr. UDALL, Mr. MURPHY, Mr. KAINE, Mr. MARKEY, Mr. MERKLEY, Mr. BOOKER, and Mr. SCHATZ):

S. 745. A bill to establish the position of Climate Security Envoy within the Department of State, who shall develop policies to address security concerns with climate change and serve as a liaison with other Federal agencies and international partners on climate security issues, to express concern with, and improved preparedness for, growing security issues in the Arctic, to establish the position of Special Representative for the Arctic, and for other purposes; to the Committee on Foreign Relations.

By Mr. CASEY (for himself and Mr. MORAN):

S. 746. A bill to require the Secretary of Veterans Affairs to conduct a study on the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARPER (for himself, Mr. INHOFE, Mr. BARRASSO, Mr. WHITEHOUSE, Mr. SULLIVAN, Mr. BOOKER, Mrs. CAPITO, Mrs. GILLIBRAND, Mr. CRAMER, and Mr. VAN HOLLEN):

S. 747. A bill to reauthorize the diesel emissions reduction program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MARKEY (for himself and Mr. HAWLEY):

S. 748. A bill to amend the Children's Online Privacy Protection Act of 1998 to strengthen protections relating to the online collection, use, and disclosure of personal information of children and minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KING (for himself, Mr. BURR, Ms. COLLINS, Ms. SINEMA, and Ms. ROSEN):

S. 749. A bill to amend the Internal Revenue Code of 1986 to increase and make fully refundable the Child and Dependent Care Tax Credit, to increase the maximum amount excludable from gross income for employer-provided dependent care assistance, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. CARDIN, Mr. PORTMAN, Mr. SCHUMER, Mr. SCOTT of South Carolina, and Ms. CANTWELL):

S. 750. A bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself and Mr. MENENDEZ):

S. 751. A bill to amend title 18, United States Code, to provide a penalty for assault against journalists, and for other purposes; to the Committee on the Judiciary.

By Mr. KAINE (for himself and Ms. COLLINS):

S. 752. A bill to amend the Higher Education Act of 1965 to provide for teacher and school leader quality enhancement and to enhance institutional aid; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mr. WHITEHOUSE, Mrs. CAPITO, Ms. COLLINS, Mr. KING, Mrs. SHAHEEN, Mr. REED, Mr. LEAHY, Mr. BLUMENTHAL, Mr. COONS, Ms. HASSAN, Ms. HARRIS, Mr. PETERS, Ms. KLOBUCHAR, Mr. CARDIN, Ms. SMITH, Mr. MARKEY, Ms. STABENOW, and Ms. WARREN):

S. 753. A bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Finance.

By Mr. CRAPO (for himself and Mr. CARDIN):

S. 754. A bill to encourage partnerships among public agencies and other interested parties to promote fish conservation, and for other purposes; to the Committee on Environment and Public Works.

By Ms. HARRIS:

S. 755. A bill to require carbon monoxide detectors in certain Federally assisted housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. RUBIO):

S. 756. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. DURBIN, and Ms. DUCKWORTH):

S. 757. A bill to require a study on the public health and environmental impacts of the production, transportation, storage, and use of petroleum coke, and for other purposes; to the Committee on Environment and Public Works.

By Ms. DUCKWORTH (for herself, Mrs. MURRAY, Ms. HIRONO, Ms. HARRIS, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. WYDEN, Ms. SMITH, Ms. ROSEN, and Ms. KLOBUCHAR):

S. 758. A bill to ensure affordable abortion coverage and care for every woman, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GARDNER (for himself, Mr. BENNET, Ms. KLOBUCHAR, Ms. SMITH, and Mr. HEINRICH):

S. 759. A bill to help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PETERS (for himself and Mrs. CAPITO):

S. 760. A bill to enable registered apprenticeship programs to better serve veterans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself and Mr. CARPER):

S. 761. A bill to amend title 31, United States Code, to allow the heads of certain Executive departments to accept conditional gifts on behalf of Executive departments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN:

S. 762. A bill to provide for funding from the Airport and Airway Trust Fund for all Federal Aviation Administration activities in the event of a Government shutdown, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 763. A bill to establish the Climate Change Advisory Commission to develop recommendations, frameworks, and guidelines for projects to respond to the impacts of climate change, to issue Federal obligations, the proceeds of which shall be used to fund projects that aid in adaptation to climate change, and for other purposes; to the Committee on Finance.

By Mr. LEE (for himself, Mr. GRASSLEY, Mr. TILLIS, Ms. ERNST, Mr. TOOMEY, Mr. JOHNSON, Mr. MORAN, Mr. ALEXANDER, Mr. SASSE, Mr. BLUNT, Mr. PORTMAN, Mr. YOUNG, Mr. ROMNEY, Mr. CRUZ, and Mr. WICKER):

S. 764. A bill to provide for congressional approval of national emergency declarations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO:

S. Res. 104. A resolution calling on the Government of Iran to fulfill repeated promises of assistance in the case of Robert Levinson, the longest held United States civilian in our Nation's history; to the Committee on Foreign Relations.

By Mr. ENZI (for himself and Mr. MENENDEZ):

S. Res. 105. A resolution supporting the designation of March 2019 as "National Colorectal Cancer Awareness Month"; considered and agreed to.

By Mr. SCOTT of South Carolina (for himself, Mr. JONES, Mr. CASSIDY, Mr. BROWN, Mr. BOOZMAN, Mr. KAINE, Mr. ISAKSON, Mr. SANDERS, Mrs. BLACKBURN, Mr. VAN HOLLEN, Mrs. HYDE-SMITH, Ms. HARRIS, Mr. TILLIS, Mr. COONS, Mr. WICKER, Ms. KLOBUCHAR, Mr. PERDUE, Mr. BOOKER, Mr. RUBIO, Mr. SCHUMER, Mr. SCOTT of Florida, Mr. CARPER, Mr. COTTON, Mr. DURBIN, Mrs. MURRAY, and Ms. WARREN):

S. Res. 106. A resolution commemorating the 75th anniversary of the United Negro College Fund; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 107. A resolution to authorize testimony and representation in United States v. Taubert; considered and agreed to.

ADDITIONAL COSPONSORS

S. 104

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 104, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 132

At the request of Mr. GARDNER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 132, a bill to establish the Commission on the State of U.S. Olympics and Paralympics.

S. 178

At the request of Mr. RUBIO, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 178, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

S. 225

At the request of Mr. ISAKSON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 225, a bill to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, and for other purposes.

S. 236

At the request of Mr. BLUMENTHAL, the names of the Senator from Louisiana (Mr. KENNEDY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 236, a bill to require a Special Counsel report, and for other purposes.

S. 260

At the request of Mr. CASEY, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 260, a bill to assist employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 to transform their business and program models, to support individuals with disabilities to transition to competitive integrated employment, to phase out the use of such special certificates, and for other purposes.

S. 279

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 279, a bill to allow tribal grant schools to participate in the Federal Employee Health Benefits Program.

S. 382

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 382, a bill to authorize a special resource study on the spread vectors of chronic wasting disease in Cervidae, and for other purposes.

S. 383

At the request of Mr. BARRASSO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 383, a bill to support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

S. 479

At the request of Mr. TOOMEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 479, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 509

At the request of Mr. MURPHY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Michigan (Mr. PETERS), the Senator from New Hampshire (Ms. HASSAN) and the Senator from West Virginia (Mrs. CAPRITO) were added as cosponsors of S. 509, a bill to require the Secretary of the Treasury to mint coins in commemoration of the United States Coast Guard.

S. 511

At the request of Mr. COTTON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 511, a bill to promote and protect from discrimination living organ donors.

S. 523

At the request of Mr. MARKEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 523, a bill to direct the Secretary of Health and Human Services to develop a national strategic action plan and program to assist health professionals and systems in preparing for and responding to the public health effects of climate change, and for other purposes.

S. 554

At the request of Mr. UDALL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 554, a bill to direct the Secretary of Veterans Affairs to take actions necessary to ensure that certain individuals may update the burn pit registry with the cause of death of a registered individual, and for other purposes.

S. 577

At the request of Mr. LANKFORD, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 577, a bill to require the establishment of a process for excluding articles imported from the People's Republic of China from certain duties imposed under section 301 of the Trade Act of 1974, and for other purposes.

S. 621

At the request of Mr. DUCKWORTH, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 621, a bill to amend the National Voter Registration Act of 1993 to require each State to implement a process under which individuals who are 16 years of age may apply to register to vote in elections for Federal office in the State, to direct the Election Assistance Commission to make grants to States to increase the involvement of minors in public election activities, and for other purposes.

S. 670

At the request of Mr. RUBIO, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 670, a bill to make daylight savings time permanent, and for other purposes.

S. 678

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 678, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

S. 679

At the request of Ms. BALDWIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 679, a bill to exempt from the calculation of monthly income certain benefit paid by the Department of Veterans Affairs and the Department of Defense.

S. 680

At the request of Mr. THUNE, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 691

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to enhance prescription drug affordability by expanding access to assistance with out-of-pocket costs under Medicare part D for low-income seniors and individuals with disabilities.

S. 701

At the request of Mr. CARDIN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 701, a bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program, and for other purposes.

S. 720

At the request of Mr. UDALL, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 720, a bill to require the student loan ombudsman of the Department of Education to provide student loan data to the Bureau of Consumer Financial Protection, and for other purposes.

S. CON. RES. 5

At the request of Mr. BARRASSO, the names of the Senator from Arizona (Ms. SINEMA) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. Con. Res. 5, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL (for himself, Mr. GARDNER, Ms. CORTEZ MASTO, and Mr. WHITEHOUSE):

S. 738. A bill to require the Federal Communications Commission to make the provision of Wi-Fi access on school buses eligible for E-rate support; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL. Mr. President, the Federal Communications Commission Schools and Libraries program, commonly known as E-Rate, has helped connect our schools and libraries to high-speed broadband. Recent changes allowed for schools to pay for Wi-Fi on campuses, recognizing that students are using laptops and other devices for learning. This bill, cosponsored by my friends Senators GARDNER, CORTEZ MASTO, and WHITEHOUSE, would allow schools to receive reimbursement for Wi-Fi on school buses—an idea inspired by a New Mexico high school student. A few years ago, a football player from Hatch Valley High School in Hatch, New Mexico told me how, after being on a bus for hours after a game, he would sit in the dark parking lot of his school doing his homework—because he didn't have high-speed broadband at home. Making Wi-Fi available on school buses is one piece to solving the homework gap—especially in rural areas. Adequate internet is an absolute necessity in this day and age. And I will continue to work with my colleagues to make sure every home in the country has adequate internet access.

Mr. UDALL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. E-RATE SUPPORT FOR SCHOOL BUS WI-FI.

(a) DEFINITION.—In this section, the term “school bus” means a passenger motor vehicle that is—

(1) designed to carry a driver and not less than 5 passengers; and

(2) used significantly to transport early child education, elementary school, or secondary school students to or from school or an event related to school.

(b) RULEMAKING.—Notwithstanding the limitations under paragraphs (1)(B) and (2)(A) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) regarding the authorized recipients and uses of discounted telecommunications services, not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall commence a rulemaking to make the provision of Wi-Fi access on school buses eligible for support under the E-rate program of the Commission set forth under subpart F of part 54 of title 47, Code of Federal Regulations.

By Mr. CARPER (for himself, Mr. INHOFE, Mr. BARRASSO, Mr.

WHITEHOUSE, Mr. SULLIVAN, Mr. BOOKER, Mrs. CAPITO, Mrs. GILLIBRAND, Mr. CRAMER, and Mr. VAN HOLLEN):

S. 747. A bill to reauthorize the diesel emissions reduction program, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, I rise to talk about the Diesel Emissions Reduction Act of 2019, or DERA, which I am introducing today with Senators INHOFE, BARRASSO, WHITEHOUSE, SULLIVAN, BOOKER, CAPITO, GILLIBRAND, CRAMER and VAN HOLLEN.

In today's hearing, we will be focusing on legislation that reauthorizes a program that is near and dear to my heart—the Diesel Emissions Reduction Act, or DERA. I would like to say thank you to my DERA co-pilot, Senator INHOFE. Senator INHOFE has been a staunch supporter of DERA since day one. I greatly appreciate his continued support and the hard work of his staff on this legislation. I also thank our cosponsors from last Congress who have joined us again this year, Chairman BARRASSO and Senator WHITEHOUSE. Chairman BARRASSO and his staff teamed up with us last Congress to make DERA work even better, and I appreciate his strong support. I also would like to say thank you to our new cosponsors this year, Senators SULLIVAN, BOOKER, CAPITO, GILLIBRAND, CRAMER and VAN HOLLEN.

In all my years of public service, it's not every day that I've seen programs that generate this much bipartisan support—but, then again, not many programs are as effective and common-sense as DERA.

Our Nation still relies heavily on diesel power to transport commuters and kids, harvest our crops and build our infrastructure. Today diesel engines are found everywhere, from our schools to our ports, and from our highways to our agricultural fields.

Many of my colleagues have heard me say that the great thing about diesel engines is that they last a long time. And the bad thing about diesel engines is that they last a long time. Diesel engines are reliable and efficient, but older diesel engines are big polluters. Dirty diesel engine emissions are some of the biggest contributors to our Nation's smog, soot and black carbon air pollution. These dirty diesel emissions harm our health and our climate.

Because of smart emission standards, new and retrofitted diesel engines using American technology are now much cleaner than older diesel engines—over 90% cleaner. Unfortunately, diesel engines run forever and there is little incentive for a diesel engine owner to replace an engine before it breaks down. That's why today, more than a decade after diesel emission standards were implemented by the EPA, millions of older diesel engines that lack the latest pollution control technology are still in use and will remain in use for decades to come.

Back in 2005, my very good friend, the late-Senator from Ohio, George Voinovich, came to me with an idea to help solve this problem—he came to me with the idea for DERA. Senator Voinovich said to me, let's provide financial incentives for people to replace or retrofit their older diesel engines with American-made clean vehicle technology. He told me that we can dramatically reduce diesel emissions, protect our health and create jobs here at home. I said "Sign me up!" And I've been DERA's strongest supporter ever since. In 2005, Congress passed DERA faster than I think we've passed any EPA program ever before. This simple idea has turned into one of EPA's most effective clean air program on the books today.

For every dollar spent in the DERA program, our Nation sees \$13 in economic and health benefits. The emission reductions have helped States meet clean air standards and resulted in more than \$12.6 billion in health benefits alone since the program's inception.

From requests for electric school buses, to replacement ferry engines, to simple diesel retrofits, EPA tells us that the requests keep coming in—but, unfortunately, funding for DERA far exceeds the program's available funds. With millions of dirty diesel engines on our roads, DERA is as important today as it was when it first started. Now, we must work together to ensure that every State, Tribe and territory can still benefit from this unique program.

At a time when our Nation is looking for ways to create jobs, have healthier air and a better climate, cleaning up dirty diesel engines through DERA stands out as a prime example of what works.

Today, I'm proud to continue the bipartisan tradition that started more than 15 years ago with my good friend, Senator Voinovich. I look forward to working with my colleagues to pass reauthorization of DERA this Congress.

Thank you Mr. President.

By Mr. Kaine (for himself and Ms. Collins):

S. 752. A bill to amend the Higher Education Act of 1965 to provide for teacher and school leader quality enhancement and to enhance institutional aid; to the Committee on Health, Education, Labor, and Pensions.

Mr. Kaine. Mr. President. As career opportunities and the requisite skills for success adapt to the demands of the 21st century, so too must the instruction and preparation students receive. Educators are tasked with designing educational experiences that rise to the rigorous State academic standards and reflect the needs and interests of our Nation's diverse student population. We have become accustomed to welcoming the start of the school year with news headlines describing overfilled classrooms and districts struggling to fill teacher vacancies. Though

the challenge of teacher and principal shortages is felt broadly across the country, with a particularly acute impact on our rural communities, it is an issue we can remedy.

The reauthorization of the Higher Education Act is an opportunity to strengthen the preparation and leaders and to further support State efforts to successfully implement the Every Student Succeeds Act. It is also an opportunity to address the fact that schools in high-need communities are often staffed by a revolving door of underprepared and inexperienced teachers who are unable to meet students' needs. This in part due to State teacher shortages.

This is why I am pleased to introduce today with my colleague Senator Collins, the Preparing and Retaining Education Professionals Act, or PREP Act. As schools across our Nation continue to face growing class sizes, many are struggling with a shortage of qualified teachers. Rural communities in particular are experiencing a dearth of teachers equipped to meet their growing needs. The PREP Act aims to create high-quality teacher residency programs to develop a diverse workforce that is well-prepared to provide the educational opportunities students need to be successful in the 21st century.

More specifically, this legislation would expand the definition of "high need" districts under the Every Student Succeeds Act (ESSA) to include those experiencing teacher shortages in rural communities and in areas such as special education, English language, science, technology, engineering, math, and CTE, to allow for access to additional support and improvement. It would also encourage school districts to establish partnerships with local community colleges and universities to ensure their education programs are developing future teachers in content areas where there is currently a shortage of educators. It would increase access to teacher and school leader residency programs and preparation training while requiring States to identify areas of teacher or leader shortages by subject across public schools and use that data to target their efforts. Additionally, the PREP Act bolsters support for teacher preparation programs at Minority Serving Institutions (MSIs) or Historically Black Colleges and Universities (HBCUs) to invest in a diverse and well-prepared educator workforce.

Improving our Nation's educational system is contingent on our ability to prepare, support, and retain quality educators. Research shows that better prepared teachers stay longer in the profession and are more likely to remain in their roles and positively impact young people and their communities. As we look to reauthorize the Higher Education Act, I hope that my colleagues on both sides of the aisle see the PREP Act as a commonsense opportunity to help ensure that students

in every zip code across the country have the well-prepared teachers and school leaders they deserve.

By Mr. Durbin:

S. 763. A bill to establish the Climate Change Advisory Commission to develop recommendations, frameworks, and guidelines for projects to respond to the impacts of climate change, to issue Federal obligations, the proceeds of which shall be used to fund projects that aid in adaptation to climate change, and for other purposes; to the Committee on Finance.

Mr. Durbin. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Climate Change Resiliency Fund for America Act of 2019".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—CLIMATE CHANGE ADVISORY COMMISSION

Sec. 101. Establishment of Climate Change Advisory Commission.

Sec. 102. Duties.

Sec. 103. Commission personnel matters.

Sec. 104. Funding.

Sec. 105. Termination.

TITLE II—CLIMATE CHANGE RESILIENCY FUND

Sec. 201. Climate Change Resiliency Fund.

Sec. 202. Compliance with Davis-Bacon Act.

Sec. 203. Funding.

TITLE III—REVENUE

Sec. 301. Climate Change Obligations.

Sec. 302. Promotion.

SEC. 2. DEFINITIONS.

Except as otherwise provided, in this Act:

(1) COMMISSION.—The term "Commission" means the Climate Change Advisory Commission established by section 101(a).

(2) FUND.—The term "Fund" means the Climate Change Resiliency Fund established by section 201(a)(1).

(3) QUALIFIED CLIMATE CHANGE ADAPTATION PURPOSE.—

(A) IN GENERAL.—The term "qualified climate change adaptation purpose" means an objective with a demonstrated intent to reduce the economic, social, and environmental impact of the adverse effects of climate change.

(B) INCLUSIONS.—The term "qualified climate change adaptation purpose" includes—

(i) infrastructure resiliency and mitigation;

(ii) improved disaster response; and

(iii) ecosystem protection.

(4) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

TITLE I—CLIMATE CHANGE ADVISORY COMMISSION

SEC. 101. ESTABLISHMENT OF CLIMATE CHANGE ADVISORY COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the "Climate Change Advisory Commission".

(b) MEMBERSHIP.—The Commission shall be composed of 11 members—

(1) who shall be selected from the public and private sectors and institutions of higher education; and

(2) of whom—

(A) 3 shall be appointed by the President, in consultation with the Interagency Climate Change Adaptation Task Force;

(B) 2 shall be appointed by the Speaker of the House of Representatives;

(C) 2 shall be appointed by the minority leader of the House of Representatives;

(D) 2 shall be appointed by the majority leader of the Senate; and

(E) 2 shall be appointed by the minority leader of the Senate.

(c) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(d) INITIAL APPOINTMENTS.—Each member of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(e) VACANCIES.—A vacancy on the Commission—

(1) shall not affect the powers of the Commission; and

(2) shall be filled in the manner in which the original appointment was made.

(f) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. 102. DUTIES.

The Commission shall—

(1) establish recommendations, frameworks, and guidelines for a Federal investment program funded by revenue from climate change obligations issued under section 301 for States, municipalities, and other public entities, including utility districts, transit authorities, and multistate regulatory bodies that—

(A) improves and adapts energy, transportation, water, and general infrastructure impacted or expected to be impacted due to climate variability; and

(B) integrates best available science, data, standards, models, and trends that improve the resiliency of infrastructure systems described in subparagraph (A); and

(2) identify categories of the most cost-effective investments and projects that emphasize multiple benefits to commerce, human health, and ecosystems.

SEC. 103. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5,

United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate such personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 104. FUNDING.

The Commission shall use amounts in the Fund to pay for all administrative expenses of the Commission.

SEC. 105. TERMINATION.

The Commission shall terminate on such date as the Commission determines after the Commission carries out the duties of the Commission under section 102.

TITLE II—CLIMATE CHANGE RESILIENCY FUND

SEC. 201. CLIMATE CHANGE RESILIENCY FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Commerce the “Climate Change Resiliency Fund”.

(2) RESPONSIBILITY OF SECRETARY.—The Secretary shall take such action as the Secretary determines to be necessary to assist in implementing the establishment of the Fund in accordance with this Act.

(b) CLIMATE CHANGE ADAPTATION PROJECTS.—The Secretary, in consultation with the Commission, shall carry out a program to provide funds to eligible applicants to carry out projects for a qualified climate change adaptation purpose.

(c) ELIGIBLE ENTITIES.—An entity eligible to participate in the program under subsection (b) shall include—

(1) a Federal agency;

(2) a State or a group of States;

(3) a unit of local government or a group of local governments;

(4) a utility district;

(5) a tribal government or a consortium of tribal governments;

(6) a State or regional transit agency or a group of State or regional transit agencies;

(7) a nonprofit organization;

(8) a special purpose district or public authority, including a port authority; and

(9) any other entity, as determined by the Secretary.

(d) APPLICATION.—An eligible entity shall submit to the Secretary an application for a project for a qualified climate change adaptation purpose at such time, in such manner, and containing such information as the Secretary may require, including data relating to any benefits, such as economic impact or improvements to public health, that the project is expected to provide.

(e) SELECTION.—The Secretary shall select projects from eligible entities to receive funds under this section based on criteria and guidelines determined and published by the Commission.

(f) NON-FEDERAL FUNDING REQUIREMENT.—In order to receive funds under this section, an eligible entity shall provide funds for the project in an amount that is equal to not

less than 25 percent of the amount of funds provided under this section.

(g) MAINTENANCE OF EFFORT.—All amounts deposited in the Fund in accordance with section 301(a) shall be used only to fund new projects in accordance with this Act.

(h) APPLICABILITY OF FEDERAL LAW.—Nothing in this Act waives the requirements of any Federal law (including regulations) that would otherwise apply to a qualified climate change project that receives funds under this section.

SEC. 202. COMPLIANCE WITH DAVIS-BACON ACT.

(a) IN GENERAL.—All laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Fund pursuant to this title shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of title 40, United States Code.

(b) LABOR STANDARDS.—With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

SEC. 203. FUNDING.

The Secretary shall use funds made available to the Secretary and not otherwise obligated to carry out the program under section 201(b).

TITLE III—REVENUE

SEC. 301. CLIMATE CHANGE OBLIGATIONS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate (referred to in this title as the “Secretary”) shall issue obligations under chapter 31 of title 31, United States Code (referred to in this title as “climate change obligations”), the proceeds from which shall be deposited in the Fund.

(b) FULL FAITH AND CREDIT.—Payment of interest and principal with respect to any climate change obligation issued under this section shall be made from the general fund of the Treasury of the United States and shall be backed by the full faith and credit of the United States.

(c) EXEMPTION FROM LOCAL TAXATION.—All climate change obligations issued by the Secretary, and the interest on or credits with respect to such obligations, shall not be subject to taxation by any State, county, municipality, or local taxing authority.

(d) AMOUNT OF CLIMATE CHANGE OBLIGATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the aggregate face amount of the climate change obligations issued annually under this section shall be \$200,000,000.

(2) ADDITIONAL OBLIGATIONS.—For any calendar year in which all of the obligations issued pursuant to paragraph (1) have been purchased, the Secretary may issue additional climate change obligations during such calendar year, provided that the aggregate face amount of such additional obligations does not exceed \$800,000,000.

(e) FUNDING.—The Secretary shall use funds made available to the Secretary and not otherwise obligated to carry out the purposes of this section.

SEC. 302. PROMOTION.

(a) IN GENERAL.—The Secretary shall promote the purchase of climate change obligations through such means as are determined appropriate by the Secretary, with the amount expended for such promotion not to exceed \$10,000,000 for any fiscal year during the period of fiscal years 2020 through 2024.

(b) DONATED ADVERTISING.—In addition to any advertising paid for with funds made available under subsection (c), the Secretary shall solicit and may accept the donation of advertising relating to the sale of climate change obligations.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year during the period of fiscal years 2020 through 2024, there is authorized to be appropriated \$10,000,000 to carry out the purposes of this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—CALLING ON THE GOVERNMENT OF IRAN TO FULFILL REPEATED PROMISES OF ASSISTANCE IN THE CASE OF ROBERT LEVINSON, THE LONGEST HELD UNITED STATES CIVILIAN IN OUR NATION'S HISTORY

Mr. RUBIO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 104

Whereas United States citizen Robert Levinson is a retired agent of the Federal Bureau of Investigation, a resident of Coral Springs, Florida, the husband of Christine Levinson, father of their seven children, and grandfather of their six grandchildren;

Whereas Robert Levinson traveled from Dubai, United Arab Emirates, to Kish Island, Iran, on March 8, 2007;

Whereas after traveling to Kish Island and checking into the Hotel Maryam, Robert Levinson disappeared on March 9, 2007;

Whereas, in December 2007, Robert Levinson's wife, Christine, traveled to Kish Island to retrace Mr. Levinson's steps and met with officials of the Government of Iran who pledged to help in the investigation;

Whereas, for 12 years, the United States Government has continually pressed the Government of Iran to provide any information on the whereabouts of Robert Levinson and to help ensure his prompt and safe return to his family;

Whereas officials of the Government of Iran promised their continued assistance to the relatives of Robert Levinson during the visit of the family to the Islamic Republic of Iran in December 2007;

Whereas, in November 2010, the Levinson family received a video of Mr. Levinson in captivity, representing the first proof of life since his disappearance and providing some initial indications that he was being held somewhere in southwest Asia;

Whereas, in April 2011, the Levinson family received a series of pictures of Mr. Levinson, which provided further indications that he was being held somewhere in southwest Asia;

Whereas Secretary of State John Kerry stated on August 28, 2013, "The United States respectfully asks the Government of the Islamic Republic of Iran to work cooperatively with us in our efforts to help U.S. citizen Robert Levinson.";

Whereas, on September 28, 2013, during the first direct phone conversation between the heads of governments of the United States and Iran since 1979, President Barack Obama raised the case of Robert Levinson to President of Iran Hassan Rouhani and urged the President of Iran to help locate Mr. Levinson and reunite him with his family;

Whereas, on August 29, 2014, Secretary of State Kerry again stated that the United States "respectfully request[s] the Government of the Islamic Republic of Iran [to] work cooperatively with us to find Mr. Levinson and bring him home";

Whereas, on January 16, 2016, the Government of Iran released five United States citizens detained in Iran;

Whereas, on January 17, 2016, President Obama stated that, "even as we rejoice in the safe return of others, we will never forget about Bob", referring to Robert Levinson, and that "each and every day but especially today our hearts are with the Levinson family and we will never rest until their family is whole again";

Whereas, on January 19, 2016, White House Press Secretary Josh Earnest stated that the United States Government had "secured a commitment from the Iranians to use the channel that has now been opened to secure the release of those individuals that we know were being held by Iran . . . to try and gather information about Mr. Levinson's possible whereabouts";

Whereas the Government of Iran's most recent commitment to assist in and the diplomatic channel dedicated to locating and returning Robert Levinson have not yielded any meaningful results;

Whereas, on November 23, 2016, the United Nations Working Group on Arbitrary Detention (UNWGAD) issued Opinion No. 50/2016, concerning Robert Levinson in which the UNWGAD found Iran responsible for the arbitrary detention of Mr. Levinson;

Whereas, on April 25, 2017, the Department of State issued a statement noting that "[o]n the sidelines of the April 25 meeting in Vienna of the Joint Commission overseeing implementation of the Joint Comprehensive Plan of Action, the U.S. delegation raised with the Iranian delegation its serious concerns regarding the cases of U.S. citizens detained and missing in Iran, and called on Iran to immediately release these U.S. citizens so they can be reunited with their families";

Whereas, on March 9, 2018, Department of State Spokesperson Heather Nauert stated, "Iran committed to cooperating with the United States to assist us in bringing Robert Levinson home and we call on Iran to fulfill this commitment.";

Whereas, on November 26, 2013, Mr. Levinson became the longest held United States civilian in our Nation's history;

Whereas March 9, 2019, marks 12 years since the disappearance of Robert Levinson from Kish Island, Iran; and

Whereas the Federal Bureau of Investigation continues to offer a \$5,000,000 reward for information leading to Mr. Levinson's safe return: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that Robert Levinson is the longest held United States civilian in our Nation's history;

(2) notes that repeated pledges by officials of the Government of Iran to provide their Government's assistance in the case of Robert Levinson have not led to any meaningful progress in locating or returning Robert Levinson;

(3) urges the Government of Iran to take meaningful steps towards fulfilling its repeated promises to assist in locating and returning Robert Levinson, including by immediately providing all available information from all entities of the Government of Iran regarding the disappearance of Robert Levinson to the United States Government;

(4) urges the President to make clear that the return of Robert Levinson is a priority to the United States and commit to redoubling United States Government efforts to secure the release of Robert Levinson;

(5) urges the President and the allies of the United States to continue to press the Government of Iran at every opportunity to locate and return Robert Levinson, notwithstanding ongoing and serious disagreements the United States Government has with the

Government of Iran on a broad array of issues, including Iran's ballistic missile program, sponsorship of international terrorism, destabilization of the Middle East, and human rights abuses;

(6) notes that in addition to these other serious issues, further delay in locating and returning Robert Levinson remains a significant obstacle to improving United States-Iran relations; and

(7) expresses sympathy to the family of Robert Levinson for their anguish and hope that their ordeal can be brought to an end in the near future.

SENATE RESOLUTION 105—SUPPORTING THE DESIGNATION OF MARCH 2019 AS "NATIONAL COLORECTAL CANCER AWARENESS MONTH"

Mr. ENZI (for himself and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas colorectal cancer is the second leading cause of cancer death among men and women combined in the United States;

Whereas, in 2019, it is estimated that 145,600 individuals in the United States will be diagnosed with colorectal cancer and approximately 51,020 individuals will die from the disease;

Whereas colorectal cancer is one of the most preventable forms of cancer because screening tests can find polyps that can be removed before becoming cancerous;

Whereas screening tests can detect colorectal cancer early, which is when the disease is most treatable;

Whereas the Secretary of Health and Human Services estimates that if every individual who is 50 years of age or older had regular screening tests, as many as 60 percent of deaths from colorectal cancer could be prevented;

Whereas the 5-year survival rate for patients with localized colorectal cancer is 90 percent, but only 39 percent of all diagnoses occur at that stage;

Whereas colorectal cancer screenings can effectively reduce the incidence of colorectal cancer and mortality, but approximately 1 in 3 adults between 50 and 75 years of age are not up to date with recommended colorectal cancer screening;

Whereas public awareness and educational campaigns on colorectal cancer prevention, screening, and symptoms are held during the month of March each year; and

Whereas educational efforts can help provide information to the public on methods of prevention and screening and symptoms for early detection of colorectal cancer: Now, therefore, be it

Resolved, That the Senate—

(1) supports—

(A) the designation of March 2019 as "National Colorectal Cancer Awareness Month"; and

(B) the goals and ideals of National Colorectal Cancer Awareness Month; and

(2) encourages the people of the United States to observe National Colorectal Cancer Awareness Month with appropriate awareness and educational activities.

SENATE RESOLUTION 106—COMMEMORATING THE 75TH ANNIVERSARY OF THE UNITED NEGRO COLLEGE FUND

Mr. SCOTT of South Carolina (for himself, Mr. JONES, Mr. CASSIDY, Mr.

BROWN, Mr. BOOZMAN, Mr. KAINE, Mr. ISAKSON, Mr. SANDERS, Mrs. BLACKBURN, Mr. VAN HOLLEN, Mrs. HYDE-SMITH, Ms. HARRIS, Mr. TILLIS, Mr. COONS, Mr. WICKER, Ms. KLOBUCHAR, Mr. PERDUE, Mr. BOOKER, Mr. RUBIO, Mr. SCHUMER, Mr. SCOTT of Florida, Mr. CARPER, Mr. COTTON, Mr. DURBIN, Mrs. MURRAY, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas the United Negro College Fund (referred to in this preamble as "UNCF") was established on April 25, 1944, by Dr. Frederick D. Patterson—

(1) who served as the president of Tuskegee Institute (now Tuskegee University) from 1935 to 1953; and

(2) to make a united appeal to the national conscience;

Whereas UNCF was established with 27 member colleges and a combined enrollment of 14,000 students;

Whereas, since the establishment of UNCF, the nonprofit organization has grown to become 1 of the oldest and most successful African-American higher education assistance organizations in the United States;

Whereas the famous slogan of UNCF is "A mind is a terrible thing to waste";

Whereas the mission of UNCF is—

(1) to build a robust and nationally recognized pipeline of underrepresented students who become highly qualified college graduates through the support of UNCF; and

(2) to ensure that the current network of 37 member Historically Black Colleges and Universities (referred to in this preamble as "HBCUs") is a respected model of best practices in moving students to and through college;

Whereas UNCF has raised more than \$4,800,000,000 and benefitted more than 450,000 students—

(1) by annually awarding \$100,000,000 in scholarships to more than 10,000 students through 400 scholarship programs;

(2) by providing financial support to the 37 member HBCUs; and

(3) by serving as a leading advocate in the United States for the importance of minority education and community engagement; and

Whereas UNCF advocates on behalf of the following member HBCUs and the students served by those HBCUs:

- (1) Allen University.
- (2) Benedict College.
- (3) Bennett College.
- (4) Bethune-Cookman University.
- (5) Claflin University.
- (6) Clark Atlanta University.
- (7) Dillard University.
- (8) Edward Waters College.
- (9) Fisk University.
- (10) Florida Memorial University.
- (11) Huston-Tillotson University.
- (12) Interdenominational Theological Center.
- (13) Jarvis Christian College.
- (14) Johnson C. Smith University.
- (15) Lane College.
- (16) Le Moyne-Owen College.
- (17) Livingstone College.
- (18) Miles College.
- (19) Morehouse College.
- (20) Morris College.
- (21) Oakwood University.
- (22) Paine College.
- (23) Philander Smith College.
- (24) Rust College.
- (25) Saint Augustine's University.
- (26) Shaw University.
- (27) Spelman College.
- (28) Stillman College.
- (29) Talladega College.

(30) Texas College.

(31) Tougaloo College.

(32) Tuskegee University.

(33) Virginia Union University.

(34) Voorhees College.

(35) Wilberforce University.

(36) Wiley College.

(37) Xavier University of Louisiana: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 75th anniversary of the establishment of the United Negro College Fund (referred to in this resolving clause as "UNCF");

(2) celebrates the successes of UNCF in providing—

(A) support to Historically Black Colleges and Universities (referred to in this resolving clause as "HBCUs"); and

(B) financial aid to help underrepresented students gain access to postsecondary education; and

(3) reaffirms the mission of UNCF—

(A) to build a robust and nationally recognized pipeline of underrepresented students who become highly qualified college graduates; and

(B) to ensure that HBCUs are a respected model of best practices in moving students to and through college.

SENATE RESOLUTION 107—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. TAUBERT

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas, in the case of *United States v. Taubert*, Cr. No. 19-21, pending in the United States District Court for the Northern District of New York, the prosecution has requested the production of testimony from Erin Kurvers, an employee of the office of former Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Erin Kurvers, a former employee of the Office of Senator Al Franken, and any other former employee of the Senator's office from whom relevant testimony may be necessary, are authorized to testify in the case of *United States v. Taubert*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Franken and any former employees of his office in connection with the production of evidence authorized in section one of this resolution.

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished

Democratic leader, Mr. SCHUMER, I send to the desk a resolution authorizing the production of testimony and representation by the Senate Legal Counsel, and ask for its immediate consideration.

Mr. President, this resolution concerns a request for testimony in a criminal action pending in New York Federal district court. In this action the defendant is charged with making threats, in the course of telephone calls to former Senator Al Franken's office, to kill and inflict bodily harm upon a former President of the United States. A trial is scheduled for March 18, 2019.

The prosecution is seeking testimony from one of the Senator's former staff assistants who heard the statements at issue. Senator Franken would like to cooperate with this request by providing relevant former employee testimony from his office.

The enclosed resolution would authorize that staffer, and any other former employee of the Senator's office from whom relevant testimony may be necessary, to testify in this action, with representation by the Senate Legal Counsel of such staffers and Senator Franken.

AMENDMENTS SUBMITTED AND PROPOSED

SA 192. Mr. MCCONNELL (for Mr. COONS) proposed an amendment to the resolution S. Res. 91, designating March 3, 2019, as "World Wildlife Day".

TEXT OF AMENDMENTS

SA 192. Mr. MCCONNELL (for Mr. COONS) proposed an amendment to the resolution S. Res. 91, designating March 3, 2019, as "World Wildlife Day"; as follows:

In the 25th whereas clause of the preamble, in paragraph (3), strike "poses" and insert "could potentially pose".

In the 27th whereas clause of the preamble, strike "approximately 100,000,000 sharks are killed annually" and insert "millions of sharks are killed every year in illegal, unreported, and unregulated fisheries".

AUTHORITY FOR COMMITTEES TO MEET

Mr. GARDENER. Mr. President, I have 11 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 10 a.m., to conduct a hearing CFPB's semi annual report and on the following nominations: Jeffrey Nadaner, of Maryland,

to be an Assistant Secretary of Commerce, Claudia Slacik, of New York, to be a Member of the Board of Directors of the Export-Import Bank of the United States, and Thelma Drake, of Virginia, to be Federal Transit Administrator.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 10:15 a.m., to conduct a hearing entitled "The road ahead for the World Trade Organizations."

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 10 a.m., to conduct a hearing on the following nominations: Michael J. Fitzpatrick, of Virginia, to be Ambassador to the Republic of Ecuador, and Ronald Douglas Johnson, of Florida, to be Ambassador to the Republic of El Salvador, both of the Department of State.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 10 a.m., to conduct a hearing entitled "Simplifying the FAFSA and Reducing the Burden of Verification."

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 3:15 p.m., to conduct a hearing entitled "Recommendations from the President's task force on the United States Postal Service, focusing on a path to sustainability."

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 10 a.m., to conduct a hearing entitled "GDPR and CCPA, focusing on opt-ins, consumer control, and the impact on competition and innovation."

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 2:30 p.m., to conduct a hearing entitled "Oversight hearing to examine Indian programs on the Government Accountability Office High Risk List."

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 06, 2019, at 10 a.m., to conduct a joint hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 06, 2019, at 2:45 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Com-

mittee on Armed Services is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON COMMUNICATION, TECHNOLOGY, INNOVATION, AND THE INTERNET

The Subcommittee on Communication, Technology, Innovation, and The Internet of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, March 12, 2019, at 2:30 p.m., to conduct a hearing entitled "Impact of broadband investment in rural America."

SUPPORTING THE DESIGNATION OF MARCH 2019 AS "NATIONAL COLORECTAL CANCER AWARENESS MONTH"

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 105, submitted earlier today.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 105) supporting the designation of March 2019 as "National Colorectal Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

COMMEMORATING THE 75TH ANNIVERSARY OF THE UNITED NEGRO COLLEGE FUND

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 106, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 106) commemorating the 75th anniversary of the United Negro College Fund.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

AUTHORIZING TESTIMONY AND REPRESENTATION IN UNITED STATES V. TAUBERT

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 107, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 107) to authorize testimony and representation in United States v. Taubert.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

WORLD WILDLIFE DAY

Mr. McCONNELL. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 91 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 91) designating March 3, 2019, as "World Wildlife Day."

There being no objection, the Committee was discharged and the Senate proceeded to consider the resolution.

Mr. McCONNELL. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

Hearing no further debate, the question is on adoption of the resolution.

The resolution (S. Res. 91) was agreed to.

Mr. McCONNELL. I ask unanimous consent that the Coons amendment to the preamble at the desk be considered and agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 192) to the preamble was agreed to as follows:

(Purpose: To amend the preamble)

In the 25th whereas clause of the preamble, in paragraph (3), strike "poses" and insert "could potentially pose".

In the 27th whereas clause of the preamble, strike “approximately 100,000,000 sharks are killed annually” and insert “millions of sharks are killed every year in illegal, unreported, and unregulated fisheries”.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, was agreed to as follows:

S. RES. 91

Whereas wildlife has provided numerous economic, environmental, social, and cultural benefits during the course of human history and wildlife conservation will secure those gifts for future generations;

Whereas plant and animal species play an important role in the stability of diverse ecosystems around the world and the conservation of that biodiversity is critical to maintain the delicate balance of nature and keep complex ecosystems thriving;

Whereas millions of individuals in the United States strongly support the conservation of wildlife, both domestically and abroad, and wish to ensure the survival of species in the wild;

Whereas the trafficking of wildlife, including timber and fish, comprises the fourth largest global illegal trade after narcotics, the counterfeiting of products and currency, and human trafficking and has become a major transnational organized crime with an estimated worth of as much as \$23,000,000,000 annually;

Whereas increased demand in Asia for high-value illegal wildlife products, particularly elephant ivory and rhinoceros horns, has triggered substantial and rapid increases in poaching of those species;

Whereas the trafficking of wildlife is a primary threat to many wildlife species, including elephants, rhinoceroses, tigers, pangolins, and sharks;

Whereas many different kinds of criminals, including some terrorist entities and rogue security personnel, often in collusion with corrupt government officials, are involved in wildlife poaching and the movement of ivory and rhinoceros horns across Africa;

Whereas wildlife poaching presents significant security and stability challenges for military and police forces in African nations that are often threatened by heavily armed poachers and the criminal, extremist allies of those poachers;

Whereas wildlife poaching negatively impacts local communities that rely on natural resources for economic development, including through tourism;

Whereas assisting institutions in developing nations, including by providing material, training, legal, and diplomatic support, can reduce illegal wildlife trade;

Whereas wildlife provides a multitude of benefits to all nations and wildlife crime has wide-ranging economic, environmental, and social impacts;

Whereas the African Elephant Status Report 2016 issued by the International Union for Conservation of Nature revealed that the elephant population of Africa has recently seen a dramatic decline, mainly due to poaching, and the continental population is now thought to be approximately 415,000;

Whereas, from 2007 to 2012, the number of elephants killed in Kenya increased by more than 800 percent, from 47 to 387 elephants killed;

Whereas, between 2002 and 2013, as a result of poaching, about 65 percent of the forest elephant population in Central Africa was killed and forest elephants lost 30 percent of the geographical range of forest elephants, placing forest elephants on track for extinction in the next decade;

Whereas fewer than 50,000 wild Asian elephants remain and poaching of these popu-

lations is on the rise, with an average of 1 elephant poached every week in Burma, driven by demand for elephant skin products;

Whereas the number of rhinoceroses killed by poachers in South Africa—

(1) dramatically increased from 13 in 2007 to 1,215 in 2014, an increase of more than 9,000 percent; and

(2) was 769 in 2018;

Whereas—

(1) the 3 species of Asian rhinoceroses also remain under constant threat of poaching; and

(2) the total populations of Javan and Sumatran rhinoceros number fewer than 100 individuals in the wild;

Whereas fewer than 4,000 tigers remain in the wild throughout Asia;

Whereas pangolins are often referred to as the most trafficked mammal in the world;

Whereas all 8 pangolin species spanning Africa and Asia are faced with extinction because pangolin scales are sought after in the practice of traditional Chinese medicine and pangolin meat is considered a delicacy;

Whereas the oceans—

(1) cover $\frac{3}{4}$ of the surface of the Earth;

(2) contain 97 percent of the water on the Earth;

(3) represent 99 percent of the living space on the earth by volume; and

(4) contain nearly 200,000 identified animal species;

Whereas the global market value of marine and coastal resources and industries is estimated to be approximately \$3,000,000,000,000 per year, representing about 5 percent of global gross domestic product;

Whereas more than 3,000,000,000 people depend on marine and coastal biodiversity for their livelihoods;

Whereas an estimated 8,000,000 metric tons of plastic enter the ocean every year, harming a wide range of wildlife species;

Whereas illegal, unreported, and unregulated fishing (referred to in this preamble as “IUU fishing”) represents a multibillion dollar criminal industry that—

(1) undercuts the economic livelihoods of legitimate fishermen;

(2) weakens marine animal populations;

(3) could potentially pose a threat to international security; and

(4) threatens food security for communities around the world;

Whereas overfishing—

(1) contributes to the rapid depletion of many species of fish; and

(2) hinders efforts to save and restore global fisheries and the jobs relating to those fisheries;

Whereas millions of sharks are killed every year in illegal, unreported, and unregulated fisheries, often targeted solely for their fins, and unsustainable trade is the primary cause of serious population decline in several shark species, including scalloped hammerhead sharks, great hammerhead sharks, and oceanic whitetip sharks;

Whereas the vaquita porpoise of Mexico, with fewer than 14 individual porpoises remaining, is being driven to extinction;

Whereas penal and financial deterrents can—

(1) improve the ability of governments to reduce poaching, trafficking, and IUU fishing; and

(2) enhance the capabilities of those governments to manage their resources;

Whereas the United States is developing and implementing measures to address the criminal, financial, security, and environmental aspects of wildlife trafficking;

Whereas Congress has allocated specific resources to combat wildlife trafficking and IUU fishing and address additional threats to wildlife;

Whereas Congress passed the Eliminate, Neutralize, and Disrupt Wildlife Trafficking

Act of 2016 (16 U.S.C. 7601 et seq.) to strengthen the response of the United States to the global wildlife trafficking crisis;

Whereas Congress passed the Save Our Seas Act of 2018 (Public Law 115-265; 132 Stat. 3742)—

(1) to address land- and sea-based sources of marine debris; and

(2) to promote international action to reduce the incidence of marine debris;

Whereas, in December 2013, the United Nations General Assembly proclaimed March 3 as World Wildlife Day to celebrate and raise awareness of the wild fauna and flora around the world;

Whereas March 3, 2019, represents the sixth annual celebration of World Wildlife Day;

Whereas, in 2019, the theme of World Wildlife Day is “Life below water: for people and planet”; and

Whereas, in 2019, World Wildlife Day commemorations will—

(1) raise awareness about the breathtaking diversity of marine life;

(2) highlight the crucial importance of marine species to human development; and

(3) encourage future generations to continue efforts to protect marine ecosystems: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 3, 2019, as “World Wildlife Day”;;

(2) supports raising awareness of the benefits that wildlife provides to people and the threats facing wildlife around the world;

(3) supports escalating the fight against wildlife crime, including wildlife trafficking and illegal, unreported, and unregulated fishing;

(4) applauds the domestic and international efforts to escalate the fight against wildlife crime;

(5) commends the efforts of the United States to mobilize the entire Federal Government in a coordinated, efficient, and effective manner for dramatic progress in the fight against wildlife crime; and

(6) encourages continued cooperation between the United States, international partners, local communities, nonprofit organizations, private industry, and other partner organizations in an effort to conserve and celebrate wildlife, preserving this precious resource for future generations.

ORDERS FOR WEDNESDAY, MARCH 13, 2019

Mr. McCONNELL. Madam President, moving right along, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, March 13; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate resume consideration of the Rao nomination under the previous order.

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

ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

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

The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, when we yielded to accommodate the majority leader, I was talking about the episode on the Senate floor with the Republican Senators coming to bash the Green New Deal. I wanted to go on to say that the USA Today editorial—the one saying climate change is “a true crisis facing the United States and the world”—also said this about the Green New Deal critics:

Republicans in the White House and Congress are having a grand old time mocking the Green New Deal. . . . But the critics owe this and future generations more than scorn; they have an obligation to put better ideas and solutions on the table.

So far we have not seen much from my Republican colleagues by way of better or, indeed, any solutions.

Madam President, I would like to take a moment to express my gratitude and appreciation to Senators MURKOWSKI and MANCHIN for the joint piece that they wrote in the “Washington Post” recently.

I ask unanimous consent to have that article printed in the RECORD at the conclusion of my remarks.

So we get that my colleagues don’t like the Green New Deal.

Let’s consider other proposals. We have lots of them on the Democratic side. We have had cap and trade. We have had “keep it in the ground.” We have had Green New Deals. We have had revenue-neutral carbon fee proposals.

Senator VAN HOLLEN, of Maryland, is here to discuss his ideas. We are ready here.

Republicans said last week they wanted innovation to address climate change—great, me too. But you can’t count on the innovation fairy to fly down and wave innovation fairy dust on the problem and make it go away. One of the reasons that Senator BARRASSO’s and my bipartisan carbon capture bill was necessary is because there was not enough innovation. There was not enough innovation because, quoting the USA Today article, “fossil-fuel polluters keep using the atmosphere as a free waste dump.”

It is really hard to spur innovation when there is no revenue in the business model. So our bill put revenue in the business model. We did it in the form of tax credits.

But the big driver for developing innovation and for developing innovative, new technologies would be a price on carbon, just like Senator SCHATZ and I have in our American Opportunity Carbon Fee Act—a revenue-neutral, border-adjustable carbon fee. This bill passes all the major Republican tests. It is a market solution that fixes a market failure. It does not grow government or regulation, and it does not put American industry at a disadvantage against foreign competitors. It

will drive innovation: Put a \$50 per ton price on carbon emissions, and every polluter paying the price has an incentive to spend up to \$49 per ton on solutions. That is how you get innovation.

This carbon pricing idea has support from a swath of senior Republican officials, including seven Chairs of the Council of Economic Advisers, six current and former Members of Congress, four EPA Administrators, three Secretaries of State or Treasury, two Chairs of the Federal Reserve, and one Congressional Budget Office Director—all Republicans. Some of these Republicans were members of a group of prominent economists, including 27 Nobel Prize winners, who recently published this statement in the Wall Street Journal editorial page supporting just the kind of carbon fee model that is the basis of Senator SCHATZ’s and my legislation. Since then, over 3,500 U.S. economists have signed this statement, and that is because it is pretty obvious how you have to solve this problem, once you want to.

Former Republican Congressman Bob Inglis has been very active in this area. He said of our carbon fee proposal: “Democrats . . . have offered Republicans an olive limb, not just an olive branch.”

We are trying to reach out. We are trying to get to yes, and that olive branch will remain extended as long as it takes.

If you think all of our bills are no good, come up with something better, for Pete’s sake. Give it a try. I am ready to work with Republicans on passing a carbon fee or other climate change legislation. I think I have proved that by working in a bipartisan fashion. But when Republicans will not propose anything and will not agree to anything—even an olive limb offered to them—then, that is a pretty strong sign that there is something more going on than objections to a Green New Deal. If you don’t like the Green New Deal, tell us what you do like. Go the carbon fee route. Go “leave it in the ground”—whatever. But please, let’s get together and solve this problem.

As USA Today said, “the American people are getting impatient.”

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

[From the Washington Post, March 8, 2019]

LISA MURKOWSKI AND JOE MANCHIN: IT’S TIME TO ACT ON CLIMATE CHANGE—RESPONSIBLY

(By Lisa Murkowski and Joe Manchin)

Lisa Murkowski, a Republican, represents Alaska in the U.S. Senate, Joe Manchin, a Democrat, represents West Virginia in the U.S. Senate.

The two of us have more in common than might meet the eye. We come from different parties, but we are both avid outdoorsmen and represent states that take great pride in the resources we provide to the nation and to friends and allies around the world. Alaska and West Virginia know that resource development and environmental stewardship must move in tandem, which is why we are com-

mitted to putting forward bipartisan solutions to help address climate change.

There is no question that climate change is real or that human activities are driving much of it. We are seeing the impacts in our home states. Scientists tell us that the Arctic is warming at twice the rate of the rest of the world. Rising temperatures and diminishing sea ice on Alaska’s shores are affecting our fisheries and forcing some remote communities to seek partial or total relocation. In summer 2016, West Virginia experienced unprecedented flooding that killed 23 residents and inflicted tremendous damage across the state.

Congress is in the middle of a debate about the appropriate way to tackle climate change. This is often portrayed as an issue with just two sides—those who support drastic, unattainable measures to reduce greenhouse-gas emissions, and those who want to do nothing. We believe the time for sensationalism is over. And we are seeking ideas that will bring people together, rather than drive them apart.

On the Senate Energy and Natural Resources Committee, we are working together to find pragmatic policies that can draw strong and enduring support. In our hearings this year, we have heard from a range of experts who are helping us to gather facts that shape these efforts.

Just this week, we held a hearing focused on climate change and the electricity sector. We heard that utilities are pursuing cleaner energy technologies and integrating them into their networks. These changes to the generation mix reduced carbon dioxide emissions by 28 percent between 2005 and 2017 and lowered costs to consumers.

Yet, our witnesses also agreed that to effectively mitigate the impacts of climate change, we must do more to pursue low- and zero-carbon technologies that will continue to lower emissions.

The United States leads the world in research and development. Our national labs and universities are working toward the next scientific breakthrough, and private investors are pursuing the next game-changing technology. The United States is at the forefront of clean-energy efforts, including energy storage, advanced nuclear energy, and carbon capture, utilization and sequestration. We are committed to adopting reasonable policies that maintain that edge, build on and accelerate current efforts, and ensure a robust innovation ecosystem.

The impact of developing these new technologies will be felt by Americans from all walks of life, including residents of rural communities and other areas served by older technologies. Transitioning these communities to more efficient forms of energy will provide them with cleaner energy that is also more stable and has lower costs, which will bring about additional benefits.

American ingenuity has solved many of the great challenges of our time and is key to addressing climate change. If the United States is going to lead by example, we must continue to lead the world in the development of new and improved technologies. On the Energy and Natural Resources Committee, we agree it is time to act. And that is why we will work to find responsible solutions worthy of West Virginians, Alaskans and all Americans.

Mr. WHITEHOUSE. Madam President, I am now honored to yield the floor to my distinguished colleague from Maryland who has been working on this issue in the House before he came to the Senate and has become a real leader in our Senate caucus, Senator VAN HOLLEN.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Thank you, Madam President. I want to start by thanking my friend, the Senator from Rhode Island, Mr. WHITEHOUSE, for his leadership on addressing the climate issue for many, many years, taking to the floor of the Senate time and again to raise the alarm about the dangers of climate change and what it means to communities throughout this country and people throughout the world, and, much more than that, putting forward very specific ideas—constructive ideas—on how we can address this issue together. I am proud to join the legislation that he referenced, along with Senator BARRASSO, to look at carbon capture technologies and to incentivize those technologies, as Mr. WHITEHOUSE indicated. It is a small measure but maybe a first baby step that we can work on here together.

Like the Senator from Rhode Island, I have been listening carefully to the floor discussion over the last couple of weeks. I have heard many of our Republican colleagues come to the floor. They have come to criticize the Green New Deal. The Green New Deal, of course, is a very ambitious set of goals to address the crisis of global climate change and to put out some ideas for how we address this generational challenge.

While I heard a lot of criticism, as Senator WHITEHOUSE said, I didn't hear a single—not one—idea about how we can work together to significantly address this challenge, which is why Democrats have asked our Republican colleagues to join us in supporting S. J. Res. 9, which was introduced by Senator CARPER, along with the Democrats and, I am pleased to say, one Republican. The question, of course, is where are the other 52 Republicans when this is the language? I am going to read it because it is very straightforward, and I think the American public will ask themselves why we don't have 100 Senators on this piece of legislation:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that—

- (1) climate change is real;
- (2) human activity during the last century is the dominant cause of climate crisis; and
- (3) the United States and Congress should take immediate action to address the challenge of climate change.

It is simple, straightforward. I want to just take these very quickly, one at a time.

“Climate change is real.” Look, we all know that there are a few greenhouse gases. You have methane, which is a very potent greenhouse gas. But the most prevalent one, of course, is carbon dioxide. It is a greenhouse gas, and you can measure the concentration of carbon dioxide in our atmosphere. You can go out and take samples and measure it.

In doing that, we find that we have seen huge increases in the concentration of carbon dioxide in our atmosphere over the last 100 years.

I am proud to represent the State of Maryland, which is home to NASA

Goddard, where they do a lot of climate science, and home to NOAA, or the National Oceanic and Atmospheric Administration. I am holding the latest measurement they did in January 2019. It shows the carbon dioxide in the atmosphere at 411 ppm. That is a jump just from 2006, when it was at about 380 ppm. If you look at that over time, you see a big jump in concentration. These are greenhouse gases, and that is why you see, of course, the increasing temperatures.

I am now holding in my hand something from NASA that just came out on February 6 of this year, headlined “2018 fourth warmest year in continued warming trend, according to NASA, NOAA.” It points out that globally 2018 temperatures ranked behind those of 2016, 2017 and 2015, and it goes on to say that the past 5 years are collectively the warmest years in modern record.

So there are large concentrations of CO₂ and rising temperatures. I hope our Republican colleagues will agree with us on that point in the resolution.

No. 2 is that it is caused by “human activity.” There is no doubt that if you look at how fossil fuels that were in our Earth for millions of years have been released during the Industrial Revolution in the last century—be it from coal-fired powerplants, oil, or gas—all of a sudden you saw this carbon which had been trapped in the Earth released into the atmosphere through human activity, and that also is measurable.

So I hope our Republican colleagues will agree with us on those two points, and if they agree with us on those points, then I hope they will agree with us that we should all do something about it, because the consequences of climate change are very real, and we can see them all around us.

Senator WHITEHOUSE mentioned a recent study that showed that the probability that the scientists were wrong was .001 percent—negligible.

We just saw last Thanksgiving—this last year at Thanksgiving time—that 300 U.S. scientists issued the Fourth National Climate Assessment. I have a copy of part of that in my hand right here, and they make it very clear—these are U.S. scientists—that the impact of these growing temperatures is real and, of course, we see them all around us in the form of much more extreme and frequent droughts. We see it in the form of more forest fires. We see it in the form of flooding and sea level rise. We see it all over our country in every community and all over the world. The costs of doing nothing are mounting by the day.

If you look at this report that was issued around Thanksgiving, they also talk about the regional impact of disruption and of the impacts of climate change. They look at different regions around the country, including the Northeast. Of course, Senator WHITEHOUSE represents Rhode Island, and I have the honor of representing Maryland. It says these areas, these regions,

will get hot faster than many other areas.

It also talks about the impact of climate change on the Chesapeake Bay, which is a national treasure and is very important to Maryland's economy. They predict stronger and more frequent storms and an increase in rain, which will lead to more pollution in the bay, increased water temperatures, and sea level rise. By the way, one island has already disappeared in the Chesapeake Bay, and a couple more look like they will be going under in the coming years because of sea level rise.

If you go to the Naval Academy in Annapolis and you talk to folks there, they will tell you that they are already experiencing the negative impact of flooding and sea level rise right there at the Naval Academy. Of course, our military has warned for years about the consequences of climate change.

I just want to give a very simple analogy since I mentioned the Chesapeake Bay. Like many of us, we have worked hard to protect water bodies in this country, and the Chesapeake Bay is an incredible natural estuary. Years ago, everyone recognized that the bay was dying. We saw more sewer overflows into the bay because we didn't have enough sewage treatment plants. We saw runoff from suburban roads and highways. We saw nutrient runoff from farms in the Chesapeake Bay watershed. The bay was on its way down fast. Of course, with all of those nutrients in the watershed, you lose the oysters, the crabs, and the seafood industry. You lose the Chesapeake Bay.

The same thing is, of course, happening to our planet. Just like with the Chesapeake Bay, there is a limit to how much carbon pollution you can put on our planet. We have all seen those amazing photographs of the Earth from outer space. The Earth is telling us that there is a limit as to how much carbon pollution we can spew into it, and it is telling us by its screaming out with these extreme weather events. So the real question is, What are we going to do about it?

As Senator WHITEHOUSE said, there are many things we should be doing. I will close my remarks by mentioning one that also involves putting a price on carbon because, among the array of tools we need to deploy, that really needs to be one of them. It is really based on the simple idea we have pursued in this country to fight pollution, which is that the polluter pays, right? The folks—the industries—who are causing the pollution that is impacting our communities in harmful ways should pay. How do you make them pay? You put a price on the carbon pollution that is being emitted. When you put a price on the carbon pollution that is being emitted, there is an incentive to emit less of it, and there is an incentive for others to find innovative ways to generate energy without there being carbon pollution.

That is why, for many years, I proposed what is called the cap and dividend bill, which looks at the science and says: OK, if we want to make sure to avoid these huge costs to our communities, we have to limit the amount of carbon pollution that is being emitted.

We base that cap on science, and that generates a price for carbon. That means, as Senator WHITEHOUSE said, that in order to avoid that price, people will look for ways to reduce carbon emissions. We take the funds generated from putting a price on carbon, and we rebate those funds to the American people. A study by an economist at the University of Massachusetts Amherst found that if you do that—if you rebate the funds you generate by putting a price on carbon and making polluters pay and if you rebate that to American households—80 percent of American households will actually have more money in their pockets at the end of the day than they started with. That doesn't even count the additional benefits from there being a cleaner environment and fewer storms and severe weather events. It also doesn't include the incredible economic opportunities that would be unleashed by having more people invest in clean energy technology and energy efficiency.

So it is really a pleasure to be here with my friend Senator WHITEHOUSE because that is one tool among others, including the need to invest in more research. The Senator said you have to put some resources behind research and innovation. It doesn't just happen by magic. We can have clean energy portfolio standards, we can do a lot of things, but we need to start with something real. That is why we are here, because that is the final part of that resolution. It is a very simple resolution that says that climate change is real, that it is caused by human activity, and that the U.S. Congress should take immediate action to address the challenge.

It is time for our colleagues to stop criticizing everybody else's ideas and to put their own ideas on the table. We are ready to work with our colleagues on a bipartisan basis to address this most pressing of issues that face our country and the world.

Mr. WHITEHOUSE. If I may, Madam President, I would like to remark on the figure that Senator VAN HOLLEN used of the recent measurement in our atmosphere of a carbon dioxide concentration of 411 parts per million. Standing on its own, that may not seem particularly significant, so let's put that into context.

NASA, which Senator VAN HOLLEN mentioned and which has important facilities in Maryland, has been measuring this for a long time.

By the way, I think NASA's scientists have demonstrated they know what they are talking about. They have rovers driving around on Mars right now, so they know what they are talking about.

The scientists have gone back and determined what the carbon dioxide levels were on Earth over a period of 400,000 years. If you look back, there is a graph that NASA has that shows the carbon dioxide levels ramping up and down, up and down, over 400,000 years. For that entire time, the levels have stayed between 180 parts per million and 300 parts per million. That was the range within which the entire human species experienced our development—180 parts per million at the low and 300 parts per million at the high. At 411, we are now out of that range by almost the entire range. We are not out by a little; we are out of that range by a lot.

Also, 400,000 years is a very long time. If you look at how long humankind has been farming—kind of the basic, organized activity of our species—the common view is that we really started farming about 12,000 years ago. Some people push that number further, more towards 20,000 years. We invented the wheel a little over 5,000 years ago in Mesopotamia. If you think about the first people who put seeds in the ground and planted farms, you only go back 12,000 to 20,000 years. If you think about the first people who rolled a wagon or a chariot on a wheel, you only go back about 5,000 years. This record goes back 400,000 years. They know it because you can go into ancient ice, and you can find bubbles of air from tens and hundreds of thousands of years ago, and you can test them. I have been to the freezer at Ohio State University, which is where they keep the cores they have drilled out of glaciers, and I have seen how they go back and do these micro measurements that let you know what the carbon dioxide levels were. So we are not off by a little, folks; we are off by a lot.

When you consider the known scientific effect of carbon dioxide concentrations, we have known what it has done. This has been a greenhouse gas since Abraham Lincoln rode around in his top hat. This is not scientific news; we know this stuff.

When you consider that we are that far out of the range that has made human life and development comfortable on this planet throughout the entire duration of our species—that we are out of that range for the first time in 400,000 years and are out of that range by an amount that is practically equal to the entire range itself—if that is not a signal for us to wake up and pay attention, I don't know what is. The fact that the fossil fuel industry can drown out that signal with its political signal in this body is astounding.

Mr. VAN HOLLEN. Madam President, if I might, that is why it is always interesting to hear some of the critics of climate change say: Do you know what? Carbon dioxide has been around since the beginning of the planet, so it can't possibly be harmful.

Of course it has been around forever, but, as Senator WHITEHOUSE pointed

out, it has been around for hundreds of thousands and millions of years at a certain concentration. If you look at all of the evidence from NASA scientists and others, you will see that level of concentration bumped up and down within a certain range for all of those millennia that the Senator talked about. Yet, in the last 150 years, especially the last century, it shot straight through the roof. It is an excellent example of the phrase "everything in moderation."

Obviously, carbon dioxide has been part of our planet's gases all along, but the fact is that we have unleashed that carbon dioxide, in the form of fossil fuels, that has been trapped in the Earth for millions and millions of years. We have somehow just let it out within the last 100, and that is what is creating harmful, poisonous levels of carbon dioxide that are poisonous for the planet. Just like with a human being, when you put poison in the body, the body lets you know. The Earth is screaming out in all of these different ways to let us know that it has reached its limit when it comes to carbon dioxide pollution. That is why we have to do something about it.

Mr. WHITEHOUSE. Arsenic, too, is a naturally occurring substance, but you don't want too much of it.

Mr. VAN HOLLEN. There you go.

Mr. WHITEHOUSE. I thank Senator VAN HOLLEN for joining me in this colloquy and for speaking today on the floor.

I see the distinguished ranking member of the Finance Committee here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, just before they leave, I thank both Senator WHITEHOUSE and Senator VAN HOLLEN for conveying the urgency behind this climate change issue. Both of them have gone through the specifics of what this is all about. Suffice it to say, I share many of the concerns they have been discussing here this evening. I thank them.

NOMINATION OF NEOMI J. RAO

Mr. WYDEN. Madam President, tonight, the Senate is debating another Trump judicial nominee who is attempting to run away from appalling statements they wrote in the not-so-distant past. This time, it is Neomi Rao, who is up for a lifetime appointment to the powerful DC Circuit Court of Appeals.

While studying at Yale, Ms. Rao wrote that sexual assault victims were partly to blame for having been assaulted.

She ridiculed feminism and women's rights activists. She attacked groups that promoted multiculturalism and minority rights. She belittled those who fought for LGBTQ rights. She wrote that warnings about what we now identify as climate change are, in effect, fake news. And that's not all.

After these writings came to light, she stuck to the same script as the other Trump nominees have done who found themselves in the same position.

They say: It is all way in the past. I have grown up. I no longer hold those views.

Except in Ms. Rao's case, she cannot plausibly claim the views she put into writing back then would have no bearing on how she would decide cases as a judge today. That is because you can see those extreme views reflected in the work she is doing right now as the head of the Office of Information and Regulatory Affairs.

This is an office that doesn't get a lot of time in the spotlight, but the individual in charge of that office has more power to shape Federal rules than almost anyone outside the Oval Office.

During Ms. Rao's time as the head of this program, she has taken a buzz saw to protections for women's health, for sexual assault victims on college campuses, for LGBTQ Americans, and for Black and Latino Americans.

Under her watch, the Trump administration has allowed polluting corporations to poison Americans' air and water, propped up dirty powerplants that belch carbon into the skies, and added to the extreme dangers of climate change.

During her nomination hearing, she called—and this was her description—some of what she wrote “cringeworthy.” She wrote a letter to the Judiciary Committee saying she was sorry, and that's all well and good, but it doesn't change the fact that she has helped turn those same extreme views—those same extreme views—into Federal policy under President Trump.

To help spell this out, as they say on so many television shows: Go to the tape.

In the long essay titled “The Feminist Dilemma” published in the mid-1990s, Ms. Rao laid out her views on a range of issues dealing with women's rights and sexual violence. At the time, our country was waking up to the fact that most sexual assaults are not random acts of violence committed in dark alleyways; they are committed by someone the victim knows.

The term “date rape” was relatively new to a lot of people. In this essay she wrote: “Although I am certainly not arguing that date rape victims ask for it,” she did exactly that—several times. She put the burden on women to prevent their assaults.

She also described “The dangerous feminist idealism which teaches women that they are equal.” That is an exact quote—“dangerous idealism which teaches women that they are equal.”

She went on, “Women believe falsely that they should be able to go anywhere with anyone.” That is a quote. “Women believe falsely that they should be able to go anywhere with anyone.”

Now, as I noted already, Ms. Rao has tried to separate herself during her

nomination from those thoughts—what she wrote as a younger person—but she continues to double down on these views and their influence in her current position.

A few years ago, there was an effort to strengthen Federal rules to reduce sexual assaults on campus and compel schools to do a better job of protecting women. With Ms. Rao's help, Education Secretary Betsy DeVos and Donald Trump are now rolling those protections back.

Ms. Rao has also taken steps to roll back rules designed to fight wage discrimination and sexual harassment against women in the workplace. She worked to make it harder for women to get no-cost contraception under the Affordable Care Act.

Now I am going to turn to her views on the rights of other groups. LGBTQ Americans, Black, and Latino Americans are just several examples.

Here she has attacked so-called multiculturalists, writing: “Underneath their touchy-feely talk of tolerance, they seek to undermine American culture.” When you read that sentence, it seems like she believed the American culture in need of protecting is actually one of intolerance.

Now, she protested that “homosexuals want to redefine marriage and parenthood,” to which I say: Anyone like Rao, who defines marriage and parenthood by limiting the definition of love, is just wrong and, frankly, un-American.

She even blasted African-American and Latino fraternities and sororities, arguing they were the ones who didn't understand the true meaning of Dr. King's “I Have a Dream” speech.

In a book review, she praised an author for writing:

Perhaps it is time to stop thinking of blacks—and having them think of themselves—as a category. Let them rise or fall as individuals.

A nominee for the Federal bench ought to be able to recognize that the design of racism has been to have society and governments at all levels in this country discriminate against African Americans as a category and to prevent individuals and their families from rising from this hardship.

Again, Ms. Rao can try and try and try some more to distance herself from these writings, but she cannot distance herself from the work she does right now in her current job.

Civil rights activists scored a major victory in a recent Supreme Court case, *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project*. The case dealt with what have come to be known as the “disparate impact” regulations. The Court held that housing policies that inadvertently discriminate against minorities violate the Fair Housing Act. That type of “disparate impact” regulation exists across Federal law. But right now, with Ms. Rao's help, Donald Trump is working to undo these protections. Here I quote from the *Washington Post*:

The Trump administration is considering a far-reaching rollback of civil rights law that would dilute Federal rules against discrimination in education, housing, and other aspects of American life.

This article continues:

Past Republican administrations have done little to erode the concept's application, partly out of concern that the Supreme Court might disagree, or that such changes would be unpopular and viewed as racist.

Apparently, that is not a big enough concern to stop Ms. Rao and the Trump administration.

Now, briefly, I would like to look at her writings on climate and environmental protection.

She mocked what she called the “three major environmental bogey-men, the greenhouse effect, the depleting ozone layer, and the dangers of acid rain.”

In an extraordinary twist of logic, she suggested that people who warned about climate change were clinging to a “dangerous orthodoxy”—her quote—“with no reference to the prevailing scientific doubts.”

Her work at the Trump administration shows no change in perspective.

Fuel economy standards that reduce carbon emissions and save drivers money at the pump have been axed by the Trump administration and Ms. Rao. The Clean Power Plan—gone under with the Trump administration and Neomi Rao. Rules cracking down on mercury pollution, which causes brain damage to kids, weakened by the Trump administration and Ms. Rao. Rules designed to protect workers from exposure to dangerous chemicals on the job—rolled back again by Ms. Rao and the Trump administration. The list can go on.

This nominee's record shows, in my view, that an apology is not enough—even a written one—because the shocking and offensive views she put into words in the past are reflected by her work in the present.

It is all right here in her CV as a Trump official. She is responsible for those policies that lead to more discrimination, that are taking rights and protections away from women, Black Americans, and Latino Americans.

She doesn't even have a long record of legal experience which she can fall back on and cite qualifications. Her qualifications seem to be her extreme views and membership in the far-right Federalist Society—a well-funded outside group that the Trump administration has empowered to fill the judiciary with extreme nominees from well outside the mainstream.

Actions Ms. Rao has been green-lighting have been challenged in court, and rulings against them have made clear that the Trump administration is willing to break the law to get their preferred ideological outcome.

For example, just last week, a Federal judge slammed Ms. Rao's actions to undo efforts to crack down on wage discrimination. The judge said Ms. Rao's decision was arbitrary, it was capricious, and unsupported by any analysis.

Perhaps that is why, during her nomination hearing, she refused to recuse herself from cases involving issues she worked on during the Trump administration.

So here is my bottom line. The Senate has seen this before—Trump nominees with extreme, offensive, and what are essentially incendiary writings from the past. In Ms. Rao's case, there are current examples of how she has not left those views in the past.

When it was Ryan Bounds nominated to the Ninth Circuit, this body—the U.S. Senate—stood up and said no. Mr.

Bounds' views were extreme. More importantly, he knew it, and he hid them.

In my view, it is time to take a stand once more in the Senate, where Ms. Rao's views are on display for all to see. I am going to be a no on the nomination of Neomi Rao. I urge my colleagues to join me.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:07 p.m., adjourned until Wednesday, March 13, 2019, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 12, 2019:

THE JUDICIARY

PAUL B. MATEY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.