



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, THURSDAY, APRIL 12, 2018

No. 59

## Senate

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.

Mr. ALEXANDER. Mr. President, today the Senate will vote on the confirmation of Patrick Pizzella to be the Deputy Secretary of the United States Department of Labor, DOL. The Department of Labor is charged with enforcing laws to keep workers safe on the job, ensuring workers are paid the wages they are owed, helping to develop our workforce, and keeping critical data on our employment market.

Patrick Pizzella brings a wealth of relevant experience in both Democratic and Republican administrations. President Trump designated Mr. Pizzella as acting Chairman of the Federal Labor Relations Authority, FLRA, in January 2017, a position which he held through December 2017. President Obama appointed Mr. Pizzella to the FLRA in August 2013, after which he was confirmed by the U.S. Senate by voice vote on October 16, 2013.

Mr. Pizzella served under President George W. Bush from 2001 to 2009, as Assistant Secretary of Labor for Administration and Management at the Department of Labor. Mr. Pizzella was nominated by President Bush in April 2001—approved in May without a hearing by the Senate Committee on Health, Education, Labor, and Pensions, HELP, under Senator Ted Kennedy—and confirmed by the full Senate 2 days later.

Mr. Pizzella also served at the U.S. Office of Personnel Management, the U.S. Small Business Administration, and the U.S. General Services Administration.

This day is long overdue. President Trump initially nominated Mr. Pizzella to be the Deputy Secretary of Labor on June 20, 2017. The Senate HELP Committee received Mr. Pizzella's HELP Committee application on June 29, 2017. On June 23, 2017, the committee received Mr. Pizzella's Office of Government Ethics, OGE, paperwork, including his public financial disclosure and ethics agreement. Based on these documents, OGE determined that Mr. Pizzella "is in compliance with applicable laws and regulations governing conflicts of interest." Mr. Pizzella completed all paperwork in accordance with the HELP Committee's rules, practices, and procedures. The HELP Committee held Mr. Pizzella's hearing on July 13, 2017, and reported his nomination favorably on October 18, 2017.

Pursuant to Senate rules, Mr. Pizzella's nomination was returned to the President at the end of the first session of the 115th Congress. In fact, Mr. Pizzella was one of nearly 100 of President Trump's nominees who were returned to the President. It is unfortunate the Department of Labor has had to operate without its second most senior official for more than 9 months since Mr. Pizzella's initial nomination.

President Trump again nominated Mr. Pizzella to be the Deputy Secretary of Labor on January 8, 2018. The HELP Committee again favorably reported Mr. Pizzella's nomination on January 18, 2018.

The Department will greatly benefit from Mr. Pizzella's leadership and experience, and I look forward to supporting his confirmation.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Mr. President, I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

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

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. HATCH).

#### PRAYER

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

Let us pray.

Most High God, our Heavenly Father, Your loving kindness fills our hearts with gratitude. We are grateful for this opportunity to work in our government's legislative branch, striving to contribute to the progress of this great Nation.

Lord, we thank You for our lawmakers and for those who support them. Bless our Senators with Your wisdom, enabling them to make decisions that will benefit our Nation and world for generations to come.

We ask You, also, Eternal God, to bless the American people. Place Your shield of protection around them, providing them with the inspiration in their pursuit of life, liberty, and happiness. Fill them with the gift of Your peace.

We pray in Your holy Name. Amen.

#### PLEDGE OF ALLEGIANCE

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

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

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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



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Mr. SASSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 69 Ex.]

YEAS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Sullivan
Crapo	Kennedy	Thune
Cruz	Lankford	Tillis
Daines	Lee	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—48

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

NOT VOTING—2

Duckworth      McCain

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. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the cloture vote.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, the Senate will vote on cloture on the nomination of Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency.

The Deputy Administrator is critical in developing and implementing policies that fulfill the EPA's mission of protecting America's water, land, air, and communities.

He is the right person for the job. He has spent 25 years working in environ-

mental policy. In that time, he has served as a career employee of the EPA; a staff director on the Hill for the committee I now chair, the Environment and Public Works Committee; and, most recently, as a consultant in the energy policy space.

Andrew Wheeler is well qualified to fill this critically important job. I urge all Senators to support the nomination.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Delaware.

Mr. CARPER. Mr. President, they say that a man or woman's word is his bond. When the Environment and Public Works Committee voted on the nomination of Andrew Wheeler, someone I have known for 25 years or more, I was very clear about my desire to help smooth the way to a faster floor process. I was very clear that what I needed, and what we needed, was an assurance from EPA that it would respect settled law, that it would respect EPA actions and court decisions that found that global warming pollution from cars and SUVs is a danger to our Nation, to our citizens, and to our planet.

What I asked for was an assurance from Scott Pruitt that he would do what the auto industry has asked him to do, which is to negotiate an agreement on vehicle standards for the State of California. I worked with Bill Wehrum, the Assistant Administrator for the Office of Air and Radiation, for weeks, and we reached an agreement that I was told Administrator Pruitt supported until Scott Pruitt reneged on the deal and decided he might prefer fighting and litigation to cooperating and negotiating.

Let me be clear, I tried to work with the EPA. I believed that perhaps in just this one instance we could find a win-win. There is one that is right there to be grasped. But Administrator Pruitt ignored his own top air official. Let me close, if I can.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. Whatever Mr. Wheeler's qualifications, he cannot solve this problem alone at EPA, which is that Scott Pruitt has no interest in governing, no interest in leaving a lasting and responsible legacy, and no interest in working with anyone who doesn't enable him to act on his own worst instincts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. I urge a "no" vote.

The PRESIDING OFFICER. The Senator's time has expired.

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 Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Mitch McConnell, Jerry Moran, Deb Fischer, John Barrasso, Johnny Isakson, Thom Tillis, Roy Blunt, Mike Rounds, Steve Daines, James M. Inhofe, Shelley Moore Capito, John Cornyn, John Boozman, John Thune, Roger F. Wicker, John Hoeven.

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

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

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

[Rollcall Vote No. 70 Ex.]

YEAS—53

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Hyde-Smith	Sasse
Cornyn	Inhofe	Scott
Cotton	Isakson	Shelby
Crapo	Johnson	Sullivan
Cruz	Kennedy	Thune
Daines	Lankford	Tillis
Donnelly	Lee	Toomey
Enzi	Manchin	Wicker
Ernst	McConnell	Young
Fischer	Moran	

NAYS—45

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

NOT VOTING—2

Duckworth      McCain

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. McCONNELL. Mr. President, yesterday, the Senate confirmed John Ring to the National Labor Relations Board. Now the NLRB is, once again, fully staffed and ready to call balls and strikes fairly for America's workers.

This morning, we confirmed Patrick Pizzella, the President's highly qualified nominee, to fill the No. 2 job at the Department of Labor. Mr. Pizzella brings a sterling reputation and an impressive resume. It includes time at the GSA, the Small Business Administration, the Department of Education, the Federal Housing Finance Board, and OPM.

Even with 8 years as the Assistant Secretary of Labor for Administration and Management and 4 years as a Senate-confirmed member of the Federal Labor Relations Authority, this dedicated public servant saw his confirmation process play out in a manner that has become all too familiar—months of waiting on the Senate calendar, months of obstruction by our Democratic colleagues, months of needless vacancy in this critical agency position. After this morning's vote, Mr. Pizzella can finally get to work, but the same story of obstruction applies to the next nomination on the slate as well.

Andrew Wheeler is ready and waiting—and waiting and waiting—to clock in as Deputy Administrator of the EPA. His qualifications are beyond question. He has won the support of the American Farm Bureau Federation and has won praise from both sides of the aisle. Mr. Wheeler's former boss, our colleague Senator INHOFE, said, "There is no one more qualified." Our former colleague, Senator Lieberman, called Mr. Wheeler "fair and professional" and said, "I hope his nomination will receive . . . fair consideration by the Senate."

Delaying key executive nominees does not come cost-free to the country. The Deputy Administrator is the EPA's chief operating officer. He plays a major role in protecting America's air and water, while minimizing unnecessary obstacles for workers and job creators. The American people deserve to have him and other key officials in place.

I mentioned yesterday that our Democratic colleagues are literally setting records. Just 15 months in, they have chosen to force—listen to this—84 cloture votes on President Trump's executive and judicial nominees. Eighty-four. That is more than three times as many nominee cloture votes as happened in the first 2 years of Presidents Obama, President Bush, and President Clinton combined. Combined, 84 cloture votes is more than 3 times as many cloture votes as happened in the first 2 years of President Obama, Bush, and Clinton altogether. Many of the nominees were then confirmed nearly unanimously.

I hope these stalling tactics will end soon because the personnel business isn't going anywhere. Today, in fact,

CIA Director Mike Pompeo is appearing before the Senate Foreign Relations Committee for the first time as the President's nominee for Secretary of State. He is yet another qualified nominee who deserves fair and swift consideration for our country's sake.

For now, I meant what I said on Monday. We will remain in session as long as it takes to process this week's slate of nominees. After Mr. Wheeler, we still have two judicial nominees: Rebecca Grady Jennings for the Western District of Kentucky and John Broomes for the District of Kansas. One way or another, the easy way or the hard way, this Senate will get the people's business done this week.

#### PRO-GROWTH AGENDA

Mr. President, on another matter, I have been speaking all week about the stark difference between the Obama administration's economic legacy and the pro-growth agenda this Republican Congress and Republican President have been putting in place.

For 8 years, our Democratic friends' so-called economic recovery hardly made it past our Nation's biggest and richest cities. Democratic policies largely failed the millions of working Americans who live in our small towns and suburbs, smaller cities and rural areas—not so with this Republican Congress and this Republican President. Already, our inclusive opportunity agenda is bringing new energy, new optimism, and new growth to all of those forgotten parts of our country.

On my recent trip back to Kentucky, I heard what I have been hearing for months now. I heard how tax reform is helping bourbon producers compete, create jobs, and reinvigorate their local economies. I heard how employers in the State are reinvesting in their workers by offering bonuses or looking to increase hiring. I heard how farm families are breathing easier after regulatory reforms that will keep the government from invading every puddle, ditch, and pothole in America.

These signs of progress just confirm what Republicans have said all along: that middle-class families flourish when the IRS takes less of what they earn; that American entrepreneurs thrive when we scrub the regulatory rust off our economy and give farmers, ranchers local communities, community banks, and small businesses more say over their own affairs; that good things happen when we just get Washington out of the way.

Our policies are delivering real prosperity for Americans in all kinds of communities, so it is no surprise that a recent study found that last year, rural areas outpaced the rest of the country in relative job creation.

These are promising signs and long over due, but, of course, there is a lot more work to do.

#### HEMP FARMING ACT

Mr. President, that is why a number of us have been working hard on legislation that would get government out of the way in another important re-

spect. As the tobacco industry has changed, some farmers in States like Kentucky have been searching for a new crop that can support their families and grow our agricultural economy. Many believe they found such a product—industrial hemp—but the Federal Government has stood in the way. It is time to change that. That is why some colleagues and I are introducing legislation that will modernize Federal law in this area and empower American farmers to explore this promising new market.

I want to thank my fellow Kentuckian, Congressman JAMIE COMER, and my good friend and colleague from Oregon, Senator WYDEN, for their leadership on this issue, as well as Senator MERKLEY for his support.

During the recent State work period, I stood with Kentucky's agriculture commissioner, Ryan Quarles, to announce my intention to introduce new legislation on this subject. Today we are introducing the Hemp Farming Act of 2018. It will build on the success of recent pilot programs and take a big step toward growth and more innovation. As I travel across Kentucky, I have spoken with farmers, manufacturers, and small business owners. Time and again, they shared with me their enthusiasm for hemp's potential to reenergize agricultural communities and provide a new spark to the U.S. economy. This bill will help make that potential a reality.

But first, let's remember how we got to this point. In 2014, I secured language in the farm bill that established hemp pilot programs in States that allow hemp research. The results have been extraordinary.

In Kentucky, hemp is proving useful across a wide variety of innovative products. Its fibers are being added to concrete and home insulation. Its extracts are being researched for potential health benefits. Some breweries in Kentucky have even crafted hemp-infused beer. Last year alone, the hemp industry added 81 new jobs in Kentucky and yielded more than \$16 million for Kentucky farmers. That is just under Kentucky's research pilot program.

Of course, that is just one State. Already, in fact, around \$600 million in hemp products are sold each year here in the United States. Due to current laws, much of this hemp has to be imported. That cuts out our American farmers. It is time for that to change. The legislation we are introducing today will solve this problem and get the Federal Government out of the way of this promising market.

The Hemp Farming Act of 2018 will do the following:

First and foremost, our bill will finally legalize hemp and remove it from the list of controlled substances. By recognizing the difference in statute between hemp and its illicit cousin, we can remove much of the confusion facing farmers, producers, and State agencies.

Second, the legislation will allow States to become the primary regulators of hemp, if they can develop a plan to properly monitor its production.

Kentucky Agriculture Commissioner Quarles is a strong supporter of hemp and its potential, and under his guidance, the industry is already growing and maturing in Kentucky through the pilot program. He and State leaders like him around the country are well positioned to develop their own policies and take the industry to the next level. If States are unable or choose not to create their own regulatory plan, the U.S. Department of Agriculture will provide the necessary oversight.

Third, this bill will also allow researchers to apply for competitive Federal grants from the USDA, so we can continue to see more innovation with respect to this extraordinarily versatile crop.

Finally, our legislation will also explicitly make hemp farmers eligible to apply for crop insurance. That will enable farmers to build out a steady business model and put it on a level playing field with other crops.

I look forward to continuing to work with colleagues here in Congress and hemp farmers in Kentucky and throughout the Nation on this legislation.

Again, I particularly thank Senator WYDEN and Senator MERKLEY for working with me on this bipartisan bill. I also thank Congressman COMER, a longtime advocate for hemp—who, by the way, is a former agriculture commissioner in Kentucky—for taking the lead in introducing companion legislation over in the House. I will be proud to continue to work with him on this issue.

Today is a promising step. I am hopeful that together we can get this bill across the finish line and onto the President's desk.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the majority leader said that this is a promising day, and I would just say that I think it is more than that. It is really a milestone to have the majority leader of the Senate working with a bipartisan group of us to lift a restriction that is anti-farmer, certainly anti-consumer, and anti-common sense. This industrial hemp restriction really, in my view, is working in needless hardships from sea to shining sea.

I am going to take a minute to build on some of the majority leader's remarks.

Colleagues may have heard me say that, for me, this issue goes back several years. My wife was pregnant, and she and I headed from our house in Southeast Portland, and we went off to the nearby Costco store. We were walking through the aisles, and we came across a huge bag of hemp hearts. It said: Great fiber. Terrific source of protein. A variety of different attributes

were spelled out on this package. Good for your heart, and good for your blood pressure.

I looked at the package, and the package clearly indicated that it had been grown outside the United States. So I said to my wife, who is a business-woman and savvy about such matters: What would be wrong with saying that if you can buy it in a major supermarket in America, our farmers ought to be able to grow it in America?

She said: Well, dear, that just sounds way too logical for what goes on in your world.

I think what the leader has said—and I just want to back this up with a little more detail—is that the current policy is somehow based on the idea that hemp is a dangerous drug, meaning that if you look at the way some people have attacked this idea in the past, that was always the heart of it, that hemp was a dangerous drug.

Hemp does not produce the high associated with marijuana. The only thing you are going to accomplish by smoking hemp is wasting your breath, wasting your time, and wasting lighter fluid. That is pretty much what you would accomplish. This misguided policy of treating hemp like it is some kind of peril, an imminent threat to the American people, is, I think, a mistake, and it means that the hemp products that are lined up on shelves all across America simply aren't going to be fully American-made.

Senator MCCONNELL and Senator PAUL have heard that from farmers in Kentucky, and Senator MERKLEY and I have heard that from farmers in Oregon. That is why it is so important that we move to a system that is built on common sense, something that will be good for farmers, and something that will be good for consumers and certainly offer additional consumer choice.

If I might build on the now sort of memorialized words of Nancy Wyden, because when we talked about, hey, if you can buy it in a market in Oregon, the farmers ought to be able to grow it—I think that is a pretty good watchword for this bipartisan bill we are undertaking.

I look forward to working closely with you, Mr. Leader. We are obviously going to be working with Chairman ROBERTS and Senator STABENOW, the ranking Democratic leader. This is long, long overdue.

As you noted, we have bipartisan supporters, and we are going to pull out all the stops to get this legislation passed. I think I mentioned to the majority leader that those who have been involved in this effort—and it has been a really impressive coalition of farmers, health advocates, and others—are watching the Senate this morning. They are saying that the Senate has finally come to understand what is relevant for this century. The policies that have been so flawed in the past are sort of outdated relics of yesterday, and I am pleased that Senator

MERKLEY and I can join you and Senator PAUL. We will have colleagues on both sides involved in this legislation. It is long overdue.

I thank the leader.

I yield the floor.

Mr. MCCONNELL. Mr. President, I thank my friend from Oregon. I think this is a great project we can work on together.

During the recent break, I met with a lot of farmers in Kentucky. Since farmers demographically tend to be older in most of our States, I thought it was particularly noteworthy that there were a lot of young, enthusiastic farmers, including research people from the University of Kentucky College of Agriculture, with genuine enthusiasm about what this could mean to help reinvigorate a rural economy in Kentucky that is not what it used to be when we had tobacco as our No. 1 cash crop. That has faded, and it should have, given the health implications of it.

This is an opportunity for us to do something together, to do something important for rural America, and I look forward to working with my friend and colleague to achieve success.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, over the past 2 weeks, we have seen increasingly worrisome signs that President Trump is seriously considering firing the special counsel in charge of the investigation into Russia's meddling in the 2016 election. Equally troubling is the possibility of the President firing the Deputy Attorney General who oversees that investigation in order to install someone who would dismiss Mr. Mueller or otherwise impede or shut down the investigation.

Let me be clear. Firing Mr. Rosenstein would be as great an injury to our democracy as firing Mr. Mueller. Mr. Rosenstein, by all accounts, since being appointed by President Trump, has followed the letter of the law. There is no conduct the President or anyone else can point to that would suggest Mr. Rosenstein went beyond DOJ regulations or otherwise abused his position. He has dutifully done his job. When he approved Mr. Mueller's referral to the U.S. attorney in the Southern District, it was simply because he was provided sufficient evidence that Mr. Mueller had uncovered a potential crime. It doesn't matter if it upsets President Trump; Mr. Rosenstein was following the facts and the law. It is the obligation of a Justice Department official when he or she sees evidence of a crime to pursue it without fear, without favor. That is what Rosenstein was doing, and somehow President Trump doesn't grasp the rudiments of our democracy and our system of laws.

Instead, President Trump seems to have the view that the Justice Department exists to protect his interests and

prosecute his enemies. But in the long history of our grand, wonderful country—God’s noble experiment, as the Founding Fathers called it, and it still is today—that has never been what the Justice Department has stood for. It is an independent Federal agency tasked with following the law wherever it leads, free of considerations of politics or power. Mr. Rosenstein is acting in line with that long and great tradition, and it is no reason—none at all—for the President to fire him.

My friends on the other side of the aisle know, just as well as we do, that firing Mr. Rosenstein or Mr. Mueller would precipitate a constitutional crisis. Our constitutional order is built upon a bedrock faith in the rule of law, of equality under the law. No person—not even the President—can subvert that principle for his or her political interests or needs.

Let me remind everyone that the investigation is not a witch hunt, as the President keeps tweeting it is. It has resulted in multiple indictments and guilty pleas. By definition, that is not a witch hunt. The Trump administration itself leveled sanctions against Russians based on information obtained as a result of the Russia probe. So if the President’s own administration, separate from Mueller, leveled sanctions against the Russians using information that Mueller has gotten, how can he then proceed to call it a witch hunt? It just doesn’t add up.

The investigation concerns the national security of the United States. If the President were to try to shut it down for personal, political reasons, there is no doubt we would face a constitutional crisis.

So let’s make this simple. The consequences of firing Mr. Rosenstein, Mr. Mueller, or issuing pardons would be dire for our democracy. We have clear evidence from the President himself that each of those things is a possibility. President Trump basically mused about it on national television.

Every Democrat and every Republican, regardless of politics, party, or ideology, should stand up and say that what the President is considering is not only wrong but a real threat to the constitutional order of this government. Once they admit that, what rational person would not want to take steps to prevent a constitutional crisis from happening now, before the President acts precipitously and against the whole meaning of our democracy? We, in Congress, have the power to prevent that constitutional crisis and to do it right away. We have the power to protect the special counsel’s investigation. Only the Deputy Attorney General can fire the special counsel and only for cause.

A bipartisan group of Senators, including Senators GRAHAM and TILLIS on the Republican side and BOOKER and COONS on the Democratic side, have come up with legislation that would allow the special counsel to appeal a firing to a panel of independent judges

under an expedited procedure to determine if Mr. Mueller were fired for cause. If he weren’t fired for cause, the special counsel would be reinstated immediately. That makes eminent sense. The bipartisan legislation would simply provide a legal avenue to reinforce existing procedures and assure that the grand tradition of rule of law is maintained.

Chairman GRASSLEY and Ranking Member FEINSTEIN have agreed to hold a hearing and mark up this legislation. I applaud them both for it and urge the members of the Judiciary Committee to approve this legislation without watering it down or weakening it with amendments. We should pass it out of committee. Leader MCCONNELL should bring it to the floor of the Senate quickly, where I believe it would pass with a very large majority, and we should pressure our colleagues in the House to do the same. It is my view that if the bill came to the floor and passed the Senate by a significant majority, the House would follow because the pressure would be enormous.

The rule of law, quite simply, should not be a partisan issue. It must not be a partisan issue. We cannot ever let it become a partisan issue. The last time it was at risk under President Nixon’s administration, Republicans stepped up to the plate, and they went down in history as very admirable. I hope they will do it again. The Congress should speak loudly and soon by passing this legislation in both Chambers.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I ask to continue my remarks for a few minutes on another subject.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I apologize to my colleague from Delaware.

#### REPUBLICAN TAX BILL

Mr. President, on a second issue, on the issue of taxes, since the beginning of the tax debate, Republicans have insisted their bill is about cutting taxes for working Americans. This is despite the fact that the bill would direct 83 percent of the benefits to the top 1 percent of Americans. Despite the fact that they made corporate tax cuts permanent but let individual tax cuts expire, Republicans said that middle-class workers were the focus. Democrats warned that if you give big corporations, powerful corporations, and the wealthiest of Americans the overwhelming lion’s share of the tax cuts, the corporations would do what they have always done when they have higher profits—distribute it amongst themselves. Unfortunately, we said it at the time, and I wish we were wrong, but our warnings proved prescient.

Almost every day, we hear a new story about a corporation using the savings from the Republican tax bill to purchase its own stock. That is called a stock buyback. What does it do? It

boosts the corporation’s stock price to provide a reward for the wealthy CEOs and top executives who have the shares and shareholders, the vast majority of whom are wealthy Americans and a third of whom are not even Americans. They get the breaks.

A stock buyback is designed to feather the nest and increase the power and support among shareholders of the CEO. When you buy back stock, you use that money—instead of investing it in workers, instead of investing it in a new plant, instead of investing it in training—to decrease the number of shares, which raises the value of the other shares. So who benefits? The shareholders. Who are the shareholders? They are the CEOs and major officers of the corporations, so they are not doing this without self-interest.

As I said, 80 percent of the stocks in America are owned by the top 10 percent of the wealthy. It is not very good.

Let me give you an example. These are the kinds of things that are happening daily. Devon Energy announced a billion-dollar stock buyback in March, and 2 days ago they said that they are laying off 9 percent of their workers “to streamline operations and boost the shale oil producer’s sagging returns and stock price.” They are not atypical.

According to JUST Capital, 60 percent of the money in the Republican tax break went to shareholders, who tend to be the wealthiest, and only 6 percent went to workers. So much for all the talk that when we gave the corporations all this money, the workers would gain most of the benefits. It has not happened.

Stock buybacks are a big reason why workers no longer see the benefits of record corporate profits. Why? Because instead of investing in corporate profits and things that benefit the long-term health of the economy and workers—higher wages, new equipment, research, development, and new hires—corporations spend the money on buybacks.

In fact, stock buybacks were illegal because they so feathered the nest of the very few, that when corporate CEOs and their board did it, they were not objective observers because they would make so much money from them. So stock buybacks were illegal until 1982, which is about the same time wages stopped increasing with corporate profits.

Senator BALDWIN has led the charge in our caucus to go back to the days before 1982. So when corporations had a lot of profits, whether through earnings, revenues, or tax breaks, they couldn’t use these stock buybacks, and almost certainly a larger percentage of money would go to the workers and the middle class.

The theory behind the Republican tax bill was to allow corporations and the richest Americans to keep more of their already very great wealth, and maybe the benefits will trickle down to

everybody else. As we are already seeing, the idea was folly. The middle class will pay the price.

Because of the enormous cost of the Republican tax bill—\$1.9 trillion, according to the most recent CBO projection—the number keeps going up. All of our deficit hawks on the other side of the aisle somehow forgot about that when it came to giving breaks to the wealthiest Americans and big corporations. The deficit and debt will grow over the next several years, and many Republicans are already talking about targeting Social Security, Medicaid, and Medicare for cuts to make up the difference. On top of the tax bill that mostly goes to the folks who need it the least, the Republican tax bill has become an excuse for Republicans to come after Social Security, Medicare, and Medicaid.

It was a huge mistake and could have been crafted a whole lot better had our Republican colleagues decided to work with us Democrats.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Delaware.

Mr. CARPER. Mr. President, we are here today primarily to discuss the nomination of Andrew Wheeler to serve as Deputy Administrator of the Environmental Protection Agency. Before I turn to Andrew Wheeler, I want to spend a few minutes talking about our current EPA Administrator.

Recent reports of EPA Administrator Scott Pruitt's ethical shortcomings and lavish spending on the American taxpayers' dime are breathtaking, but they should come as no surprise. Just over a year ago, I stood at the very same spot where I stand today to discuss Mr. Pruitt's nomination. Last February, I said that never before had I been forced to consider a candidate to lead the EPA who had been so focused throughout his career on crippling the very Agency he sought to lead or so hostile to the basic protections that keep Americans and our environment safe.

At the same time, I warned our colleagues that based on his record as attorney general of Oklahoma, Scott Pruitt had an unacceptably casual approach to meeting obligations as a public servant. Unfortunately, with respect to too many of my colleagues, that warning fell on deaf ears.

In the 15 months since he was confirmed—narrowly confirmed—Mr. Pruitt has proven to be an even worse leader than I imagined on a policy front but also with regard to one ethical failing after another, as well as his disregard for the American taxpayers.

The Presiding Officer and I have spent large portions of our lives serving our country in uniform—he as a marine, me as a naval flight officer. I was a midshipman for 4 years before being commissioned, served 5 years in the war in Southeast Asia, and 18 years at the end of the Cold War as a P-3 aircraft mission commander.

From the age of 11, I was trained to be a leader. My guess is, my colleague

was also. I was a Boy Scout, Civil Air Patrol cadet, naval ROTC midshipman, served 5 years on Active Duty, and another 18 years as a Reserve flight officer. If I don't know something about leadership, it is my fault. I have had great mentors, great role models. I was trained as a leader since the age of 11.

I want to mention this about leadership. Leaders are humble, not haughty. Leaders are servants. Our job is to serve, not be served. We lead by example. Leaders stay out of step when everybody else is marching to the wrong tune. Leaders put the best team around them that they can find. When the team does well, the leader gives credit to the team. If the team falls short, the leader takes the blame.

Leaders are aspirational. They appeal to our better instincts. They are purveyors of hope. Leaders build bridges, not walls. Leaders focus on doing what is right—not what is easy or what is expedient but what is right. Leaders treat other people the way they want to be treated. They actually embody the Golden Rule.

Leaders focus on excellence in everything they do. If it isn't perfect, they say: Let's make it better. Let's work with other people to make it better. When leaders know they are right, are convinced they are right, and other people realize they are right, leaders don't give up.

I knew 13 or 14 months ago what kind of steward Scott Pruitt would be with respect to protecting our air, our water, our public health. I had no idea—no idea—what kind of leader he would prove to be with respect to ethical behavior or misbehavior. What a shame. What a shame.

Over the last 2 weeks, we have been barely able to go a day without learning new and increasingly troubling information about the Administrator's failures to conduct himself in a way a public servant, working on behalf of the American people, should behave.

His poor financial judgment and serious ethical lapses make it clear that he is unfit for office. Setting aside his lack of stewardship on environmental issues, he should have never been confirmed in the first place.

Administrator Pruitt's conduct is emblematic of an extraordinarily and ethically tone-deaf administration. There are some good people in this administration, a number of them. Our Presiding Officer knows them, and I know them. Unfortunately, one of them is not running the Environmental Protection Agency, where lavish trips, extravagant office furniture, and personal favors are the norm, not the exception.

President Trump said he was going to drain the swamp. Scott Pruitt is the definition of what I recently heard one person call a swamp creature, with his close ties to polluters, misuse of taxpayer money, and corrupt dealings.

Should the Senate confirm Andrew Wheeler, we will be setting him on a course to address not just these recent

allegations but these occurrences, these terrible examples.

As of today, Administrator Pruitt faces growing bipartisan calls for his firing or resignation amid nearly 25 ethics and improper expenditure allegations—25—and growing.

This is 2 weeks of turmoil. This chart is the cliff notes version. There is more. It is not anything to be proud of. It is a lot to be ashamed of—excessive raises for political appointees who came with him from Oklahoma and unprecedented security requirements are just a few of his growing collection of scandals that have made headlines almost every day in recent weeks.

Since his confirmation, Administrator Pruitt has developed a taste for the finer things in life, particularly when the American taxpayer is picking up the tab. Mr. Pruitt has been broadly criticized for his lavish spending of taxpayer dollars on various flights in his first year as EPA Administrator, including international trips, first-class flights, weekend trips home to Oklahoma, and chartered military jets.

Mr. Pruitt somehow managed to spend over \$1,600 on a flight from Washington, DC, to New York City last year. It takes real effort to find a seat that expensive. My offer to Mr. Pruitt still stands; that the Administrator join me on Amtrak and save a ton of money.

Administrator Pruitt took a \$40,000 trip to Morocco in December 2017 to promote liquefied natural gas—an issue that is not within his Agency's jurisdiction. On his way to Morocco, Administrator Pruitt missed two flights while staying in Paris for 2 days. Reports also indicate that Administrator Pruitt spent \$120,000 on a trip to Italy last June, including \$30,000 in security-related expenses, \$53,000 in travel vouchers, and a \$36,000 chartered flight from Cincinnati to New York City to catch his international flight. A \$36,000 chartered flight from Cincinnati to New York City—really?

Mr. Pruitt has spent more than \$105,000 in first-class flights during his first year alone in office. When confronted with the exorbitant pricetag on his first-class travel, the Agency said Mr. Pruitt's first-class travel was necessary—listen to this—because of the high number of security threats he had received. If that were truthful, we should all be concerned. There are a lot of reasons to believe it is not truthful.

He apparently did not consider a first-class upgrade to be vital to his safety while flying on his own dime, since Administrator Pruitt flew coach on personal trips back home to Oklahoma.

Administrator Pruitt is also facing scrutiny for assembling a team of 20 security agents deployed in 19 vehicles—20 security agents deployed in 19 vehicles—who provided an unprecedented 24/7 level of protection. Administrator Pruitt's unprecedented domestic and international travel has led to rapidly escalating costs, with his around-the-clock security detail racking up so

much overtime—get this—that many hit their annual salary caps of \$160,000.

CNN has reported that the demands of providing the Administrator with the 24/7 security coverage he desired meant taking some investigators from their field work.

The New York Times reported that Administrator Pruitt asked his security team to use his vehicle's emergency lights and sirens to speed through traffic en route to a French restaurant right here in Washington, DC, to celebrate the President's withdrawing from the Paris climate agreement. And when the security agent advised Mr. Pruitt that sirens were only to be used in an emergency, the agent was reassigned less than 2 weeks later.

The Washington Post reported that Administrator Pruitt also sought a \$100,000-a-month private jet membership, a bulletproof SUV with run-flat tires, and \$70,000 for office furniture, including a bulletproof desk.

I am not sure where Administrator Pruitt thinks he works, but his security detail has cost the American taxpayers nearly \$3 million during his tenure—\$3 million—roughly three times that of his predecessor Gina McCarthy.

Related to Administrator Pruitt's apparent privacy concerns, he felt the need for taxpayers to pay for him to install a private, soundproof, \$43,000 phone booth in his office at EPA headquarters. He added \$6,000 biometric locks to the booth, paid \$3,000 to have his office swept for bugs, and described his soundproof booth as a sensitive compartmented information facility. No other EPA Administrator in history felt the need for such a booth. I am not aware of any Cabinet Secretary who has felt that kind of need.

Earlier this week, Administrator Pruitt removed a career staffer who approved an internal report that undermined Mr. Pruitt's claims that he needed to fly first class, a 24/7 security detail, a bulletproof desk, and other unprecedented security protections. The career staffer who questioned those expenditures, who approved the internal report discussing them, was removed.

Reports have also surfaced that Administrator Pruitt bypassed the White House to hire ex-lobbyists and sidestep President Trump's promise to drain the swamp and require appointees to sign an ethics pledge. Utilizing an obscure provision in the Safe Drinking Water Act intended to let the Agency quickly hire senior management and scientific personnel, Mr. Pruitt instead used his authority to skirt the ethics pledge and increase the number of ex-lobbyists who could work on issues of importance to their previous clients with impunity.

It goes on. Mr. Pruitt used this same authority to again bypass the White House and grant significant raises to favored staff.

After the White House refused to boost the pay of those favored staff, Administrator Pruitt reappointed both

staffers under the Safe Drinking Water Act authority, allowing him to set salary levels himself. A 30-year-old senior counsel who worked for Pruitt in Oklahoma was given a raise of approximately \$56,000 a year—\$56,000 a year. That raise is just \$1,000 short of the annual median household income for our country. Mr. Pruitt's 26-year-old director of scheduling of events got a pay bump too—almost \$30,000.

On his interview with FOX News last week, Mr. Pruitt denied knowledge of the raises, but recently reported emails among EPA staff indicated that Mr. Pruitt was aware and personally involved with at least one of those raises.

Perhaps the most troubling among the litany of questionable financial expenditures and ethical lapses Mr. Pruitt has exhibited during his time as Administrator are recent reports that say he demoted, reassigned, or pushed out staff who tried to curtail his spending or question his ethical misbehavior.

The New York Times reported 2 weeks ago that at least five officials—both career EPA employees and one political appointee, four of them high-ranking—were reassigned, demoted, or pushed out after they raised concerns about Mr. Pruitt's excessive spending and mismanagement.

Just yesterday we learned that Mr. Pruitt wanted to revamp EPA memorabilia to, of all things, more prominently highlight himself. That is not what leadership or public service are supposed to be.

The list goes on. Almost every day a new scandal emerges, and Mr. Pruitt's alleged actions and ethical shortcomings surpass what many of us thought even possible. Yet he continues to serve the American people as the Administrator of the Environmental Protection Agency.

Unfortunately, this outcome was predictable. I hope to go to a baseball game in Delaware tonight, the home opener for the Wilmington Blue Rocks, the Kansas City Royals' farm club. Some of the pitchers are going to throw a pitch tonight, and the pitch will be well telegraphed. That means the hitters can sort of guess what is coming their way.

Well, this outcome was predictable. This pitch was well telegraphed. When the Senate confirms a candidate who has focused throughout his career on crippling the very Agency he seeks to lead, we should not expect a different result. Expecting anything more from Mr. Pruitt would be foolish. He spent 6 years as Attorney General of Oklahoma attacking the very Agency that he now leads—suing the very Agency he now leads.

The only question is when President Trump or Members of this body will finally hold Scott Pruitt accountable for the damage he has done to the Agency and the environment he has promised and pledged and sworn to protect.

We should know whether Andrew Wheeler is up to the task of helping to right this badly damaged EPA ship, to

restore confidence, and to get it headed back on the right course.

So, once again, I will warn my colleagues that Scott Pruitt's behavior should give us pause before we consider another nomination.

Some of our colleagues on the other side of the aisle may suggest that I am grandstanding or that this is some effort to score political points. Let me just say that this is serious stuff. This is serious stuff not just to Democrats, not just to Republicans or Independents, not just to the people in government, but to the people who pay for that government—the taxpayers of this country.

Today we are considering the nominee to serve as the Deputy Administrator of the Environmental Protection Agency, Andrew Wheeler. The Deputy Administrator is second in command at the Agency. The role of Deputy Administrator is to assist the Administrator—in this case, Scott Pruitt—in overseeing the day-to-day operations that help to keep the Agency running, to protect our air, to protect our water, and to protect our public health.

Scott Pruitt has been making headlines at the EPA as of late, but for all the wrong reasons. From his first-class flights to his ethically questionable dealings with industry, Scott Pruitt has clearly been doing what he wants to do at EPA with little regard for the rules or for the American people. Even if Mr. Wheeler disagrees with the decisions being made by EPA's current leadership, which is something we should find out, it seems as though Scott Pruitt simply silences or isolates or reassigns any dissenters.

It is important to know how Andrew Wheeler views the chaos that has engulfed EPA in the last year, most of which is of Scott Pruitt's own making. After all, the things we have learned about the EPA over the last 2 weeks gives us a different outlook than when Leader MCCONNELL filed cloture on Andrew Wheeler's nomination just before the Easter recess. It certainly gives a different perspective than we had when Andrew Wheeler sat before the Environment and Public Works Committee last year.

It is especially important to learn how Mr. Wheeler would address Scott Pruitt's ethical lapses because it is becoming clear that my Republican colleagues, sadly, have little interest in addressing them.

This week, our colleague Senator SHELDON WHITEHOUSE of Rhode Island and I sent a letter to our chairman and our friend, Senator BARRASSO, requesting a hearing on the troubling information that we received regarding Mr. Pruitt's expensive and unprecedented security detail. Chairman BARRASSO apparently does not intend to hold a hearing. I hope he will reconsider that decision.

When our top government officials fail to follow the rules, we in Congress have a constitutional duty to hold them accountable and to get to the



truth. What did Thomas Jefferson used to say? He said: If the people know the truth, they will not make a mistake. Hopefully, if we in this body know the truth, we will not either.

The legislative branch of government is a coequal branch of government. Our Founding Fathers in their wisdom designed a system where there would be checks and balances built in so that no one branch could get too far out of line, but that system only works if each branch is willing to assert its authority.

I am hardly the first person to recognize the need or the importance of congressional oversight. Many of our Senate colleagues have conducted effective oversight over the years. I have, our Presiding Officer has, and many Members of this body have.

Here is a call for increased oversight from 2010. It reads:

The legislative branch has its own responsibility to provide oversight over the executive branch agencies. . . . Our mission should be to provide oversight for the current administration to ensure integrity and transparency over policy decisions being made that affect peoples' lives today.

As issues arose in previous Congresses, previous chairmen held hearings into those matters.

Those are not my words. Those are the words of our friend, the chairman of the Environment and Public Works Committee.

Let me just say, that I approved this message.

Here is a call for increased oversight from, I think, April 2016. It reads:

Mr. President, like so much in Washington, D.C., the EPA has grown too big, too arrogant, too irresponsible, and too unaccountable. And people in America deserve accountability.

Again, I agree with JOHN BARRASSO.

Finally, a quote from September 2015 reads:

The agency needs to step back and rethink its priorities. . . . The Environmental Protection Agency has been out of control for far too long. It is time for Congress and President Obama to hold the EPA accountable for its failures, and it is time to rein in this runaway bureaucracy before it does more damage to our communities, to our economy, and to our country.

September 17, 2015.

Some things are too important to be held hostage by partisanship. Oversight shouldn't only be important when a Democrat is in the White House. Oversight shouldn't only be a critical component of Congress's work when Barack Obama or Gina McCarthy are in charge. Oversight of the executive branch is, in fact, our constitutional responsibility here in the Senate, and it should be constant no matter which party is in power in the Senate, the House, or in the White House. Whether an official's actions are right or wrong does not depend on where they fall on the political spectrum.

Even TREY GOWDY—a terrific Congressman from South Carolina, the Republican chair of the House Oversight Committee—recognizes the need for

oversight here, and our Republican colleagues in the Senate have an obligation to hold Mr. Pruitt to the same standards that they held officials who served in past administrations. If Lisa Jackson had been accused of even a fraction of the things it seems as though Mr. Pruitt has done, we would be holding hearings in the Dirksen Senate Office Building in the EPW hearing room every week—and we should be.

Andrew Wheeler worked as a Senate staffer. He worked for our friend George Voinovich, one of my dearest friends in my whole life. He conducted oversight throughout his career. He later worked for Senator JIM INHOFE. Andrew has worked for Members such as Senator INHOFE and Senator George Voinovich, who I know take and took seriously their oversight roles. We should be able to hear from Andrew Wheeler what his plans are to rein in the abuses at EPA before he takes over this important job.

Mr. President, I reserve the remainder of my time.

THE PRESIDING OFFICER. The majority whip.

THE FBI

Mr. CORNYN. Mr. President, I want to say a few words about the Federal Bureau of Investigation, the FBI—our Nation's premier law enforcement agency—and to speak about the men and women who distinguish it.

First, I want to refer to an opinion piece in the New York Times that talks about the former Director of the FBI, James Comey. As the article is entitled, "The Tragedy of James Comey," the story has both positive things to say about Mr. Comey—well deserved—but also some criticism, which I would suggest is also well deserved. Perhaps all of us exhibit both positive and negative attributes. All of us make mistakes, and I don't mean to pick on Mr. Comey unnecessarily, but it sort of lays the foundation for what I want to say.

In the April 8, 2018, New York Times article, the first line is, "James Comey is about to be ubiquitous." In other words, he is going to be everywhere with his book, published next week. Of course, he will be on an "epic publicity tour, including interviews with Stephen Colbert, David Remnick, Rachel Maddow, Mike Allen, George Stephanopoulos, and 'The View.'" So he will be everywhere.

Of course, we expect him to tell his story from his perspective. As a preface for what I want to say about the rank-and-file men and women in the FBI, let me just read a couple of paragraphs.

The writer says:

[Director Comey] was the F.B.I. director overseeing the investigation into Hillary Clinton's private email server. He and his team decided that she had not done anything that warranted criminal charges. And [Director Comey] knew that Republicans would blast him as a coward who was trying to curry favor with the likely future president.

So he decided to go public with his explanation for not charging Clinton and to criticize her harshly. He then doubled down, re-

leasing a public update on the investigation 11 days before the election, even as other Justice officials urged him not to. Department policy dictates that investigators aren't supposed to talk publicly about why they are not bringing charges. They especially don't do so when they could affect [the outcome of] an election.

That, as people will recall, is one of the primary reasons why Rod Rosenstein, the current Deputy Attorney General of the United States, recommended to the President that he dismiss Mr. Comey—for violating Department of Justice guidelines when it comes to talking about an investigation, which should remain confidential, particularly when there is a decision not to charge the person being investigated, and usurping the role of the prosecutor, recognizing that the role of the FBI as a primary investigator is very different. When it comes to the charging decision, that is left to the Department of Justice, not to the FBI.

But, as the article goes on to say:

Comey, however, decided that he knew better than everyone else. He was the righteous Jim Comey, after all. He was going to speak truth to power. He was also, not incidentally, going to protect his own fearless image. He developed a series of rationales, suggesting that he really had no choice. They remain unpersuasive. When doing the right thing meant staying quiet and taking some lumps, Comey chose not to.

As I said, the article has a lot of complimentary material and also some criticism, and I think it is a fair piece. I mention that because so much of what we have heard about the FBI and the Department of Justice recently has been caught up in the emotions and the drama here in Washington, DC, and while appropriate criticism and investigation of past actions at the Department of Justice should take place—former Attorney General Loretta Lynch and why she made the decision not to demand that Director Comey let the Department of Justice make the ultimate charging decision—there is a lot of room for criticism, and I suggest there will be additional information that will be forthcoming and should be produced to Congress as part of our oversight responsibilities. But I think the big mistake Mr. Comey made is assuming that he was a law unto himself and that the rules applied to everybody else but not to him and, as the article says, that he knew better than anyone else.

But all of that I want to contrast with what I experienced recently, back home in Austin where my wife and I live.

I was there during and after the series of five bombings that detonated in packages across the city, killing two people and wounding others. People were very much on edge. It reminds me of the sniper that was on the loose here in Washington, DC, for a while, and people were terrorized—not willing to go and put gasoline in their cars. There was a similar sort of effect with what happened with the bombings in Texas and in Austin.



While the suspect was still at large, I spoke to Austin police chief Brian Manley, and he told me how thankful he was for the army of Federal agents, including FBI agents, who had supported the investigation. He told me that as many as 500 Federal agents, including from the FBI and other agencies, were on the ground while the suspect was on the loose. I am sure it was the agents' methodical investigative work, combined with the work of their State and local partners, that was the big reason why the alleged bomber didn't wreak even more havoc in the Texas capital.

It is important to remember that the FBI's role during the Austin bombings is important to acknowledge in our current political climate, when the Bureau has come under criticism and become the target of so much drama and politics. Of course, that was mainly about the past and certainly not about the new leadership that has been installed at the FBI under the leadership of FBI Director Christopher Wray.

Of course, the debate started during the tenure of Loretta Lynch and Eric Holder at the Department of Justice, but it continued through Director Comey's investigation, as I said, of Hillary Clinton, and it has not gotten any better. But it is important to distinguish between the rank-and-file professionals at the FBI and people who made mistakes and overstepped their bounds and, unfortunately, gave the rest of the organization—tainted their name.

So I want to take a moment to do what Director Wray has done in the past, and that is to reintroduce people to the FBI. The American public needs to be reminded of what the FBI actually does and how pivotal that work is and how long it has been doing it. The FBI has been in existence since 1908, and I think "relentless" is the best way to describe it.

The Bureau's investigations have helped solve crimes like cold-blooded murder, which happened in my home State in 1983. Just last year, the FBI added the suspect to its Ten Most Wanted list, and shortly thereafter the man turned himself in to FBI agents. It took more than three decades, but the FBI pursued all leads until, finally, it got its man.

That is just one example of what happens every day at the FBI. Under the effective leadership of Director Wray, the agency has remained committed to doing things independently and by the book—which I think is perhaps the most important characteristic—for as long as it takes to close the cases.

It is absolutely critical that law enforcement agencies do things by the book and follow the rules and the law. We have seen criticism directed toward Director Comey and former Attorneys General Loretta Lynch and Eric Holder because they did not appear to do things by the book but appeared to be unduly swayed by other considerations and, indeed, broke the rules in the book, so to speak.

Sometimes the fierce independence and tightlipped process by which the FBI is supposed to operate can irk people. We are people with a need for immediate gratification who want to know the answer right now when, in fact, often law enforcement investigators have to do painstaking, time-consuming work, indeed, over years and decades.

Critics say that investigations are taking too long or shouldn't be going on at all. But that is how the agency is supposed to operate—on its own, according to the standardized legal process, step by painstaking step. As Director Wray has said in the past, the FBI's means need to justify its ends, not the other way around. No rock should go unturned in an investigation because that is how crimes are solved and innocent people are exonerated.

For the rank-and-file men and women who work at the FBI, I think it is important for us to send a clear and emphatic message here in the U.S. Senate: We appreciate everything you do to protect the public safety and secure the public trust.

I want to particularly acknowledge the service of the special agent in charge of the FBI San Antonio Division, Christopher Combs, as well as the other men and women under his command. These agents have recently been working some pretty long days and nights, as we can imagine, supporting our local law enforcement during the Austin bombings and the tragic shooting at Sutherland Springs last fall.

These days, it is important that our appreciation for the Bureau not get drowned out by the criticism, with people somehow mistakenly assuming that because a few people have misbehaved, it somehow reflects on the organization as a whole. It is important that we let the men and women of the FBI know we stand behind their detail-oriented approach to enforcing and upholding the law, that we support the FBI's doing the right thing in the right way, pursuing the facts and the evidence independently and objectively, wherever they lead.

More than 37,000 men and women work at the FBI. That is a staggering number of diligent individuals, all of whom play some role in investigating crimes, executing search warrants, conducting interviews, and carrying out counterintelligence investigations across our country.

Today, the FBI helps track down fugitives, terrorists, kidnappers, bank robbers, and more. It publishes its top Ten Most Wanted list, as I alluded to earlier, and tracks down thousands of other leads at the same time. It investigates terrorism, cybercrime, civil rights violations, public corruption, elder fraud, and even weapons of mass destruction.

The FBI provides crisis intervention teams—including mental health professionals and even chaplains—after mass casualty events.

It recently launched Operation Disarray, part of a broader Department of

Justice initiative to disrupt the sale of opioids online. One special agent said the point of this new initiative "is to put drug traffickers on notice: Law enforcement is watching when people buy and sell drugs online. For those who think the Darknet provides anonymity," [the special agent] explained, "you are mistaken."

To that FBI agent, I say: Amen, sir. Nice work.

As his example shows, the very nature of crime itself is changing with advances in technology, and the FBI is busy innovating and adapting to the changed circumstances and ever-enterprising criminals.

Recently, the FBI helped us indict online sex traffickers who used websites like backpage.com to coerce children into sexual servitude. The FBI also provided critical information that led to the thwarting of a terrorist plot to blow up part of the subway system in Manhattan.

Let's not forget these countless examples as we continue to sort out issues related to Russian interference in our last election and what happened during the Hillary Clinton email server debacle. Let's leave politics to those who work in that realm and allow the men and women of the FBI to do their work. Let's not forget that in 1935, when the FBI adopted the official seal, the FBI was synonymous not only with the agency's name but with three traits—fidelity, bravery, and integrity—which appear on the seal to this day and describe what truly motivates the overwhelming majority of FBI personnel.

So I wanted to come to the floor to say thank you to the men and women at the FBI for all they do in protecting this country and pursuing justice. We are indebted to them and stand behind them in this unending quest.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Delaware.

**MR. CARPER.** Mr. President, yesterday, Jeh Johnson, our former Secretary of the Department of Homeland Security, dropped by to say hello, and I shared with him the results of an annual Federal survey. As the Senator may know, every major Federal agency has its employees surveyed with respect to its morale. Some agencies have very high morale, and some agencies have not so high.

I am still a member of the Homeland Security Committee. Jeh Johnson and Alejandro Mayorkas, who were the Secretary and Deputy Secretary of that Department, spent 3 years serving in these capacities and working with us on the committee to try to figure out how we could help the employees at the Department of Homeland Security feel better about their work.

I would come here to this floor every month and pick out a different part of the Department of Homeland Security where work was being done and have posters and pictures, just as the Senator has done here today, in order to

make real the service and the sacrifices of the folks, whether they be in the FBI or the Department of Homeland Security. It was one of those things, we found out, that kind of resonated in the Department. It just spread. Even to this day, people remember it and express thanks for that.

I thank the Senator for taking a moment to do, really, something very similar—maybe better—than what I tried to do over those years.

When I was the chairman of the Homeland Security Committee, I will say I had a chance to work with Jim Comey—not every day but a fair amount. I have worked with a lot of great leaders and some who were not so great. The Senator from Texas has as well. Yet I must say that I have enormous respect for Jim Comey, for his integrity and his commitment to doing what is right. I have high regard for Chris Wray, our new FBI Director, but there is a part of me that still wishes Jim Comey were still leading that agency. So we will see what he writes in his book, but I wish him and his family well.

Thank you.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, 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. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, I am here to react to the President's selection of Andrew Wheeler to be the proposed No. 2 at the EPA. This is a selection that continues the Trump administration's essentially complete subservience to the fossil fuel industry in the entire environmental arena.

I have described Scott Pruitt, Rick Perry, and Ryan Zinke, who is over at Interior, as the three stooges of the fossil fuel industry, and I reiterate that today.

Scott Pruitt, in addition to being one of those stooges, also has some of the most extraordinary displays of unethical and self-serving political acts of anybody I have ever seen. I can only imagine what this floor would look like if an Obama appointee had engaged in those kinds of behaviors. In all of those seats, we would have had Republicans shouting and jumping up and down in their being infuriated by that misconduct. Yet, because it is Pruitt, because it is Trump, and because the fossil fuel industry is getting everything it wants out of this guy, the silence is deafening. But that doesn't change the underlying fact that the American people are owed folks in high office who take their public duty seriously. There is very little chance that Mr. Wheeler is going to take his public duties seriously as No. 2 at the EPA. It is not like

it is with the No. 1 at the EPA, where there is a stopgap who is going to defend us.

This is a very dangerous duo. Scott Pruitt is a complete flunky of the fossil fuel industry—largely disgraced but still hanging on there and his only claim to fame being that he will do anything the fossil fuel industry tells him to do. That is why he is hanging on. Now coal lobbyist Wheeler is coming on to be his No. 2. That is a dangerous combination to lead our Environmental Protection Agency.

There was an interesting series of photographs that actually got the photographer fired in this administration for having released these photographs. There was a little meeting over at the Energy Department with Secretary Perry and Bob Murray, who is the head of Murray Energy. He is a coal baron, and he, obviously, has one interest in mind, which is to sell more coal, burn more coal, and to heck with the rest of you, more or less.

This was Mr. Murray as he arrived at the Department of Energy, up in the Secretary's conference room. The bald gentleman is Mr. Murray. The man whose head is obscured behind him in this torrid hug is our Energy Secretary. So you knew things were going to go well for Mr. Murray at this meeting after that nice, cozy reception that he got.

Then the photographer went on and took this picture, which is of Murray Energy Corporation's recommendations to the Honorable Richard Perry as to what he should do about the environment. I will spend some more time on that memo in just a moment. After long delays, we were actually able to get our hands on it. They delayed and they fiddled and they faddled and wouldn't confirm that they had it. When the photograph showed that they had it, they said: OK. We will give it to you when we give our FOIA requests.

Great. Thanks a bunch. So much for congressional oversight.

I hope that if the now majority is ever in the minority in the Senate, that it doesn't get treated this way—being told to line up with the FOIA folks as they are not interested in responding to oversight requests for memos, but that is what we got.

Here is another photograph from that meeting. Here is Mr. Murray telling the Energy Secretary what to do. There is the Energy Secretary—fresh out of his nice hug—being told what to do. Here is Mr. Wheeler, the guy who is going to be the No. 2 at the EPA. He was right in the room where the Murray directions to the Trump administration were being discussed and delivered.

Mr. President, I ask unanimous consent that this document be printed in the RECORD at the conclusion of my remarks.

Here is the action plan. It reads: "Dear Secretary Perry, enclosed is an Action Plan for achieving reliable and low cost electricity in America and to

assist in the survival of our country's coal industry."

What are the recommendations?

Page 1: "SUSPEND THE COAL-FIRED POWERPLANT EFFLUENT LIMITATION GUIDELINES."

Yes. Why would we want limitations on the effluent that a coal-fired powerplant can emit? Why on Earth would anybody want that? No. To suspend those is one of the recommendations.

The second is to withdraw and suspend the so-called endangerment finding.

The endangerment finding is the fact-based finding at the EPA that shows that, in addition to it being a matter of law pursuant to *Massachusetts v. EPA*, carbon dioxide is a pollutant in the air. This is the Agency's finding that it is actually a dangerous pollutant in the air. That is why it is called the endangerment finding. So they want to knock that out so they can knock out regulation of more coal-powered powerplant effluents, including carbon dioxide.

Then they want to eliminate the tax credit for wind and solar. Here is an industry that gets, according to the International Monetary Fund, \$700 billion a year in effective subsidies in the United States of America alone, and their goal is to knock out the little production tax credit that wind and solar get? That is what he asked for.

"WITHDRAW FROM THE . . . PARIS CLIMATE ACCORD." Well, we all know he was obeyed on that.

Here's a particularly good one: "END . . . OZONE REGULATIONS." Let me state what Rhode Island's experience in this is. The midwestern powerplants burn coal and other fossil fuels. They run the exhaust out of smoke stacks. Many of them have raised enormously high smoke stacks to get all that stuff way up into the air, so it is then carried by prevailing winds out of their State—out of their State. As it bakes in the heat as it travels through the air, it becomes ozone. That ozone lands in Rhode Island.

Ladies and gentlemen, children go to the hospital because of asthma complications from ozone in Rhode Island. We have had periods when, on a bright and sunny day, the talk radio, your drive-time radio, announces to Rhode Islanders that today is a bad air day in the State of Rhode Island, and the elderly and babies and any people with breathing difficulty should stay indoors. You are not welcome out-of-doors because of ozone levels.

This guy wants to end ozone regulation. I think not. This guy was his lobbyist in trying to do that. That is what has become of the EPA.

What else? "OVERTURN THE . . . CROSS-STATE AIR POLLUTION RULE." Rhode Island doesn't create much air pollution. The EPA protects Rhode Island from other States' air pollution with—guess what—the cross-state air pollution rule. He wants to overturn it.

Finally, "CUT THE STAFF OF THE U.S. ENVIRONMENTAL PROTECTION

AGENCY IN AT LEAST HALF.” Well, they are doing a pretty good job of destroying the Environmental Protection Agency as an agency that does environmental protection, but I have to say, cutting the Agency in half and firing half of it—that seems a bit much.

They also want Justices of the Supreme Court who rule in favor of coal. They want to replace all the members of the Federal Regulatory Energy Commission, the members of the Tennessee Valley Authority board, and the members of the National Labor Relations Board. There is a bunch in there to make sure that coal safety regulations are undone.

That is what we are dealing with. We are dealing with an agency that has been taken over by the fossil fuel industry, and it has gotten so bad that I want to conclude with this editorial, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

This is an editorial from, of all places, the Charleston, WV, Gazette-Mail. I think the body can take notice that West Virginia is more or less the heart of coal country.

Here is what the Charleston, WV, Gazette-Mail said about where things are at EPA right now. The title is “Editorial: With self-serving Pruitt at EPA, Trump is building a swamp.”

Here are some selections:

Donald Trump campaign crowds loved to chant, “Drain the Swamp!” But if ever there was a political swamp creature, it’s Scott Pruitt, the man Trump picked to head the U.S. Environmental Protection Agency.

The Charleston Gazette-Mail continues:

Pruitt has been a shill for fossil fuel industries since his days as attorney general in Oklahoma, so maybe he saw this—

all his self-aggrandizing expenditures—as his just desserts. But of all the Trump administration flunkies who have used taxpayer money for their personal benefit, Pruitt may be the worst.

That is the word from Charleston, WV.

Some of the examples:

[Pruitt] used a loophole in the Safe Drinking Water Act that’s supposed to let the EPA hire experts quickly in a [drinking water] emergency . . . [to] give tax taxpayer-funded raises to political lackeys.

[He] took first-class, charter, and military flights that cost taxpayers \$163,000.

He . . . tripled the size of his security detail.

He had the EPA spend \$25,000—

I think we actually know that is up to \$43,000 now—

to build a soundproof communications booth in his office.

There is nothing more that the EPA Administrator needs than a cone-of-silence soundproof booth in his office—as if he is running the CIA or something.

They conclude:

There are many reasons why Scott Pruitt shouldn’t be leading the EPA, primarily that he doesn’t seem to believe in science and is more interested in helping big business than, you know, protecting the environment. But his obvious belief that taxpayer money and

resources are given to him for his personal benefit is a big reason, as well.

I thank the newspaper in West Virginia for acknowledging that some conduct is so disgraceful that it goes too far.

When that is the No. 1 person in the EPA, we have no business confirming this person as the No. 2 person for the EPA.

With that, I see colleagues who, I assume, want to speak in favor of this nominee, and I will yield the floor to them.

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

MURRAY ENERGY CORPORATION,  
St. Clairsville, OH, March 28, 2017.

Hon. J. RICHARD PERRY,  
Secretary, Department of Energy,  
Washington, DC.

DEAR SECRETARY PERRY: Enclosed is an Action Plan for achieving reliable and low cost electricity in America and to assist in the survival of our Country’s coal industry, which is essential to power grid reliability and low cost electricity.

We are available to assist you in any way that you request.

Sincerely,

ROBERT E. MURRAY,  
Chairman, President  
& Chief Executive Officer.

ACTION PLAN FOR RELIABLE AND LOW COST ELECTRICITY IN AMERICA AND TO ASSIST IN THE SURVIVAL OF OUR COUNTRY’S COAL INDUSTRY

SUSPEND THE COAL-FIRED POWER PLANT EFFLUENT LIMITATION GUIDELINES (ELG) AND COAL COMBUSTION RESIDUALS (CCR) RULES OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

The compliance deadlines for both regulations must be suspended. The illegal ELG rule needs to be rescinded. The CCR regulation need to be rewritten delegating the authority to the states in light of the new legislation passed in December.

IMPLEMENT EMERGENCY ACTIONS RELATIVE TO THE SECURITY AND RESILIENCY OF THE ELECTRIC POWER GRIDS

The Department of Energy (“DOE”) must issue an emergency directive to have an immediate study done of the security and resiliency of our electric power grids. DOE will direct that no power plants having an available fuel supply of at least forty-five (45) days be closed during the study period, or a minimum of two (2) years.

“ENDANGERMENT FINDING” FOR GREENHOUSE GASES

There must be a withdrawal and suspension of the implementation of the so-called “endangerment finding” for greenhouse gases.

EPA’s “endangerment finding” under the Clean Air Act serves as the foundation for the agency’s far reaching regulation of the economy in the form of emission limitations for greenhouse gases, including carbon dioxide. The high degree of uncertainty in the range of data relied upon by EPA combined with the enormous regulatory costs without concomitant benefits merit revisiting the “endangerment findings”.

According to EPA’s finding, the “root cause” of recently observed climate change is “likely” the increase in anthropogenic greenhouse gas emissions. EPA relied upon computer-based climate model simulations and a “synthesis” of major findings from scientific assessment reports with a significant

range of uncertainty related to temperatures over 25 years. The climate model failures are well documented in their inability to emulate real-world climate behavior. Models that are unable to simulate known climate behavior cannot provide reliable projections of future climate behavior. As for the scientific assessments underlying the “synthesis” of findings used by EPA, many were not peer reviewed, and there are multiple instances where portions of peer reviewed literature germane to the “endangerment finding” were omitted, ignored or unfairly dismissed.

ELIMINATE THE THIRTY (30) PERCENT PRODUCTION TAX CREDIT FOR WINDMILLS AND SOLAR PANELS IN ELECTRICITY GENERATION

Electricity generated by windmills and solar panels costs twenty-six (26) cents per kilowatt hour with a four (4) cent per kilowatt hour subsidy from the American taxpayers. These energy sources are unreliable and only available if the wind blows or the sun shines. Coal-fired electricity costs only four (4) cents per kilowatt hour. Low cost electricity is a staple of life, and we must have a level playing field in electric power generation without the government picking winners and losers by subsidizing wind and solar power.

WITHDRAW FROM THE ILLEGAL UNITED NATIONS COP 21 PARIS CLIMATE ACCORD

The United Nation’s COP 21 Paris Climate Control Accord, to which Barrack Obama has already committed one (1) billion dollars of America’s money, is an attempt by the rest of the world to obtain funding from our Country. It is an illegal treaty never approved by Congress, and it will have no effect on the environment.

END THE ELECTRIC UTILITY MAXIMUM ACHIEVABLE TECHNOLOGY AND OZONE REGULATIONS

We have won these issues in the United States Supreme Court, and these rules must be completely overturned.

FUND THE DEVELOPMENT OF CERTAIN CLEAN COAL TECHNOLOGIES

The Federal government must support the development of some Clean Coal Technologies, including: ultra super critical combustion; high efficiency, low emission coal firing; combined cycle coal combustion; and others. It should not fund so-called carbon capture and sequestration (“CCS”), as it does not work, practically or economically. Democrats and some Republicans use CCS as a political cover to insincerely show that they are proposing something for coal. But, carbon capture and sequestration is a pseudonym for “no coal”.

OVERHAUL THE BLOATED AND POLITICALIZED MINE SAFETY AND HEALTH ADMINISTRATION OF THE U.S. DEPARTMENT OF LABOR

This Federal agency, over the past eight (8) years, has not been focused on the coal miner safety, but on politics, bureaucracy, waste, and violation quotas. While coal mine employment has been cut in half, the Federal Mine Safety and Health Administration has continued to hire inspectors every year. But, the government has nowhere to put them. Murray Energy Corporation received an average of 532 Federal inspectors per month in 2016.

We must send a Company manager with every one of these inspectors, taking us away from our employee safety inspections and safety training.

CUT THE STAFF OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN AT LEAST HALF

Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules,

thirty-eight (38) times the words in our Holy Bible.

**OVERTURN THE RECENTLY ENACTED CROSS-STATE AIR POLLUTION RULE**

This regulation particularly punishes states in which coal mining takes place to the benefit of other wealthier east coast states.

**REVISE THE ARBITRARY COAL MINE DUST REGULATION OF THE MINE SAFETY AND HEALTH ADMINISTRATION OF THE DEPARTMENT OF LABOR**

This regulation provides no health benefit to our coal miners, and threatens the destruction of thousands of coal mining jobs.

**OBTAIN LEGISLATION TO FUND BOTH THE RETIREE MEDICAL CARE AND PENSIONS FOR ALL OF AMERICA'S UNITED MINE WORKERS OF AMERICA (UMWA)—REPRESENTED, RETIRED COAL MINERS**

For four (4) years, Senate Majority Leader Mitch McConnell has refused to address this issue. Some say that this is because the UMWA wrongly opposed him in his recent election. This must be taken care of. And the legislation enacted must address not just those recently orphaned through company bankruptcies and mine closures, but the medical benefits and pensions that were promised to all retired miners by the Federal government itself.

**OVERTURN THE MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR, PATTERN OF VIOLATIONS RULE**

This rule is a punitive action of the Mine Safety and Health Administration under its Director for the past eight (8) years, the former Safety Director of a labor union.

**APPOINT JUSTICES TO THE SUPREME COURT OF THE UNITED STATES WHO WILL FOLLOW OUR UNITED STATES CONSTITUTION AND OUR LAWS**

We must offset the liberal appointees who want to redefine our Constitution and our law.

**MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION MUST BE REPLACED**

The current Federal Energy Regulatory Commission has a record of favoring actions of the Obama Administration. That has systematically devalued base load generation as a result of the Obama "war on coal". These actions have put the future security and reliability of America's electric power grid at risk. Immediate action needs to be taken to require organized power markets to value fuel security, fuel diversity, and ancillary services that only base load generating assets, especially coal plants, can provide.

**MEMBERS OF THE TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS MUST BE REPLACED**

The Board of Directors of this government agency has followed the mandates of the Obama Administration, rather than assure reliable, low cost electricity for the Tennessee Valley Authority's rate payers, whom they are mandated to serve in this manner.

**REPLACE THE MEMBERS OF THE NATIONAL LABOR RELATIONS BOARD ("NLRB")**

Eliminate the antiemployer bias of the NLRB by appointing members and staff, particularly in the General Counsel's office, who will fairly consider the employer's position and needs and not automatically accede to the unions or unionized employees in every matter considered.

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

[From the Charleston Gazette-Mail, Apr. 5, 2018]

**EDITORIAL: WITH SELF-SERVING PRUITT AT EPA, TRUMP IS BUILDING A SWAMP**

Donald Trump campaign crowds loved to chant, "Drain the swamp!" But if ever there

was a political swamp creature, it's Scott Pruitt, the man Trump picked to head the U.S. Environmental Protection Agency. Pruitt has been in the news most recently for his cozy relationship with the lobbyist for a Canadian pipeline company. The company, Enbridge Inc., received a high recommendation from Pruitt's EPA for an oil pipeline expansion project.

Enbridge's lobbyist was the firm of Williams & Jensen. The wife of the firm's chairman owns a pricey condominium in Washington, D.C., and was letting Pruitt live there for \$50 a night, sometimes joined by his daughter, and Pruitt only had to pay for the nights he stayed there. That is an unbelievably sweet deal, and while there's no direct evidence of a mutual back-scratching, it sure looks that way. On some level, this is no surprise. Pruitt has been a shill for fossil fuel industries since his days as attorney general in Oklahoma, so maybe he saw this as his just desserts. But of all the Trump administration flunkies who have used taxpayer money for their personal benefit, Pruitt may be the worst.

Despite the White House telling him not to give large raises to two employees who followed him from Oklahoma, Pruitt did it anyway. He used a loophole in the Safe Drinking Water Act that's supposed to let the EPA hire experts quickly in an emergency, not give taxpayer-funded raises to political lackeys. One of those lackeys helped Pruitt find a new place to live, once the EPA administrator had to leave his sweetheart condo deal behind. Using publicly funded employees for such private business is another misuse of taxpayer-funded resources.

During his first year in office, Pruitt took first-class, charter and military flights that cost taxpayers \$163,000, according to EPA records provided to the U.S. House Oversight Committee. Pruitt and a group of aides also socked taxpayers with a \$90,000 bill for a trip to Italy that included a trip to visit the pope.

Pruitt was flying first-class because of public confrontations that involved "vulgar" and "threatening language," according to The Washington Post. Pruitt is clearly very worried about his security; he has tripled the size of his security detail, and is the first EPA administrator to have 24/7 security—again, at taxpayer expense. That security detail includes some EPA agents who would otherwise be investigating environmental crimes, rather than protecting their snowflake boss. (Pruitt's predecessors, Gina McCarthy and Lisa Jackson—who were demonized repeatedly by West Virginia politicians, among others—flew coach, with a much smaller security presence.)

Maybe Pruitt is just paranoid in general. In September, he had the EPA spend \$25,000—all together now, in taxpayer money—to build a soundproof communications booth in his office. He's asked employees not to bring their mobile phones to meetings with him, and he reportedly prefers not to use email—no doubt because emails from his time as Oklahoma attorney general show how much he coozied up to oil and gas producers. There are many reasons why Scott Pruitt shouldn't be leading the EPA, primarily that he doesn't seem to believe in science and is more interested in helping big business than, you know, protecting the environment. But his obvious belief that taxpayer money and resources are given to him for his personal benefit is a big reason, as well.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Wyoming. Mr. BARRASSO. Mr. President, I am here with my colleague from Oklahoma to speak in favor of Andrew Wheeler. I support Andrew Wheeler to serve as the

Deputy Administrator of the Environmental Protection Agency.

During the previous administration, the Environmental Protection Agency issued burdensome regulations that harmed American workers and American communities. Since President Trump took office 15 months ago, the EPA has rolled back many of these punishing regulations, including the so-called Clean Power Plan and the waters of the United States, or the WOTUS, rule.

Under President Trump and EPA Administrator Scott Pruitt, this Agency is now working for commonsense environmental policies—policies that don't harm the American economy and don't punish American families.

Administrator Pruitt needs his full team at the Environmental Protection Agency in order to accomplish these goals. So today, the Senate is going to consider the nomination of Andrew Wheeler to be Deputy Administrator of the EPA. The Deputy Administrator is critical in developing and implementing the policies that fulfill the EPA's mission of protecting human health and the environment.

Mr. Wheeler is very well qualified for the position. He spent over 25 years working in environmental policies. At that time, he served as a career employee at the EPA, working as an environmental protection specialist. This experience makes him uniquely qualified to serve in the role of Deputy Administrator.

He has spent over a decade here on Capitol Hill, shaping environmental law. He served as the staff director of the Senate Environment and Public Works Air Subcommittee from 1997 to 2003. This was followed by another 6 years as a Republican staff director and chief counsel for the full committee, 2003 to 2009. Most recently, Mr. Wheeler has been a consultant for a variety of energy and environmental clients.

Andrew Wheeler's commitment to sound environmental policies has received recognition from across the aisle as well. The ranking member of the Environment and Public Works Committee said this of Mr. Wheeler:

I think having worked in the agency, he actually cares about the environment; the air that we breathe; the water we drink; the planet on which we live.

Stuart Spencer, the president of the Association of Air Pollution Control Agencies, said this of Mr. Wheeler:

Mr. Wheeler has exemplified excellence in his professional endeavors, in his previous government service and private sector experience. In short, he is keenly qualified to hit the ground running at EPA.

I agree. His nomination has garnered the support of a broad base of organizations, including the National Association of Manufacturers, the United Mine Workers of America, and the Chamber of Commerce.

Andrew Wheeler is well qualified to fill this critically important role at the EPA. He is the right person to serve as

Deputy Administrator of the EPA, and I urge every Senator to support this nomination.

With that, I recognize my colleague and friend from Oklahoma, who has been a mentor to me on the committee, the former chairman of the Committee on Environment and Public Works, JIM INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator from Wyoming for the great remarks he made about Andrew Wheeler. You know, it is awfully hard to find anyone who knows him well who will say anything bad about him. I guess the only thing you can criticize him for is that he worked for me for 14 years.

But I will tell you, during that time-frame, over a 14-year period, I don't remember anyone ever accusing him of being unfair, of being negative in any way at all. But a couple of things were said, and I think I need to correct the record. I need to be the one to correct it because I am the guy he worked for over a long period of time—both in my personal office and in my capacity as chairman of the Environment and Public Works Committee. Because I know him so well, I have to correct the record on his behalf.

One allegation made against Andrew in a news article is that he retaliated against a witness at an EPW—that is Environment and Public Works—Senate hearing in 2005 because we were unhappy with the witness's testimony. Nothing in the news article was true or accurate. This was an article that came out just the other day.

The witness in question and the major source of the article was Mr. Bill Becker. He was then the president of STAPPA, the Association of State Air Directors. These are the State directors who are becoming more prominent in what they are able to get through.

Mr. Becker charged at that time that in retaliation for his January 2005 testimony, the committee launched an investigation into his organization's finances.

In reality, the investigation was actually launched almost a year before Mr. Becker appeared before the committee. That is a huge difference. The article cannot be true.

Prior to the hearing, my staff notified the minority staff of the committee that he was currently under investigation, and we recommended against calling Mr. Becker as a witness.

I still have a copy of the memo my staff prepared for me before the hearing in 2005, noting that they had notified the minority staff about the investigation. This is the memo, and I ask unanimous consent that it be printed in the RECORD.

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

**TIMELINE OF EPA GRANTS OVERSIGHT INVOLVING FEDERAL GRANTS TO STAPPA-ALAPCO**

March 3, 2004—EPW Committee hearing regarding EPA grants management where EPA

IG testified to an audit involving a non-profit receiving federal funding in violation of the Lobbying Disclosure Act. Inhofe subsequently began a series of information requests announced at the hearing and thereafter gathering information concerning EPA grant management.

May 4, 2004—Email to EPA requesting the amounts of EPA grants awarded to the following organizations from 1988-2004:

Association of State Drinking Water Administrators

Association of State and Interstate Water Pollution Control Administrators

Environmental Council of the States

State and Territorial Air Pollution Program Administrators

Association of Local Air Pollution Control Officials

Association of State and Territorial Solid Waste Management Officials (An email was sent to EPA instead of a letter pursuant to the request of the EPA citing administrative convenience in responding to an email.)

May 20, 2004—Email to EPA following up on previous request for grant amounts to previous requested groups.

July 9, 2004—Letter to EPA requesting information to clarify material EPA provided in response to May email.

July 12, 2004—Telephone conversation with EPA Grants and Debarment Director and EPA Project Manager of STAPPA-ALAPCO grants regarding grants. EPW staff received previous complaints concerning the particular funding arrangement for STAPPA-ALAPCO. EPA confirmed that it has a special funding relationship with STAPPA-ALAPCO as it provides funding directly out of grants that are otherwise to be provided directly to states, and other professional associations do not have such a relationship. State that are members of other professional organizations provide dues funding directly to those organizations. EPA staff also referenced the House Report language Inhofe used in his question to STAPPA-ALAPCO as a specific directive to the EPA requiring state and local air agency concurrence to continue the funding practice.

**STAPPA FUNDING REQUEST**

**WE HAVE HAD CONCERNS ABOUT WHO THEY REPRESENT FOR YEARS**

During the late 90's debate on Gasoline/Sulfur STAPPA took a controversial position defending the auto industry against the oil industry. At the time we received letters from 14 Governors taking the opposite position from STAPPA and heard from several State Air Directors who complained that STAPPA did not represent their views.

**WE STARTED LOOKING AT THEIR FINANCES LAST SUMMER**

May 4, 2004—You requested funding information on 6 different State associations, including STAPPA from EPA as part of our Grants Oversight.

July 9, 2004—Requested additional info from EPA on all 6.

July 12, 2004—We requested more information from EPA on STAPPA alone. We received no complaints about the other organizations and STAPPA's funding arrangement appears to be different from all of the others.

**SENATE APPROPS STARTED LOOKING AT THEM LAST FALL**

Fall 2004—Senate Approps Subcommittee included funding language directed specifically at STAPPA

**NOTIFIED MINORITY**

Prior to invite to testify, Inhofe staff told Jeffords staff that we would be asking questions about their financing and how they reach their decisions.

All of the IRS information we requested is available publicly and is necessary to deter-

mine if they are giving the EPA the same information they give the IRS. This is part of our long term EPA grants management oversight.

Mr. INHOFE. Unfortunately, facts don't seem to matter when a Trump nomination is at stake. The story that isn't being told is about his character and integrity. People don't remember that the Bush EPA told minority members of the EPW Committee, the Democrats, that they wouldn't respond to their letters.

Well, it was Andrew Wheeler who made it clear to the EPA that they would answer any questions the minority had or, as chairman, I would submit their questions for them. No one is telling that story, but they are spreading other allegations.

Another negative story making the rounds is that Andrew hosted fundraisers for Senator BARRASSO and me while it was known he was going to be nominated as Deputy Administrator of the EPA.

Well, the fact of the matter is that Andrew hosted these fundraisers long before even being interviewed by the White House for this nomination. All the dates are there. The facts are there.

After dispensing with the falsehood surrounding Andrew, the rest of the opposition to him comes down to two things and two things only: He doesn't have the correct view on environmental policy, and he worked for the wrong people, including me. Now, those things are actually stated on the Senate floor, and I understand that. If they consider that to be an opposition or something that needs to be corrected, I believe they are wrong because he was an excellent, excellent employee during that time and all the other times. The fact that he had a choice of someone to support when he had not even been notified that he might be considered for this nomination is significant.

The extreme environmentalists were given free rein under the Obama administration for 8 years, including writing the EPA's regulations, and they can't handle the fact that the American people have said "enough." Trump and Scott Pruitt have been delivering relief for the American people and the economy since they have been in office. Andrew Wheeler will be a great help to Administrator Pruitt in continuing to implement President Trump's vision of returning EPA to an agency of the people, subject to the rule of law. He has worked in EPA before, even winning awards from EPA, and he will be a good steward for the environment.

It is always difficult when you know someone personally and you know their character and you have a personal love for them and for their career and you have played an integral part to hear things of a negative nature said about them. As to a lot of the things they are grouping together, maybe they don't like philosophically Scott Pruitt. I do. I spent 20 years in business, and I know what overregulation

is, and I know that our economy was suffering during the 8 years that we had others in charge. In fact, the proof of that is that the average increase in our economy for 8 years was 1.5 percent. Now, just because of this President and this administration getting rid of some of the overregulations, it is now well in excess of 3 percent.

Now, people ask: How are you going to pay for the road program and rebuilding the military that was torn down during the last administration? They forget about the fact—and no one disagrees with this—that for every 1 percent increase in the economic activity or GDP, that equates to additional revenue to the Federal Government of \$1.9 trillion over a 10-year period. That is the reason we now are in a position to do some of the things we need to be doing in terms of infrastructure and other things and certainly for our military and other areas. So that is significant. That is something that Andrew Wheeler knows well, because we have gone through this in the past.

Andrew Wheeler is a wonderful guy, and I would defy anyone who knows him well to say there is any fault in his character. He is going to do a great job, and they need his help. I appreciate the fact that I believe he is going to be confirmed to that position.

With that, 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. CARPER. 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. CARPER. Mr. President, I rise—again today for the second time—in opposition to the confirmation of Andrew Wheeler, at this time to be Deputy Administrator of the Environmental Protection Agency. It is not a decision I came to lightly or without considerable effort to find a different path. I wish to begin this section of my remarks by describing some of the events that brought us to this point.

First, I wish to talk briefly about my own experience with Mr. Wheeler. As a staff member of the Environment and Public Works Committee, working for our dear friend, the late-Senator George Voinovich, and Senator JIM INHOFE, Mr. Wheeler was not someone with whom we agreed on each and every issue. However, Mr. Wheeler did prove to be someone with whom we could work on policies on which we did agree, like, for example, the Diesel Emissions Reduction Act, which reduces significantly diesel engine pollution and emissions from older diesel engines. I would also note that his responses during and after last year's hearings on his nomination were, for the most part, encouraging.

Mr. Wheeler also has some recent professional history that is troubling—and to some, very troubling. During

the Trump transition, the public got a chance to read the so-called Murray action plan. What is that? It is a list of policy proposals submitted to President Trump and other Trump administration officials by Mr. Wheeler's former client for a while, Bob Murray. The Murray action plan includes any number of measures that EPA, in the last 15 months, has begun to implement, like the repeals of the Clean Power Plan and the clean water rule and the decimation of the EPA's career workforce. The document also calls for some measures that EPA has not yet acted upon. For example, Mr. Murray calls for the repeal of the mercury and air toxic standards, rules that limit dangerous pollution from powerplants, even though industry is already complying with those same rules.

Mr. Murray also calls for a reexamination of climate change science and the repeal of EPA's so-called endangerment finding. I will talk a little bit more about that in a minute. It is the conclusion that both the Bush and the Obama administrations reached that found that global warming pollution from cars and SUVs was dangerous. I think I will just take a minute and talk about the endangerment finding right here. People talk about the endangerment finding. I don't think it is well-understood where it came from, and I wish to take just a moment if I can to try to relate it in terms that I can understand and, hopefully, other people can as well.

If you go back to the Clean Air Act, section 202 of the Clean Air Act says that if EPA determines that an air pollutant emitted from motor vehicles endangers public health or welfare, EPA has to write regulations to control those emissions. It has to write regulations to control those emissions. I believe it was in 1999 that environmental organizations petitioned EPA to do just that, and they asked EPA to determine that the greenhouse gas emissions from motor vehicles were dangerous. President Bush rejected their position in 2003, saying that greenhouse gases did not meet the law's definition of an air pollutant.

The State of Massachusetts led a coalition of other States and environmental organizations, though, and they filed a lawsuit against the Bush administration's decision. In April 2007, I think it was, the Supreme Court ruled in favor of Massachusetts and those who filed with Massachusetts. The court told EPA in 2007 that greenhouse gasses are "air pollutants" under the Clean Air Act, and they went on to say that EPA had to determine whether they were dangerous.

Although President Bush's EPA Administrator, Stephen Johnson, was ready to make the so-called endangerment finding for greenhouse gases being emitted from cars and SUVs, the White House would not let him do it. The White House would not let their own EPA Administrator make that finding. So it wasn't until a year

or 2 later—I think it was in December 2009—that the Obama administration's EPA finalized its determination that greenhouse gases from motor vehicles are dangerous. In 2010, EPA and the Transportation Department issued the first joint fuel economy and greenhouse tailpipe standards for cars and SUVs.

In the meantime, many industry groups tried to overturn the EPA's decisions. They filed suits in a number of different Federal courts saying that those groups did not agree with the climate science. They didn't agree with the process that EPA used to arrive at this endangerment finding, and they didn't like the regulation that EPA was writing in 2009. Well, 2 or 3 years later, in 2012, the U.S. Court of Appeals for the DC Circuit, which is the top appeals court in the whole country, right below the Supreme Court, ruled against the industry, upholding both the endangerment finding and the EPA's clean air rules. The Supreme Court declined to take up the industry's appeal. So it stood.

The U.S. court of appeals essentially sustained what EPA, under the Obama administration, sought to do and what Stephen Johnson, who was the EPA Administrator in the Bush administration the last year or 2, sought to do.

So what does all of this mean? What this means is that this is settled law. The highest courts in the land have said that greenhouse gases are air pollutants, they are dangerous, and EPA must regulate them.

Now, with that as a backdrop, let me say that I met with Mr. Wheeler a couple of times in the last year. I asked him directly whether or not he was involved in writing Mr. Murray's proposal—the so-called Murray plan that has been taken as an action plan by this administration and by this EPA under its current Administrator. Mr. Wheeler assured me that he was not involved in writing Mr. Murray's proposal.

He did go on to tell me, however, that one of Murray Energy's priority issues that Andy Wheeler actually worked on was securing health and other benefits for retired miners. I think that is something most of us would support.

Moreover, Mr. Wheeler also assured me that he views the EPA's legal authority to regulate greenhouse gas emissions, which is based on the endangerment finding, as settled law. Let me say that again. Mr. Wheeler assured me that he views the EPA's legal authority to regulate greenhouse emissions, which is based on the endangerment finding, as settled law.

I have no reason to doubt Mr. Wheeler's assurances that, at least on the question of the endangerment finding, he holds a view that is distinct from Bob Murray's, and that is a good thing, at least to me. I am sure that I speak not just for myself when I say that I do not feel similarly assured by Administrator Pruitt.



The Trump White House has said it wants EPA and the Transportation Department to negotiate what I would like to call a win-win on CAFE and tailpipe standards with California. That means the Trump administration's policy must be to leave the endangerment finding alone because the endangerment finding is what gives EPA and California the authority to write the tailpipe greenhouse gas rules in the first place.

But Administrator Pruitt has repeatedly refused to say this clearly. For example, last July, he told Reuters that there might be a legal basis to overturn the EPA's endangerment finding decision. When I asked him in late January not to overturn it for as long as he is Administrator, he refused to make that commitment.

In preparation for Mr. Wheeler's confirmation, I tried very hard to obtain some clarity about just what EPA plans to do with regard to the endangerment finding and the Agency's stated efforts to negotiate new greenhouse gas vehicle standards with California.

My staff and I talked to Bill Wehrum, who is the EPA Assistant Administrator for air—an important job—and with Ryan Jackson, Administrator Pruitt's chief of staff. We spent several weeks exchanging drafts of a letter that EPA planned to send me that sought to do three things, to make clear three things.

First, the letter affirmed the legal authority EPA used to find that the greenhouse gas emissions were dangerous and set vehicle standards. That is No. 1.

Second, the letter affirmed California's Clean Air Act authority to set its own, more stringent, vehicle standards.

And third, the letter committed to negotiate in earnest with California using a process not unlike the one used in past efforts to preserve a single national set of vehicle standards that automakers in California could support—a true win-win.

We actually reached agreement on the text of that letter with those who were negotiating, including Mr. Wehrum, his team, folks from California, and others. I am told Administrator Pruitt initially agreed to let the letter be sent, but then, maybe a week or two ago, a woman named Samantha Dravis, a political appointee at EPA, who I think is from Oklahoma and who recently resigned after reports that she failed to come to work for some 3 months last year, apparently convinced the Administrator to renege on the deal and to not sign the letter.

Ultimately, a significant part of the reason I cannot support Mr. Wheeler is because the Agency refused to follow through on an agreement it made with me on issues that are really important to the country, the auto industry, and California.

The truth is, at this point in time, it is not the only reason we should not be moving forward with this vote. In the

past several weeks, each day brings headline after headline. There they are again. This is just a handful of headlines. This is a target-rich environment in terms of headlines from Scott Pruitt. In the past couple of weeks, each day brings headline after headline, scandal after scandal, report after report about simply what I think is an unconscionably manner in which Mr. Pruitt is running the Agency, as I talked about earlier.

There have been dozens of calls for his resignation that have come from both parties here and in the House. Speculation about how long he will be able to remain in the job is at a very high pitch—very high pitch. It is entirely possible that Mr. Wheeler might be sworn in as Acting Administrator before he spends a single day on the job as Deputy Administrator. We will see.

The truth is, we have never really had the opportunity to ask Mr. Wheeler how he would remedy the reports of excessive spending out of EPA under Mr. Pruitt's leadership—inappropriate travel, retaliation against staff who dare to cross him, unlawful rule repeals, and the gross abuses of power Mr. Pruitt has inflicted on this country—if it were suddenly Mr. Wheeler's job to right those wrongs, which it will be if he is confirmed today.

Neither Mr. Wheeler nor members of the Environment and Public Works Committee were even aware of the extent of many of these problems and scandals when his confirmation hearing was held more than 5 months ago in the Environment and Public Works Committee.

Essentially, in my view, the Senate quite simply should not vote today on this confirmation until we know which job Mr. Wheeler will be filling at the Agency and until we know how he views and how he would remedy the overwhelming number of serious problems he will face when he arrives there.

Let me say one last thing, if I could. I am a big believer in win-win situations and win-win solutions. I think my colleague who is presiding at this moment is also. We partner on a variety of things, including trying to promote recycling, not just here in this body but all across this country, in ways that create jobs and create economic opportunity.

I focus a lot—and I think a lot of my colleagues do—on how do we create a more nurturing environment for job creation and job preservation. We don't create jobs here. Governments and Presidents don't create jobs. We try to help create a nurturing environment for job creation. One of the elements that is important for having that kind of nurturing environment for job creation, frankly, is clean air, clean water, and good public health. Another thing that is important is certain businesses like certainty and predictability.

It has been 10 years or more, but I will never forget when I was visited by a bunch of utility CEOs from all over

the country. They had come to talk with me and my staff about clean air legislation covering four distinct pollutants. They included mercury, CO<sub>2</sub>, nitrogen oxide, and maybe one more—all types of legislation for polluters.

I had introduced legislation on the heels of President Bush's proposal. President Bush proposed multipollutant legislation that he called Clear Skies. The version I introduced, with a Republican colleague, was called Really Clear Skies. The four pollutants were VOC, NOC, mercury, and CO<sub>2</sub>. That is what it was.

We had these CEOs from utility companies across the country who came to see us. They wanted to talk about our legislation to, over time, ratchet down the emission of those pollutants from their utilities. We talked for about an hour. At the end of the hour, one of the CEOs of the utilities—I think he was from the southern part of the country—said: Look, let me tell you, Senator, what you should do. Here is what you and your colleagues should do with respect to air emissions for utilities. He said: Tell us what the rules are going to be, give us some flexibility, a reasonable amount of time to meet those expectations, and get out of the way. That is what he said: Tell us what the rules are going to be, give us a reasonable amount of time to meet those expectations, some flexibility, and get out of the way.

With respect to CAFE, what we are doing with fuel efficiency requirements for cars, SUVs, and trucks—what we need to keep in mind is providing the same kind of certainty and predictability for the auto industry inside the country and outside of this country as we expect them to increase fuel efficiency over time for cars, trucks, and vans.

Under current law that we adopted, I want to say, about 10 years ago, we ramped up fuel efficiency requirements up through 2025. Between 2021 and 2025, the increases are pretty significant, pretty steep. The current administration wants to almost eliminate entirely those increases between 2021 and 2025 and be really silent on what happens after that.

I go to the Detroit auto show almost every year. In Delaware, until a couple of years ago, we built more cars, trucks, and vans per capita than any other State in the country. I got used to going to the Detroit auto show so often that I would know the people who ran Chrysler and GM so that if they ever thought about closing their plant in Delaware, we actually know whom to talk to. I still go to the Detroit auto show most years.

I went this time and met and talked with representatives from 10 auto companies from this country and around the world. We talked about CAFE and fuel efficiency requirements going forward. To a company, this is what they said to me in private conversation: We need some flexibility in the near term, between 2021 and 2025. In return for

that additional flexibility, we are willing to accept tougher goals extending out as long as 2030—near-term flexibility, longer term requirement for more rigorous standards. They said: Having said that, we don't want to be stuck in a situation where we have to go with one car with higher fuel efficiency requirements or see a model for a car, truck, or SUV with higher requirements for fuel efficiency for California and a different standard for the rest of the country. That just doesn't work for their business model. They need to be able to build one model, one set of standards for California and the other 49 States.

California, where they have had huge air pollution problems over the years, wants to have rigorous requirements.

I said this to the majority leader earlier this week; that there is a way to work through all of this with the auto industry, California, the other States, with EPA, and the Department of Transportation. There is a way to work through all of this that provides a real win-win, that preserves jobs in the auto industry—people building cars, trucks, and vans—and with respect to California's special concern, provides the certainty and predictability the industry needs and also ends up giving us more energy-efficient vehicles, cleaner air, and cleaner water—especially cleaner air. That is a real win-win situation. That is a real win-win situation, and that is where we need to go. We need leadership at EPA, we need leadership from the administration, leadership here, and in States like California to get us there.

Wayne Gretzky is a great hockey player. I am not a huge hockey fan. I watch it a little bit. When Wayne Gretzky was playing, he was believed to be the best hockey player anybody had ever even seen, at least in this country. His nickname was "The Great One." He took a lot of shots. He was not shy about shooting for a goal.

He was once asked: Mr. Gretzky, why do you take so many shots on goals? He said these words: I missed every shot I never took. I missed every shot I never took.

I like to take the shot in a lot of different respects. This is a shot we should take, and, if we do, we will do a lot more than score a goal. We will score a big win for our country. In the end, for people who are driving cars, trucks, and vans in the years to come, we will save them a lot of money, and we will have cleaner air and protect a lot of jobs that need to be protected and need to be preserved.

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. UDALL. 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. UDALL. Mr. President, I have come to the floor to talk a little bit about Scott Pruitt and his administration over at the EPA as well as the current pending nomination of Andrew Wheeler to be the Environmental Protection Agency's Deputy Administrator.

The Environmental Protection Agency is in crisis. Scott Pruitt has thrown the Agency into turmoil by gutting its mission to protect public health and the environment and by violating ethics and the taxpayers' trust. I believe Scott Pruitt must resign. Many of our colleagues have said the same. Even the President is questioning whether Mr. Pruitt should stay, and that is exactly why I am concerned that the Senate is not giving the Deputy Administrator nominee the scrutiny he should have. Andrew Wheeler could become the EPA Administrator if Scott Pruitt is forced out or resigns. He should be vetted as if he were the nominee—and there are many reasons to question whether he belongs at the EPA at all.

Just like Mr. Pruitt, Mr. Wheeler has spent his entire political career fighting EPA regulations that protect the environment and protect public health. He has lobbied for many years on behalf of polluters that the EPA regulates. The American people support clean air and clean water. Mr. Wheeler is out of step with the values and principles of the American taxpayers.

I know many Republicans who support environmental protection. We have had many decades of bipartisan support for public health, environmental protection, clean air, and clean water. Folks don't want their kids to have toxic chemicals in their blood or in their bodies. So there is a lot of support by Republicans in this area, and it has been a bipartisan issue.

I call on my Republican friends to press the pause button on Andrew Wheeler's nomination to be Deputy Administrator of the EPA. Let us join together and demand that the President withdraw this nomination and nominate someone who supports the basic mission of the EPA.

It is absolutely clear that Administrator Pruitt does not support the mission of the EPA. In fact, as State Attorney General, he prided himself in fighting everything EPA was doing and filing a number of lawsuits against the EPA.

We need a person at EPA who respects science and understands that climate change is here and now and must be addressed for the sake of our children and grandchildren, a person who is not hostile to environmental regulation in all forms, and a person who is not beholden to special interests. We are supposed to act as a check on the executive, so let's do our job.

When I mention climate change, one of the very first things that Administrator Pruitt did when he got in was sabotage a climate change website. That website had been in place for 10 years. It had been bipartisan through

several administrations. They were accumulating the best knowledge from scientists in this country and the best knowledge from scientists around the world to make it available to the public and to make it available to scientists and their researchers.

When I asked Administrator Pruitt in front of the Appropriations subcommittee, "Now, you have taken this website down. When are you going to put it back up," he said: "Oh, we are just updating it. We are just updating it," and we continue to ask the EPA.

Now, we are almost a year later—1 year later—and Scott Pruitt still refuses to put the website back up. So we really know where he is coming from on that issue.

When Scott Pruitt came before the Senate for confirmation, I voted against him because I expected he would work to undermine environmental health and protections. Mr. Pruitt has met and far exceeded my worst expectations. He lobbied the President to leave the Paris Agreement. The United States is now the only country in the world that is not a signatory to the Paris Agreement.

Mr. Pruitt proposed repealing the Clean Power Plan, our Nation's best effort to attack climate change. It is an important public health measure too. The EPA estimated that the Clean Power Plan could prevent 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children.

Mr. Pruitt stopped a ban on chlorpyrifos, a dangerous neurotoxic pesticide that EPA's own scientists say should be off the market because it is linked to brain damage in young children. Chlorpyrifos is an example where scientists—and this is what the EPA does—consult with scientists outside the Agency, study within the Agency, and try to come to conclusions with regard to public health. In the case of chlorpyrifos, scientists were increasingly questioning whether it should be out there as a pesticide, so they were restricting its use in homes, they were restricting its use near schools, and finally they decided this is such a dangerous neurotoxin and we should ban it outright. So all the work had been done over 30 years.

Then, here it is, presented to the incoming Administrator—I would bet any other Administrator in the history of our country would have looked at the information, would have looked at what the science said, and they would have banned the chemical. What has Scott Pruitt done? Well, what he has done is, he has said we are going to take a look at it for another 5 years. That is what he posted on his website. There is no evidence that they are doing any review or anything. There is no evidence that chlorpyrifos isn't dangerous and should be banned, but that is the record he has at the Environmental Protection Agency.

He has also tried to suspend methane and smog regulations on oil and gas wells. He tried to roll back mercury

pollution rules for powerplants, and he wants to delay rules to protect against pesticide exposure and formaldehyde emissions. It is absolutely clear, Mr. Pruitt's actions have not respected the rule of law and, fortunately, they have been blocked by the courts.

Now, Mr. Wheeler's environmental record is not much better. It gives no confidence that he will put health and safety first.

Mr. Wheeler has called the Paris climate agreement a "sweetheart deal" for China.

He has fought limits on greenhouse gas emissions.

He is a longtime lobbyist for Murray Energy Corporation—one of the dirtiest coal companies in the country—which also has a terrible safety record. Murray Energy is the largest privately held coal company in the Nation. That raises big questions about conflicts of interest. The EPA is now moving to repeal the Clean Power Plan. It would be a big win for Big Coal at the expense of the American people.

Mr. Wheeler opposed reducing poisonous mercury emissions from powerplants—regulations Scott Pruitt wants to gut. In fact, I don't see anything in Mr. Wheeler's background that indicates he will act as our Nation's top environmental protector.

When Mr. Pruitt was confirmed, we knew he had no problem bending ethics rules. His claim to fame in Oklahoma was currying favor with moneyed interests and doing their bidding, but the number and extent of Mr. Pruitt's ethical lapses might surprise even the most cynical.

The list of abuses grows daily: lavish first-class flights around the world; swanky hotel stays; billing the taxpayers for his personal trips home to Oklahoma; a \$43,000 soundproof phone booth in his office; taking 30 EPA enforcement officers away from investigating polluters to serve as his round-the-clock personal security detail—something no other EPA Administrator has done; speeding down the streets of Washington with sirens and lights blaring to get to fancy restaurants; huge, unauthorized salary increases for his friends; and he even allowed a close aide to just not come to work for 3 months while still getting paid by the taxpayers; detailing EPA staff to find him a place to live. While he siphons hundreds of thousands of dollars off the taxpayers for special perks for himself, he tries to slash millions of dollars for health and safety programs for the American people.

Even his own staff has balked at his extravagances, and the Administrator has met their resistance by retaliating against them, changing their duties, sidelining them. Mr. Pruitt has treated the EPA like his own little personal fiefdom, and EPA employees are like serfs who cater to his whims.

Former EPA Administrator under President George W. Bush, Christine Todd Whitman, recently called his spending "absolutely ridiculous." That

is what Christine Todd Whitman said, "absolutely ridiculous." She charged that his conduct is part of "an extraordinarily ethically tone deaf administration."

It is time for Scott Pruitt's imperial tenure to end. It is time for him to resign and high time for the President to stop defending him and to demand his resignation. But Mr. Pruitt should not be replaced by someone who does not support the basic mission of the Agency—to protect the environment and public health. That is what the EPA Administrator should be focused on; it is absolutely clear.

The EPA's first Administrator, William Ruckelshaus, a Nixon appointee, has sounded warnings about what is going on at the EPA. He said: "My principal concern is that Pruitt and the people he's hired to work with him don't fundamentally agree with the mission of the agency."

The American people value that mission. They want clean air and clean water. They want the health of their children and our seniors protected. It is our responsibility to make sure the EPA protects the American people.

I urge my friends and my colleagues on the other side of the aisle to do our job—to put the nomination of Andrew Wheeler on hold and to work together to demand that the President nominate a Deputy Administrator who will have the trust and confidence of the American people and to work to keep their air and water clean and their families safe and healthy.

There are a couple of articles that I think show what has been happening over at the EPA.

This article says that "nearly a year into the Trump administration, mentions of climate change have been systematically removed, altered or played down on websites across the federal government." As I said earlier, they have taken down this huge, bipartisan project that was in place for 10 years, gotten rid of it and claim they are updating it, but they haven't done anything after a year.

The article goes on to quote a report by Environmental Data & Governance Initiative: "Removing information regarding climate from federal websites does not affect the reality of climate change, but may serve to obfuscate the subject and inject doubt regarding the scientific consensus that climate change is happening and that it is caused by human activity."

Mr. President, I ask unanimous consent that the January 10, 2018, article by the New York Times be printed in the RECORD.

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

[From the New York Times, Jan. 10, 2018]

HOW MUCH HAS 'CLIMATE CHANGE' BEEN SCRUBBED FROM FEDERAL WEBSITES? A LOT.

(By Coral Davenport)

WASHINGTON.—Nearly a year into the Trump administration, mentions of climate change have been systematically removed,

altered or played down on websites across the federal government, according to a report made public Wednesday.

The findings of the report, by the Environmental Data and Governance Initiative, an international coalition of researchers and activist groups, are in keeping with the policies of a president who has proudly pursued an agenda of repealing environmental regulations, opening protected lands and waters to oil and gas drilling, withdrawing the United States from the Paris climate accord, shrinking the boundaries of federal monuments, and appointing top officials who have questioned or denied the established science of human-caused climate change.

The authors of the study said that the removal of the words "climate change" from government websites, and a widespread effort to delete or bury information on climate change programs, would quite likely have a detrimental impact.

"We have found significant loss of public access to information about climate change," the authors wrote.

"Why are these federal agencies putting so much effort into 'science cleansing' instead of using time and resources to fulfill agency responsibilities, such as protecting the environment and advancing energy security?" they wrote. "Removing information regarding climate change from federal websites does not affect the reality of climate change, but may serve to obfuscate the subject and inject doubt regarding the scientific consensus that climate change is happening and that it is caused by human activity."

The report tracks the Environmental Protection Agency's removal of hundreds of websites connected to state and local climate change programs; the removal of information about international climate change programs from the State Department, Energy Department and E.P.A. websites; and the deletion of the words "climate change" from websites throughout the federal government.

In many cases, the report found, "climate change" was replaced by vaguer terms such as "sustainability."

In a separate report, also made public Wednesday, the group found that the Bureau of Land Management had deleted its climate change website and removed text about the importance of climate change mitigation from its main site.

The researchers took care to note that raw government data on climate change, such as historical records of temperatures and emissions levels, had not been deleted. However, Toly Rinberg, a co-author of the report, said: "The data is certainly less accessible. Links to websites that host the data have been removed. That data is still available online but it's been made harder to find on the agency's websites."

Trump administration officials have noted that it is the administration's prerogative to highlight its agenda—repealing climate change policies and promoting the exploration of oil, gas and coal—on its websites. The Obama administration sought to promote climate change policies and elevate the issue in the public eye, but the Trump administration is under no obligation to continue that effort.

And some information about government programs related to climate change, while no longer easily found on the main federal agencies' websites, was still accessible. Liz Bowman, a spokeswoman for the E.P.A., said in an email that pages were "archived and available" on the agency's website.

But the report concluded that of all federal agencies, the E.P.A.—the agency charged with protecting the nation's environment and public health—had removed the most information about climate change. An E.P.A.

website once titled “Climate and Energy Resources for State, Local and Tribal Governments,” which included prominent links to programs like “Climate Showcase Communities,” now contains no mention of the term “climate change” and no prominent links to state and local climate information.

The E.P.A. has also removed a website on the Clean Power Plan, the Obama administration’s signature climate change regulation, which was designed to reduce planet-warming pollution from power plants. The Trump administration has put forth a legal plan to repeal that regulation, and part of that process includes a public comment period. The new report suggests that when people cannot easily find the original rule on the E.P.A.’s website, they may be less likely to submit comments against repealing it.

“Beyond reducing access to actionable information, removing public web resources can undermine democratic institutions such as notice-and-comment rulemaking,” the report’s authors wrote.

Mr. UDALL. A September 27, 2017, article by Reuters with regard to EPA workforce reductions describes EPA’s workforce declining to levels not seen in decades. The article says:

In June, the EPA unveiled a buyout program that would contribute to the biggest cuts of any federal agency in President Donald Trump’s 2018 proposal. The EPA employs about 15,000 people.

After buyouts and retirements, that number could drop to 14,428 by October, the official, who spoke on condition of anonymity, said in an email.

That would be below the fiscal 1988 level, when EPA staffing was 14,440, the official noted.

Mr. President, I ask unanimous consent that the September 27, 2017, article by Reuters with regard to EPA workforce reductions be printed in the RECORD.

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

[From Reuters, Sept. 27, 2017]

(By Eric Walsh)

**EPA WORKFORCE SHRINKING TO REAGAN-ERA LEVELS—AGENCY OFFICIAL**

WASHINGTON.—The workforce at the U.S. Environmental Protection Agency is on course to fall to its lowest level since Ronald Reagan was president, an agency official said on Tuesday.

In June, the EPA unveiled a buyout program that would contribute to the biggest cuts of any federal agency in President Donald Trump’s 2018 budget proposal. The EPA employs about 15,000 people.

After buyouts and retirements, that number could drop to 14,428 by October, the official, who spoke on condition of anonymity, said in an email.

That would be below the fiscal 1988 level, when EPA staffing was 14,440, the official noted. A further 2,998 employees, or just over 20 percent of the total, are eligible to retire now, the official said.

In an April spending bill, the Republican-controlled Congress set a cap for EPA staffing at 15,000 employees for fiscal year 2017, rejecting proposed increases by the previous administration of Democratic President Barack Obama.

EPA Administrator Scott Pruitt said the reductions were “giving long-serving, hard-working employees the opportunity to retire early.

“We’re proud to report that we’re reducing the size of government, protecting taxpayer

dollars and staying true to our core mission of protecting the environment and American jobs,” he said in a separate statement.

Pruitt has rolled back a slew of Obama-era regulations limiting carbon dioxide emissions from fossil fuels.

He was also instrumental in convincing Trump to withdraw the United States from the Paris climate accord—a global pact to stem planetary warming through emissions cuts.

While acknowledging the planet is warming, Pruitt has questioned the gravity of the problem and the need for regulations that require companies to take costly measures to reduce their carbon footprint.

Before becoming head of the EPA, he was Oklahoma’s attorney general and repeatedly sued the agency he now runs to block federal environmental rules.

Mr. UDALL. So here we have an attempt by Administrator Pruitt to emasculate the Agency by chasing off some of the best and brightest scientists, buying out people, doing everything he can to intimidate people to leave the Agency, and we are at a point in time where we have a staffing level equivalent to 1988. This is the Agency that protects our water and our air, makes sure the water and air are clean, and protects our children from toxic chemicals. This is a pretty remarkable record.

I ask my Republican colleagues to reconsider the Wheeler nomination, to put a hold on it, to have the proper vetting, and let’s find the kind of individual who is going to respect the mission of the Agency and move us forward in the direction of public health, protecting the environment and our air and water.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. 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. MARKEY. Mr. President, Scott Pruitt is the Administrator of the Environmental Protection Agency. He is charged with running the Agency and ensuring its mission. There are serious questions about Mr. Pruitt’s leadership, but we will get to that later.

Today, the Senate is preparing to vote on the nominee to be the second highest ranking official at the Environmental Protection Agency—Andrew Wheeler. As the No. 2 at the Environmental Protection Agency, Andrew Wheeler deserves the kind of scrutiny that reflects a position one step away from Administrator.

Andrew Wheeler has spent years protecting the coal industry—first from here in the Senate, where he worked to prevent passage of climate legislation, and then as a lobbyist for Murray Energy, one of the largest coal companies in America, which has led the fight by the coal industry to undo the progress we have made on climate policy.

Andrew Wheeler’s coal credentials are without equal. He is without ques-

tion a member of the coal industry’s hall of fame. He was even present in March of last year at the meeting where Murray Energy CEO Bob Murray presented Energy Secretary Rick Perry with the now-infamous secret plan to save the coal industry.

Sadly, I am concerned that Andrew Wheeler’s background means that he will never understand that saving coal is not the Environmental Protection Agency’s job. It is the EPA’s job to regulate coal, to protect public health and the environment, to keep particulate matter from filling the lungs of children in our most vulnerable communities—more than 7,500 people die every year from the pollution from fossil fuel powerplants—to reduce the harmful carbon pollution that is causing climate change, and to end the toxic coal-mining practices that are poisoning our waters and our communities.

The corporate special interests, who have worked hand-in-hand with the Trump administration to block clean energy deployment and force Americans to breathe dirty air from fossil fuel combustion, are exactly the opposite of what we need to be at the head of the Environmental Protection Agency. They are, at the same time, the companies that Andrew Wheeler has represented. Andrew Wheeler has made a career of promoting the policies that make our air and our water dirty and that endanger the public’s health.

Now, with Environmental Protection Agency Administrator Scott Pruitt under siege as a result of Agency mismanagement and scandal, we must have real concern about who will be No. 2 at the EPA. Who is on deck to take over if Scott Pruitt has to leave? Who is going to be sitting there in the chair as the Administrator to make these decisions about clean air, clean water, about the role which coal plays in polluting our environment? Who will that be if Scott Pruitt were to be removed from his position or resign from his position? And, by the way, that is a position from which I strongly support that he be removed—that he resign—but that would then lead to the consequence that Andrew Wheeler would most likely be the new Administrator of the EPA. This individual would then be in charge of the environment of our country. He would be in charge of it. The coal industry would have their person running the Environmental Protection Agency. That is unbelievable. That is the dream of the coal industry—that, finally, after all these years, they get the guy to be in charge of the environment, as the country and the world are moving in just the opposite direction.

Now, would he have been vetted for that role as the head of the EPA? Absolutely not. He is out here on a snoozy Thursday afternoon with his name out here to be considered with the Galleries empty of either publicity, citizens, or the press paying attention to the debate when the consequences of this decision that the Senate is about

to make is of historic magnitude. This man is the coal industry. If you Google the word “coal,” his picture comes up. Coal, ladies and gentlemen, has declined from 50 percent of all electrical generation down to 30 percent just over the last 10 years. Why? Well, because utilities in America are moving toward wind. They are moving toward solar. They are moving toward energy conservation. They are moving toward natural gas, which has half of the pollutants of coal. The coal industry has met its maker in the marketplace. The utilities themselves have moved toward cleaner sources of electrical generation in our country, and the only way that they can stave off this revolution, in their minds, is to have a coal industry representative be the head of the Environmental Protection Agency. Talk about the fox guarding the chicken coop. Talk about some kind of upside-down, bizarre world, where, all of a sudden, at the Environmental Protection Agency, the one industry that has most contributed to the greenhouse gases up in our atmosphere over the last 100 years, now has someone who is next in line to take over the entire Environmental Protection Agency.

So Scott Pruitt is under siege, and we have not asked Mr. Wheeler about his readiness to lead the EPA or how his policies would be different from those of Mr. Pruitt. We don't have any reason to believe his views are any different than Mr. Pruitt's. Does he agree with the policy direction Mr. Pruitt has taken at the Agency? Does he agree with the exorbitant costs associated with the questionable activities Administrator Pruitt has engaged in as head of this Agency?

There is a lot that Andrew Wheeler has yet to answer to if he were to take over as the head of the Environmental Protection Agency, which brings us to the embattled EPA Administrator, Scott Pruitt himself.

Mr. Pruitt's leadership at the EPA has made that Agency as toxic as a superfund site. Administrator Pruitt has consistently undermined the core mission of the EPA—to protect the environment and to protect the health and the safety of all Americans. He has put the interests of the fossil fuel, chemical, and auto industries above the needs of the public's health.

Perhaps the best example of Scott Pruitt's war on good, bipartisan policy is his full frontal attack on fuel economy emissions standards. Last week, Administrator Pruitt and the Trump administration began the process of rolling back these historic standards. In 2007, I worked on a bipartisan basis to enact a provision in the energy law that increased our Nation's fuel economy standards for the first time in 32 years. It is one of the laws that I am most proud of. I was then serving in the House of Representatives and I was able to work with NANCY PELOSI and able to work with John Dingell to push through that measure. Over here in the Senate, DIANNE FEINSTEIN, working

with Senator Stevens and others, were able to bring together a consensus that changed the direction of fuel economy standards in our country. They had not been increased in 32 years because of the viselike grip that the auto industry and the oil industry had on public policymaking with regard to pollution over the preceding 32 years. It was a tragedy. It was a disgrace. It was harmful to the health of Americans, to the national security of Americans, and to the economy of Americans. Yet they had the power to do it.

But this world changed for the first time in 2007. Then building on that law, in 2009, the Environmental Protection Agency and the Department of Transportation began negotiating a historic agreement with State regulators, automakers, labor unions, and the environmental community. In 2012, the landmark fuel economy emissions of 54.5 miles per gallon by 2025 got placed on the books. Consulting with States, auto manufacturers, environmental groups, and other experts, the EPA and the National Academies of Sciences have proved beyond a doubt that the existing standards are appropriate. Automakers are meeting these standards more quickly and at a lower cost than predicted. These fuel economy standards are technically feasible. They are economically achievable. They have revived the competitiveness of our domestic auto industry, which has added 700,000 new jobs since 2010 and sold a record number of vehicles in 2015 and again in 2016.

But Scott Pruitt is threatening American consumers, our national security, and our climate by trying to slam the brakes and make a U-turn on this critical policy. We cannot allow Scott Pruitt to put us in reverse on these strong standards. But it doesn't stop there.

Time after time, Scott Pruitt has undermined the core mission of the EPA to protect the environment, to protect the health and the safety of all Americans. The litany of Scott Pruitt's sins is a Big Oil wish list: repealing the Clean Power Plan; supporting withdrawal from the Paris climate accord; weakening the Clean Water Act; allowing more toxic pollution in our streams and our wetlands; loosening standards for hazardous pollutants like mercury, arsenic, and lead that corporations can spew into our air. With Scott Pruitt's actions at the EPA, more Americans would get sick, more children could get asthma, and more people could die. He has shut out the public from the EPA's rulemakings and decisions. During his tenure, the EPA has hidden countless thousands of pages of publicly funded reports on climate science and other topics from the EPA's main web page.

Now it is emerging that he has betrayed the trust of the American people by pursuing ethically questionable behavior while heading this Agency. His mismanagement of the EPA, his intimidation of scientists, among whom fear is rampant, and his insistence on

undermining key environmental policies is unacceptable. It is impossible to have any confidence in him to lead this Agency. It is time that we issue an eviction notice, change the locks, and kick Scott Pruitt out of the EPA. It is time for him to go.

Amid this dark cloud, it is up to the Senate to ensure that anyone who is going to be responsible for overseeing our Nation's environmental policy is properly vetted for that position. Without more questioning and more examination, we do not know if Andrew Wheeler is that individual. Ultimately, I cannot vote for a lobbyist for the coal industry to lead the Agency that is tasked with making sure that carbon pollution is regulated. So that is the decision that we are being called upon to make here. It is like a shadow confirmation vote for the next Administrator of the EPA. It is an attempt to slip by at the end of the week, with Members of the Senate wanting to get home, the nomination and confirmation of a man who stands for just the opposite of what the credentials of a candidate to run the EPA should be.

We have a massive wind revolution in our country. We have 260,000 people now working in the solar industry in America. There are 50,000 coal miners, 260,000 people in solar, and 100,000 people in wind. Most of the wind and solar jobs were created over the last 10 years. Which direction does President Trump go? Which direction does Scott Pruitt go? Which direction will Andrew Wheeler, the heir apparent to Scott Pruitt, go? It goes toward coal and not wind, not solar, not renewable energy, not this greatest creation of blue-collar jobs in two generations in a single job sector.

Two percent of all new workers in America last year were solar workers who got hired, and they are good jobs. Who are they? They are electricians up on the roof. They are people who are carpenters. They are putting together the equipment. They are blue-collar workers. They are high-paying, secure, long-term jobs.

The President, however, looks to the coal industry with 50,000 coal miners and says: I am going to put in place a man who is committed to protecting that industry while destroying the wind, the solar, and the renewable industry in general and by saying to the automotive industry that you do not have to any longer increase dramatically the fuel economy standards of the vehicles which we drive in our country.

Elon Musk and all these smart, technologically savvy people in our country who are reinventing the way in which we drive are being told: No, the standard is too high. Your goal cannot be achieved. We are going to roll back those goals. That is Scott Pruitt. That is Andrew Wheeler. That is Donald Trump. That is what this debate is about here on the floor. It is a debate about the future of our country. It is a debate about the future of our planet.

It is about the future, about the direction in which we are going to be heading. Are we going to be looking at the world through a rearview mirror, back toward a technology of the 19th century, coal, or are we going to be looking toward the future? That future is one of solar and wind, renewable energy, and all-electric vehicles. It is a revolution that saves the planet, creates jobs, protects our security by backing out of importing oil from other countries.

The fuel economy standards in our country that are on the books right now that Scott Pruitt and Donald Trump want to roll back, back out 3½ million barrels of oil a day that we never have to import from OPEC and the Middle East. Do you know how many barrels of oil we import each day from the Middle East? Three and one-half million barrels of oil. That should be our goal.

Right now, the President is debating whether he should have more missile strikes in Syria in the Middle East and what the impact would be in Iran and Saudi Arabia, but, meanwhile, simultaneously, out here on the floor, we are debating a nominee who is going to be the hand-picked successor to Scott Pruitt to water down those fuel economy standards, water down that protection, which were given to young men and women so they will not have to go over to the Middle East in order to protect those ships of oil which come into our country. That is just morally indefensible when we know these revolutions are moving, they are creating jobs, and they are working.

That is why this nomination today goes right to the heart of the future of our country and the future of our planet. That is who Andrew Wheeler is. He represents the worst of what this Trump administration is trying to do to our country.

We should be the leader, not the lagger. We should be the point of light for the planet, going to a goal that we know can then be exploited around the rest of the world. That is what the 21st century should be all about, where children have to look back in the history books to find that there ever was a time when we were burning coal that was polluting the lungs of children and the planet, when we had a chance to move toward wind, solar, renewable energy, and all-electric vehicles. That should be our goal today. That is why I urge, in the strongest possible terms, a rejection of his nomination.

We should be having a full-blown debate, not this truncated process that is being imposed upon us here today. This is just plain wrong. This nomination is too important. This is the heart of what the green generation in America wants us to debate. Which way are we going, backward or forward? Which way are we going, toward a clean planet or a further polluting of the planet?

In his encyclical, Pope Francis made it very clear, No. 1, that the world is dangerously wanting; No. 2, that it is

being caused largely by human activity; and, No. 3, that we have a moral responsibility to do something about it as the principal polluter over the last 100 years; because, No. 4, those who are going to be most adversely affected are the poorest and most vulnerable on the planet, and we have to do something about it.

That is why a “no” vote today is correct, because Andrew Wheeler is going to take us in the wrong direction, just the opposite of where Pope Francis urges us to go.

I yield the rest of my time to Senator CARPER.

The PRESIDING OFFICER (Mr. PERDUE). The Senator so yields.

The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I want to start by thanking my colleague from Massachusetts for the clarity and passion he brings to this debate.

I, too, am here to strongly oppose the nomination of Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency.

Before I talk about Mr. Wheeler, I want to join my colleague from Massachusetts to talk a little bit about Scott Pruitt and the current management over the EPA. Because the people of our country rely on a strong, effective, and healthy EPA to keep our air and water clean and to make sure people are not living among toxic substances, we need strong leadership there.

In the State of Maryland, the EPA is also important to protect a great national and natural treasure, the Chesapeake Bay. The bay States include many of the States in this area. We have made great progress over the years through the EPA’s Chesapeake Bay Program. It was recognized many years ago that when you have a bay such as the Chesapeake, where multiple States feed into it, so that when you see pollution in Pennsylvania, Maryland, Delaware, or Virginia, it ends up in the bay, you need a national response, and you need an agency like the EPA to bring people together. That is why the EPA’s Chesapeake Bay Program was created. Yet we now have a Director of the EPA, Scott Pruitt, who doesn’t recognize the vital and unique role the EPA plays in protecting the Chesapeake Bay.

We know that because, if you look at the budget Scott Pruitt and President Trump submitted to the Congress, they zeroed out funding—zeroed out funding—a big goose egg for the EPA Chesapeake Bay funding. That is what they did in year 1.

Then, when Senator CARDIN and I and others said: This is a really important national effort; in fact, it has had bipartisan support in the Congress, it has bipartisan support among the Governors of all the Chesapeake Bay States, then they said: OK. We are going to provide just 10 percent of the moneys that had been provided for that program.

This is a \$73 million-a-year program. It actually needs more to achieve its

full effectiveness, but Administrator Pruitt and President Trump provided only \$7.3 million in their budget, which would devastate the bay program.

Fortunately, on a bipartisan basis, this Senate and the House of Representatives have continued full funding for the Chesapeake Bay Program for the past 2 years. I thank my colleagues for recognizing the vital importance of that program, not just to the bay States but really to protecting a national treasure.

I guess it shouldn’t be surprising that Scott Pruitt’s first budget zeroed out funding for Chesapeake Bay protection because, back when he was the attorney general of Oklahoma, he filed an amicus brief in a case that would have neutered the ability of the EPA to actually enforce the pollution protection standards for the Chesapeake Bay.

We can set forth all sorts of standards, we can set forth all sorts of restrictions in terms of pollution that can fall into the bay, but if you don’t have the ability to enforce it, it means nothing. It means people can pollute with impunity.

Even before he took the current job, Scott Pruitt telegraphed to all of us that he didn’t care about enforcing pollution standards for the Chesapeake Bay.

We have also seen other recent actions where it is clear he has a disregard for adequate protections for clean air and water. The Senator from Massachusetts was just talking about a recent proposal to roll back the auto emission standards, auto emission standards that are essential to addressing the challenge of climate change, that are also vital to making sure we have energy independence—standards, by the way, that would save consumers a whole lot of money that would otherwise be going to the oil companies and the gas companies.

In fact, those new emission standards would save the average American family \$300 per year. Apparently, Mr. Pruitt and President Trump want to see those \$300 come out of the pockets of American consumers and go right to the bank accounts of big oil companies.

It is maybe not surprising, given the very close relationship between Administrator Pruitt and the Koch brothers, who worked very hard and worked over time on his confirmation to be EPA Administrator. With Administrator Pruitt, they are getting the policies they want—policies that are not good for the health of the American people but very good for the bottom line of the Koch brothers and some of the biggest oil companies in the country.

The Chesapeake Bay and the rolling back of the auto emission standards are just two examples of a record that fails the American public when it comes to the environment under this current EPA.

I also want to talk about the work environment today at the Environmental Protection Agency because my State of Maryland is the home to many



terrific public servants—Federal employees, including many dedicated employees of the EPA. You can listen to them, but you can read about accounts in many of the publications we have seen about the incredibly low morale at the EPA.

Leadership starts at the top, and Scott Pruitt has taken an agency with strong morale and led it down the tubes. I guess it is not surprising, since he has been seeking to cut the EPA team, the professionals there, by roughly 20 percent. I should say, he is talking about cutting those folks who are working every day on behalf of the American people at the same time he is increasing the number of political appointees at the EPA—people who really do nothing more than the politics of the Administrator. So he is increasing the number of high-paid political appointees while proposing to cut, by 20 percent, the EPA workforce that looks out for the American people.

Under his directorship, already 700 employees have left the Agency either because they found it a hostile place to work or were actually forced out. So I do find it ironic that the Agency that is supposed to protect the country from toxic pollution has created a toxic environment under its own roof.

Beyond my concerns about how he actually manages his staff, concerns about undermining protections for the Chesapeake Bay and other environmental efforts, we have seen a total disregard for basic public ethics from the current Administrator. His conduct is not appropriate for a public official and has violated the public trust time and again. It seems every day now, when you open a newspaper or look online, you can find another example of the current Administrator abusing the public trust.

We have to ask ourselves whether Andrew Wheeler is going to be someone at the EPA who addresses those serious problems we have with the current Administrator. How will he help stabilize the situation? Will he be any kind of counterbalance on these important issues? The clear answer, from the record, is no. In fact, the clear answer is that Mr. Wheeler would just reinforce Mr. Pruitt's worst instincts. One might say he is a carbon copy of Mr. Pruitt. And when we look at his history—Mr. Wheeler's history—we find a very cozy relationship between the nominee, Mr. Wheeler, Mr. Pruitt, the current Administrator, and an army of lobbyists for the coal industry. In fact, Mr. Wheeler, as we have noted, has been a lobbyist for that industry. When we look at his relationships, we find that he was advising Murray Energy. Murray Energy was at that time a top donor to Scott Pruitt's super PAC. This was before Mr. Pruitt became the Administrator of the EPA. He had a super PAC. Murray Energy, for whom Mr. Wheeler lobbied, was one of the top donors to that Pruitt super PAC.

The relationship between Pruitt and Wheeler and Bob Murray gets even

cozier when we see that Bob Murray was a co-plaintiff in 8 of the 14 lawsuits that Pruitt brought against the EPA before Pruitt became the Administrator. So I want to get this right. We have Mr. Wheeler, who is the lobbyist for Mr. Murray, and Mr. Murray joined with Pruitt in filing 8 of 14 lawsuits against the EPA. So we can see that we have a very cozy relationship there and one that will only reinforce, not counterbalance, Mr. Pruitt's worst instincts at the EPA.

Among those challenges is the question of climate change. Just yesterday, in the Environment and Public Works Committee, we had a hearing. We had a hearing on using Federal incentives to have more carbon sequestration, to try to take carbon out of the environment, and carbon recapturing technology.

What was interesting was that every single one of the witnesses—those called by the majority and those called by the minority—every one of them, when asked whether climate change represented a serious threat, answered yes. All of them acknowledged that human activity was contributing to that climate change—every one of the witnesses, right down the table.

It is also interesting that that legislation, which has bipartisan support, uses taxpayer dollars and, combined with the tax measures we passed recently, creates tax incentives for carbon capture. So we are agreeing on a bipartisan basis to use public funds for the purpose of reducing carbon pollution. The only reason to do that would be that we agree carbon pollution represents a threat.

I will tell my colleagues who believes carbon pollution represents a threat: the U.S. military. I represent the Naval Academy. A little while back, I went out there and talked to the head of the Naval Academy, who talked about the fact that even today, sea level rise is creating threats, and we can actually see the results of sea level rise with the flash flooding down in Annapolis, MD, which is home to the Naval Academy. That is just one small example. Yet, if we look at Mr. Wheeler's record and statements, we find just another person with their head in the sand, and that is not the kind of person we should have as the No. 2 at our national Environmental Protection Agency.

I was looking to see if the No. 2 appointment might provide some kind of counterbalance to Mr. Pruitt. Unfortunately, everything we find shows not only that they had this prior, very cozy relationship—lobbyist, Attorney General, and a lot of coal industry companies—but on all of the issues that are important to protecting the health of the American people, we have a Deputy nominee who is actually going to take us in the wrong direction.

So I urge all of my colleagues to oppose the nomination of Andrew Wheeler.

I yield the remainder of my postcloture time to Mr. CARPER.

I see that Mr. LEAHY is on the floor. The PRESIDING OFFICER. The Senator from Vermont.

GUN SAFETY

Mr. LEAHY. Mr. President, I thank the Chair. I am a proud Vermonter. My family has lived there for over 150 years.

Yesterday, Vermont set an example for the Congress, and for the Nation. A Democratically controlled legislature and a Republican Governor, in a rural State with a strong gun-owning tradition and very few gun laws, worked together to debate, forge, and enact meaningful, commonsense gun safety laws.

Yesterday, Governor Phil Scott, who is a Republican, signed three bills into law. They expand background checks, require those under 21 to complete training before purchasing a firearm, create extreme risk protection orders, and ban bump stocks and high-capacity magazines. Vermont did that, and other States are also acting. It makes me wonder why Congress can't do its job and follow that example.

In Vermont, this was a debate about what the people of the Green Mountain State could do to keep their communities, schools, and citizens safe. We had some difficult conversations in my home State. Difficult compromises were made. And for the Republicans and Democrats in our legislature, these were difficult votes. In our State, as in every other, there are honest differences on this and many other issues. Vermonters made their voices heard, particularly a brave new generation of student activists inspired by their peers in Parkland, Florida.

This isn't the first time that our small but brave State has stepped in and stepped up to tackle difficult but significant issues. On July 1, 2000, Vermont became the first State to offer same-sex couples the same legal rights and responsibilities of traditional marriage.

David Moats, the Pulitzer Prize-winning editorial page editor of the *Rutland Herald*, wrote a book about this debate entitled "Civil Wars: A Battle for Gay Marriage." Ted Widmer, writing in the *New York Times Book Review*, said this in his review of the book:

Near the end of "Mr. Deeds Goes to Town," the Vermonter played by Gary Cooper dishes out a series of homespun metaphors for how government is supposed to treat people, from helping to push a car up a hill to saving a swimmer who's drowning. Obviously, life isn't quite that simple. This will take time. But in the long run, the question will be answered in the vast middle where most Americans live, and where they privately decide what is right and wrong.

In his remarks at yesterday's bill signing—and I note that the Governor signed the bill sitting at a table outdoors in front of the statehouse, where people who were opposed and people who supported it could watch what he was doing—at that bill signing, Governor Scott spoke as well about civility and public discourse. In a democracy,

civility is more than a virtue; it is foundational for the democratic process to work. That is something all of us—all of us in both parties in the Congress and at the other end of Pennsylvania Avenue—should remember.

Here is some of what the Vermont Governor said:

Today in America, too many of our fellow citizens—on both sides of every issue, not just on guns—have given up on listening, deciding to no longer consider other opinions, viewpoints or perspectives.

Our national dialogue has been reduced to angry, hateful social media posts that you can either ‘like’ or not, with no room for conversation or respectful disagreement, and where facts and details no longer seem to matter.

We would be naive to believe that the way we talk to each other, the way we treat each other, and the rise of violence are exclusive to one another.

The Governor concluded:

These things are hurting our nation. If we can reduce the polarization we’re seeing across the country, we can diminish some of the anger at the root of these larger challenges. And this must be part of our ongoing pursuit to reduce violence and make our communities safer.

He is right. Those are Vermont values that draw from time-tested American values.

Three weeks ago, students from schools across this country led millions of fellow Americans of all ages, races, and backgrounds in marches against gun violence. On that Saturday morning, hours before the march on Washington, I met hundreds of Vermonters who came to the Nation’s Capital. My wife Marcelle and I hosted a gathering with them. They were here to lend their voices to what has become a national outcry for commonsense reforms to reduce gun violence.

Thousands more rallied in our capital city of Montpelier, in Rutland, and in other Vermont towns for a ban on military-style assault rifles and on high-capacity magazines; for universal background checks, so that if you have a felony record you are not going to be able to buy a gun; and for laws that keep guns out of the hands of the mentally ill and those who seek to do us harm.

I have rarely been more inspired than when I was listening to the eloquence, the clarity, and the indignant frustration in the poignant speeches of those students. To hear their stories, to hear of the loss and grief and the unsettling and unyielding fear resulting from not knowing whether your school will be next.

I am reminded again of the appalling number of school shootings and the other daily tragedies caused by guns and the lasting and physical scars and trauma that gun violence has had on children, families, and neighborhoods, in cities and towns in every State of this country. How can one not feel that our generation has failed miserably to deal with the epidemic of gun violence? How can one not feel that the gun lobby and others who reflexively oppose all efforts at reform, no matter

how modest or grounded in common sense, have won?

Commonly exploited loopholes in our gun laws allow practically anyone—even those who are criminals or those who openly intend to do us harm—to buy 1 or 10 or 50 guns, guns that can shoot as many rounds per minute as you can pull the trigger or even more with the assistance of readily available accessories, like bump stocks. What have we done to stop it? Not nearly enough.

Over a period of many years, I have introduced or cosponsored and advanced through the Senate Judiciary Committee many pieces of legislation to stop it. This includes legislation to close background check loopholes—loopholes that allow criminals with records of violent crime to buy weapons—to ban military-style assault rifles, and to shut down the black market for firearms by strengthening tools to prosecute straw purchasing and firearms trafficking. We have gotten some of them through committee. Sometimes we have passed them on the Senate floor. But each time, the gun lobby has prevailed in blocking these efforts, just as they have blocked the efforts of others who have dared to take steps to reduce gun violence.

The students are right. They don’t just want our thoughts and prayers. They don’t want us to stand up and piously say: What a tragedy. They don’t want their teachers to have guns, and neither do their teachers. They don’t just want a ban on bump stocks. They want real, meaningful change. They are saying enough is enough.

Columbine, Virginia Tech, Newtown, Roseburg, Parkland—these are school shootings that made the front pages, but there are hundreds of others. There were 18 school shootings in the first 3 months of 2018 alone. As horrific as that is, it is only a part of the problem. Every day, an average of 318 people in America are shot in murders, assaults, suicides, and suicide attempts—every day, 318. That is an epidemic, and we need to treat it like one. You can hear the outrage, and the fear, in the students’ voices.

I am probably the only Member of this body who has gone to murder scenes, who has been there in the middle of the night and seen a child who has been shot to death, knowing that I would be the one who would have to order the autopsy and have investigators from my office, when I was a prosecutor, notify the parents that their child was not coming back. I have seen so many people shot to death, I still have nightmares about them.

Those who hold up the Second Amendment as somehow justifying their opposition to commonsense gun control laws could not be more wrong. None of the tragedies those students, our schools, our communities, our country are experiencing today are the price we must pay for the Second Amendment. None of the proposals in Congress threaten an individual’s right

to own a gun, nor would the bills signed by Governor Phil Scott. Any such argument is nothing more than baseless fearmongering.

I have heard the NRA and some of its defenders ridicule the students for speaking out about seeing their fellow students shot. If you have seen somebody who has been shot to death, as I have on many occasions, you do not forget that. It was over 40 years ago that I was a prosecutor. There is hardly a day that goes by that I don’t remember some of those scenes. When high-priced lobbyists or pundits go on national TV to belittle teenagers who saw their friends gunned down in their classrooms and who had the courage to speak for those who died, then the corrosive power of money and politics is glaringly apparent. Those children will never forget what they saw. I know. I know they will not.

It reminds me of how the first and loudest voices in favor of using military force are rarely those who have actually experienced combat themselves. I wonder how many of those who represent the gun lobby have experienced what those students went through or have seen people who have been shot to death as I have and—worse yet—as those children did, seeing it when it happened and when it was friends of theirs. As much as I shudder to remember what I saw, it was nothing compared to what they saw.

The only solution I have heard offered by those who oppose reform is to put more guns in the hands of good people. Well, I am a gun owner. We do need well-trained, well-equipped community police officers. I strongly support school resource officers, and we should invest more in our police. But police armed with assault rifles at every school, at every movie theater, in every church, on every street corner in America, at every shopping mall, at every museum—is that the solution? Is that the United States of America we want?

We should talk to the police. We would find that police across this country support stricter, commonsense gun safety laws. It is Congress’s job to regulate when regulations are needed, and we have a responsibility to do so when so many Americans’ lives are at stake. Let’s use the power we have to do what the Constitution requires of us and what the American people overwhelmingly are asking us to do.

The students who organized these marches have challenged us. President Trump, your party controls the Congress. Members of Congress can act or they can continue to make excuses or remain silent in hopes that this issue goes away. But, I can tell you, these students aren’t going away—not the students I have met, not the students whose determination is in their eyes and in their voices.

It is time for you, President Trump, and for this Congress to do right by these students and by all Americans who are asking their leaders to stop

gun violence. Follow Vermont's example. Support comprehensive, common-sense gun reform legislation, just as you said you would when you met with Members of Congress of both parties after the Parkland shooting. Keep your word. Do what you said you would do, but this time follow through. Fight for it so that it passes, and sign it.

Listen to the words we heard yesterday in Montpelier, VT. Stop the shouting on either side. Have people sit down and talk about what the American people really want and what the American people really need, and listen to each other. But then let's do it. Let's do it.

I think it can be done. I know any killing is terrible, but as a parent and a grandparent, I wonder how anyone can think of a child or grandchild having to witness such a horrible thing. It should stop.

I yield the remainder of my time to Senator CARPER from Delaware.

The PRESIDING OFFICER. The Senator from Delaware has been yielded 2 hours as provided by rule.

The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Delaware for allowing me to speak for up to 12 minutes.

#### OPIOID EPIDEMIC

Mr. President, I rise today to discuss three bipartisan bills that I have introduced this week to combat the vast and growing opioid epidemic. I want to begin by first thanking the chairman and the ranking member of the Senate HELP Committee for their leadership in putting together a comprehensive bill to address opioid addiction and abuse.

The HELP Committee has held seven bipartisan hearings on opioid issues since October, and I commend the committee's leaders for crafting a bipartisan framework, the Opioid Crisis Response Act, which the committee intends to mark up later this month. My hope is that the three bipartisan bills that I am about to describe will either be incorporated into their more comprehensive legislation or approved separately.

Last year, in the State of Maine, 418 people died from overdoses—a record number and an 11-percent increase compared to the year before. Just this past weekend, there were nine overdoses in one night alone, largely as a result of fentanyl-laced heroin. Fortunately, first responders were able to save those individuals.

It is clear that we need to take an "all of the above" approach to tackling this crisis. This includes more support for education and prevention, treatment and recovery services, and law enforcement efforts. No single focus will be sufficient to combat this crisis.

The first bipartisan bill that I have introduced with Senators HASSAN, CAPITO, BALDWIN, and WARREN is the Safe Disposal of Unused Medication Act. Our bill would address the problem of unused prescription painkillers when a person is receiving hospice care at home.

Currently, hospice staff are not allowed to dispose of unused medications, including powerful opioids, even after the patient has died. As a result, these dangerous medications, with a high risk of diversion, theft, and abuse, are frequently left in the deceased person's home.

I have heard stories about criminals who actually scan the obituary pages to figure out when the family will be away at the deceased person's funeral so the criminals can target that time to break into the family's home to steal these dangerous drugs.

Our bill would allow certain hospice staff and emergency medical services personnel, such as paramedics, to dispose of these potentially addictive medications once the patient dies. Registered nurses and physicians involved in hospice care can not only help families who are dealing with difficult end-of-life issues, but they can also assist them by making their homes safer by disposing of dangerous leftover medications. All of these drug disposals would be documented in the patient's clinical records.

Our bill would also allow the Drug Enforcement Agency to develop regulations permitting hospice staff to dispose of drugs if a patient's plan of care has changed and the patient no longer needs the medications. The disposal of unused prescription drugs is key to making sure that they do not fall into the wrong hands, and this bill would help to solve that problem.

One way that families struggling with addiction are finding support is through peer-to-peer recovery groups. The second bipartisan bill, which I have introduced with Senator SHAHEEN, is the Opioid Peer Support Networks Act. This bill would foster the creation of peer support networks, also known as communities in recovery, and would provide them with the resources and training they need to be successful. In peer support networks, individuals and families battling addiction help one another stay on the road to recovery and assist with employment, education, housing, health, and overall well-being.

Last year, I visited the Bangor Area Recovery Network, known as BARN, in Brewer, ME. It is a volunteer-led organization that provides support to individuals who are recovering from addiction. BARN is a model for peer-led counseling and brings hope, recovery, and healing to those who are struggling with substance abuse. Individuals who are themselves in recovery can make that critical connection to others who are facing addiction, which, in turn, can make the recovery process sustainable and reduce the stigma of addiction and treatment.

Yesterday, the Senate HELP Committee, on which I serve, heard from three experts about the legislation that the committee is developing. Jessica Nickel, the founder and CEO of the Addiction Policy Forum, told us: "Peer recovery support specialists are a key

component to making sure that we provide the services that are needed for folks that are in recovery or those that need treatment." The Opioid Peer Support Networks Act would bring critical training and assistance to these on-the-ground, peer-to-peer networks and help build up these important recovery support systems.

Finally, the Community Action Opioid Response Act, which I have introduced with Senator KLOBUCHAR, would provide competitive grants to help Community Action Agencies and Community Action Partnerships, known as CAPs in my State, expand their efforts to respond to opioid misuse and addiction problems that are experienced by low-income individuals and their families. Our bill would support a wide range of activities, such as treatment and recovery referral, direct services for children and their caregivers, including their grandparents, and two-generation anti-poverty models that respond to the needs and barriers that are facing both parents and children.

The CAPs are uniquely positioned to help take on and be our partners in the opioid crisis. They can leverage their current programs, community relationships, and existing infrastructures to respond to the unmet needs resulting from the opioid epidemic, but they need more help to do so.

CAPs in my State have told me about how the opioid crisis has affected their programs and how they are thinking innovatively to improve the services that they provide.

For example, the Waldo CAP in Belfast, ME, uses its transportation services to bring 175 people a week to drug treatment programs. That is 175 people who otherwise might lack the transportation that is necessary for them to receive the treatment services that are needed for them to cope with their addictions. Penquis, a CAP agency in Bangor, ME, has found that some clients don't access treatment because they can't find transportation for their children to safe childcare settings. In York County, the Community Action Agency has partnered with the Sanford Police Department to deliver access to medication-assisted treatment for clients who are struggling with opioid addiction.

Our bill would give these CAP agencies additional resources to develop the wraparound services that make it possible for treatment to succeed and for recovery to take hold.

Tackling the opioid epidemic, both its causes and its consequences, takes a multipronged approach. The three bipartisan bills that I have introduced provide additional ways to respond to this growing problem. I urge my colleagues to join me in supporting them, and I look forward to their enactments.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

LANCE CORPORAL TAYLOR CONRAD

Mr. CASSIDY. Mr. President, I honor today the life and sacrifice of one soldier in particular, U.S. Marine Corps LCpl Taylor Conrad, who was 24 years old and was a Central Louisianan.

Our military men and women deserve recognition. They sacrifice time away from family and friends and put themselves in harm's way to advance our country's interests. Every day, they risk their lives to secure our safety. In the case of Taylor Conrad, along with three of his fellow marines, he tragically lost his life last week when their helicopter crashed during a training mission in California.

A Louisiana native and Central High School graduate, Taylor exemplified the qualities of a good marine. He was tough, compassionate, and wanted to help others. In high school, Taylor played football and was an accomplished powerlifter. He also volunteered in the Best Buddies program, which matches students with schoolmates in the special ed program.

A teacher said:

The one thing that made Taylor such a special friend with our kids is he didn't approach them in a way that he felt sorry for them. He approached them in a way where he truly wanted to be their friend.

The school's athletic director said Taylor's "love for those who need the most is something I'll never forget." There was one child who would never speak except, with Taylor, he would laugh. That was the effect Taylor had on others.

After school, Taylor decided to serve our country by joining the Marines. He went on to become a CH-53 helicopter crew chief in the 3rd Marine Aircraft Wing's Heavy Helicopter Squadron 465. One marine who served with Taylor had this to say of him:

He was the gold standard. He pushed everybody and he cared about everybody. I wouldn't be the Marine I am now if it wasn't for him.

Our hearts go out to everyone whose life was touched by Taylor. We especially pray for his family, including his daughter, who was born just last October. Their loss is great, and their hearts are heavy. I want them to know that Louisiana and our entire country mourn with them because our loss is great too. When they lost a brother, a son, and a dad, we lost a good man, a great marine, and a fellow American.

Thank you.

NOMINATIONS FOR THE U.S. DEPARTMENT OF EDUCATION

Mr. President, I would like to speak about nominations for the U.S. Department of Education and the approval of them or, I should say, their lack of approval.

It is no secret that Democrats in Congress hate President Trump. For months, they have held up his nominees for key positions in the government. This strategy may serve in their hatred of President Trump, but it is harmful to our country.

One example is the nominee for the Federal Railroad Administration, whose nomination was held up for months after he had been approved unanimously by the committee of jurisdiction for his appointment in the Federal Government. As a result, there have been multiple fatal crashes in the railroad system—Republicans were on a trip when one of them occurred—that may have been prevented had there been leadership on that railroad commission.

We have a sense that there can be a consequence to this kind of unremitting "whatever Trump proposes we are going to oppose, no matter, just because it is Trump" when folks die in railroad accidents. I will note, after the last set of fatalities, that hold was lifted, and the nomination was allowed to proceed.

Sometimes it is not so clear that damage has occurred from this kind of "whatever Trump proposes we shall oppose." In multiple cases, it involves the Department of Education. One example is the nomination of BG Mitchell "Mick" Zais for Deputy Secretary of the U.S. Department of Education. President Trump nominated General Zais in October 2017. It has been over 6 months since his nomination, and we still do not have a Deputy Secretary of the Department of Education.

General Zais is qualified for the position. He served as South Carolina's elected State superintendent of education, the president of Newberry College, and as a commissioner on South Carolina's Commission on Higher Education. He also served his country honorably and faithfully as an infantry soldier in the U.S. Army for 31 years—again, retiring as a brigadier general.

A little known fact about the general is that he is dyslexic—an issue I care passionately about that affects 20 percent of our Nation's population. He knows firsthand of the struggles of one with dyslexia and how, with the proper evidence-based resources, our children with dyslexia can learn to read and have as successful futures as any other. Ensuring children with dyslexia have the resources they need to succeed is a legislative priority for me and also will be for General Zais, as he indicated, when he is finally confirmed.

Democrats have imposed 30 hours of debate on nominees they support by forcing cloture votes. They have forced more cloture votes in the first year of the Trump administration than in the entire first terms of the last four Presidents combined. These delay tactics have consequences for the rail system just as they do in the education of our children. It is a tragedy that Democrats are blocking or playing games with our children's futures.

One example—and it is not a very good example, not good for those affected—is with the National Assessment of Educational Progress, or NEPA, which released its Nation's Report Card. The results show that our Nation's children have not made gains in reading and math. In 2017, nationally, only 40 percent of fourth graders were considered proficient in math, and only 36 percent were reading at grade 4 levels.

This is unacceptable. If a child learns to read in grades 1, 2, 3, after that, he or she reads to learn, and if one can't read by the fourth grade, one may never be able to read to learn as effectively as one needs in order to succeed in today's economy. Democrats hate Donald Trump so much, they would rather risk a child not learning to read than to have their future prospects dimmed and easily approve a Trump appointee.

Mr. President, the time is now to stop the obstruction. Let's put our Nation's children's educational needs first and confirm the remaining nominees to serve at the U.S. Department of Education.

This is not about Donald J. Trump; this is about the children of our country who, if they don't learn to read or do math proficiently, will have a future that is less than it should be, and that should be a bipartisan concern.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Delaware.

Mr. CARPER. Mr. President, I rarely rise three times in the same day to give a speech. This is a special day for me and maybe for the Senate. But I want to assure my colleagues that the concerns many of us have been expressing about the current chaos at the Environmental Protection Agency and the nomination of Andrew Wheeler—the person who could predictably replace the EPA Administrator—are not ours alone. Editorial boards around the country, including those from newspapers in Republican-leaning States, are expressing concerns regarding EPA Administrator Scott Pruitt's recent slew of ethical lapses—it would be charitable to call them lapses. It is these failings by Mr. Pruitt that Andrew Wheeler will be expected to address if he is confirmed by the Senate.

I can assure the citizens of all these States, the editorial boards of all these papers, and all my colleagues that the Environment and Public Works Committee has not considered the nomination of Andrew Wheeler with these ethical failings in mind. Mr. Wheeler has been nominated to serve as the individual who will oversee day-to-day operations of an EPA currently in chaos. We have had no opportunity to ask Mr. Wheeler about the Administrator's questionable behavior, nor have we had a chance to ask him how he plans to right a ship that has so clearly lost its way.

I am sobered but not shocked to read what people who have their fingers on

the pulse in their communities have to say about the current leadership in the Environmental Protection Agency. It is truly maddening and deeply sad to see the indictments on an agency that we in Congress have vested with the responsibility of protecting our children, supporting our elders, and ensuring a world in which we and all the life around us can thrive.

What are newspapers around the country saying about the leadership of the Environmental Protection Agency these days?

As a kid growing up in Virginia, I never read the *Virginian-Pilot* in Danville and Roanoke. This is what they said in Virginia through a newspaper called the *Virginian-Pilot* on April 6, 2018, about a week ago. The headline of the editorial is “EPA’s Pruitt a terrible choice.”

They said:

Short of nominating an actual oil derrick or a landfill to the post, President Donald Trump couldn’t have done worse than tapping Scott Pruitt to lead the Environmental Protection Agency.

They went on to say:

And yet, it’s unlikely that his sinister approach to managing the EPA will be Pruitt’s undoing. Rather, it’s almost certain to be a comparatively banal brand of corruption that is infuriatingly commonplace in the highest echelons of the Trump administration.

The editorial goes on to say:

Having a director of the Environmental Protection Agency wholly uninterested in protecting the environment is a national embarrassment, and Americans deserve much better than the worst option available.

The next quote comes from *Charleston, WV*, and it is from the *West Virginia Gazette-Mail*. It is focused more on a favorite Presidential theme.

Donald Trump campaign crowds loved to chant “Drain the swamp!” But if ever there was a political swamp creature, it’s Scott Pruitt, the man Trump picked to head the U.S. Environmental Protection Agency.

On the issue of favoring his fellow Oklahomans on the EPA staff, the *Charleston Gazette-Mail* editorial continued:

Despite the White House telling him not to give large raises to two employees—

I think one raise was \$29,000 and another was \$56,000 per year—

—who followed him from Oklahoma, Pruitt did it anyway. He used a loophole in the Safe Drinking Water Act that’s supposed to let the EPA hire experts quickly in an emergency, not give taxpayer-funded raises to political lackeys.

Nor did the Administrator’s security concerns pass muster. The *Charleston Gazette-Mail* went on:

Pruitt is clearly very worried about his security; he has tripled the size of his security detail, and is the first EPA administration to have 24/7 security—again, at taxpayer expense. That security detail includes some EPA agents who would otherwise be investigating environmental crimes, rather than protecting their snowflake boss.

Those are the newspaper’s words, not mine.

The editorial goes on to say:

Pruitt’s predecessors, Gina McCarthy and Lisa Jackson—who were demonized repeatedly by West Virginia politicians, among others—flew coach, with a much smaller security presence.

The *Charleston Gazette-Mail* editorial concludes:

There are many reasons why Scott Pruitt shouldn’t be leading the EPA, primarily that he doesn’t seem to believe in science and is more interested in helping big business, than, you know, protecting the environment. But his obvious belief that taxpayer money and resources are given to him for his personal benefit is a big reason, as well.

Let’s go down to Texas. The *Houston Chronicle* weighed in on this. I don’t know if we have a poster on this one, but here we go. This is what they said at the *Houston Chronicle* on April 6, this month. The headline of the editorial is “The time has come for EPA Administrator Scott Pruitt to resign.”

It reads in part:

On the next episode of the Trump administration’s reality show, the latest character the President needs to vote off the island is Environmental Protection Agency Administrator Scott Pruitt.

Indeed, it’s hard to figure out how Pruitt has survived so far into this season. The host of this show says he wants to drain the swamp, but the EPA boss is so deep in the muck, he could play the creature from the *Black Lagoon*.

The *Houston Chronicle* concluded:

So Pruitt seems destined to become the next character cut from Trump’s chaotic reality show. Dropping this bad actor can’t happen fast enough.

Even in Mr. Pruitt’s home State, some people are fed up with his antics. The *Tulsa World* editorialized in this way—this was on April 6. The title is “With a controversial agenda, EPA Administrator Scott Pruitt must live above suspicion.”

In part, the editorial reads:

Some of the latest accusations are embarrassing. He should have known better, and he may pay a heavy consequence for them.

The paper goes on:

From his first day in office, Pruitt has been under the microscope of scrutiny from those who disagree with the president’s thinking on environmental issues. If that’s not entirely fair, it also should have been obvious to Pruitt that he would have to live a life that was above suspicion. In ways that have nothing to do with money, he couldn’t afford to fly first class.

The second Oklahoma newspaper, the *Edmund Sun*, had more particular advice for the President, along these lines:

Donald Trump has never needed help mirroring himself in controversy, and that was true before he ever moved into the White House. But he could do himself a favor, and gain some begrudging respect from detractors, by drop-kicking Scott Pruitt to the curb.

The fact that he defied a White House decision should by itself make Pruitt ripe for termination. Staffers and Cabinet members far more ethical than Pruitt have been shown the door. Trump should cut him loose, and get rid of the rope and the scissors he used to make the snip.

Under the best of circumstances and even in the most accountable administrations, consideration of a nominee to

serve as EPA Deputy Administrator is a huge responsibility for this body. As the *Miami Herald* rightly points out, this is no normal circumstance and surely not a normal EPA that Mr. Wheeler would enter. He would have to be ready for a job that none of us can say at this time that he is ready to tackle—cleaning up a huge mess at EPA.

The *Miami Herald* notes:

The flurry of ethical questions surrounding Environmental Protection Agency Administrator Scott Pruitt is now a blizzard. The emerging picture is of a chief environmental officer not only fighting a war on science as he promotes oil and gas interests but also arrogantly betraying the public trust.

The *Miami Herald* concludes:

Time and again, Trump has accepted arrogance and incompetence on his staff as long as loyalty remains beyond question.

Meanwhile, in Akron, OH, in its editorial entitled “Deep in the Swamp at the EPA,” on April 8, the *Akron Beacon Journal* notes that some folks in the White House knew just how bad Scott Pruitt was.

John Kelly showed the right instinct.

John Kelly is the Chief of Staff.

According to news accounts, the White House chief of staff advised President Trump that Scott Pruitt, the administrator of the Environmental Protection Agency, needed to step down in view of his ethical misdeeds and spending excesses.

The *Beacon Journal* concludes:

Scott Pruitt should go. This isn’t about policymaking, dismaying and damaging as the direction of the agency has been. The problem is his conduct in office. Pruitt has abused the public trust, in the way he has spent taxpayer dollars, in the perception he invites.

Apparently, Mr. Pruitt is not showing folks in the Show Me State what they want to see in an EPA Administrator either. In an editorial on April 7, 2018, the *St. Louis Post-Dispatch* said:

There are many good reasons why President Donald Trump should fire Scott Pruitt as administrator of the Environmental Protection Agency. Top on our list are his multiple failures to do his job protecting the environment. He’s gone so far as to say that if global warming is real, it might be a good thing.

Do you know what. I wholeheartedly agree with the *St. Louis Post-Dispatch*.

In conclusion, I share these editorials because I think they illustrate the situation that Mr. Wheeler will face should he be confirmed, and that is a very difficult situation. As the No. 2 person at EPA, Mr. Wheeler will be responsible for fulfilling the Agency’s mission and doing so in a way that earns, once again, the public’s trust. There is a long way to go to regain that trust, and Mr. Wheeler will have a Herculean task in front of him to help the Administrator do so, should he be confirmed today.

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.

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

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

Ms. CANTWELL. Mr. President, I rise to voice my opposition to the nomination of Andrew Wheeler to be Deputy Administrator for the Environmental Protection Agency.

The Senators standing up this afternoon to fight this nomination are not just opposing Mr. Wheeler. We are trying to shine a light on the fact that this administration has one of the worst environmental records in history. And you don't have to take my word for it because this unprecedented assault on our Nation's bedrock environmental laws has drawn strong criticism from former Democrat and Republican Environmental Protection Agency Administrators.

The American public overwhelmingly supports the laws and regulations that protect our air and water. And my constituents don't buy the false trade-off between protecting the environment and jobs. To them they come hand in hand. The facts on the ground have proven that these are red herring arguments.

There are so many examples of how this administration's disdain for science has led them to try to undo decades of progress on the environment. I want to focus on three issues that are particularly damaging and serve as an indication of why Mr. Wheeler's nomination and record are so troubling.

First is the example of Mr. Wheeler lobbying on behalf of fossil fuel interests. My concern is that Mr. Wheeler would have a prominent role in reviewing the air pollution rules that govern coal plants, rules that he got paid millions of dollars to help attack.

A number of press reports have exposed how one of Mr. Wheeler's biggest lobbying clients, Murray Energy, was a driving force behind Secretary Perry's ill-considered resilience proposal. That proposal ignored the Energy Department's own staff report and was an attempt to try to say that coal was the only reliable source of energy for the electricity grid, which would have forced citizens to pay more on their utility bills. They said that is a wrong conclusion. And it was a transparent attempt to try to prop up one of the administration's favorite energy sources, which really would have made everything more expensive for consumers and certainly would have changed the focus of what we need to do to decarbonize our energy system.

But the biggest problem here was how the proposal would have hit consumers, as I said, with billions of dollars in added costs. Bailing out old coal plants wasn't just bad policy; it was a breathtaking raid on consumer pocketbooks. The regional grid manager found that the Secretary's proposal would nearly double the cost of wholesale energy in the Nation's largest electricity market.

Fortunately, the Federal Energy Regulatory Commission unanimously rejected this proposal. But if Mr. Wheeler comes to EPA as the No. 2, what other misguided proposals like this are they going to propose or try to fight, even though the science within the own agencies says they are wrong-headed? How much time will we have to waste exposing these bad ideas? We should instead be making investments in policy and infrastructure that will help us be more competitive in the future.

I am also troubled by the administration's backward view on how the United States can achieve so-called energy dominance by focusing more on coal. In my assessment, the days of this strategy are numbered.

Selling away our cheap natural gas to foreign buyers. Or eking a little more life out of our grandfathered coal plants. Or drilling, as the administration has proposed, in every part of the United States and off our shores, is not the way to be competitive for the future. I am concerned that Mr. Wheeler holds and will support these backward views.

When he was criticizing the Paris Climate Agreement, he called it a "sweetheart deal" for China because it gave them a manufacturing edge, but he really got it backwards.

That is because China itself has been investing in renewable energy. By 2040, it will have invested over \$6 trillion in clean energy technologies, according to the International Energy Agency. China also adopted a 5-year solar energy plan calling for 105 gigawatts of solar capacity by 2020. They have proposed an aggressive stance moving forward, and I want to make sure that U.S. companies who have great technology get a fair crack at making investments there and particularly in the area of energy efficiency, which is already accounting for about a \$2.2 trillion investment in 2016.

So we know that we can move forward on a cleaner energy economy, and we want to know that we have the leadership that are going to support this critical transition. I am perhaps most troubled that, during his confirmation hearing, Mr. Wheeler refused to acknowledge the indisputable reality that humans are the cause of dangerous accumulation of greenhouse gases.

The fact that greenhouse gases are going to warm our planet and cause acidity in our oceans is something my State knows well.

In Washington, climate change has serious consequences for human health and our economy. Climate change has resulted in extreme weather patterns, putting lives and property in danger. It has impacted water quality, and it has caused other impacts to our salmon and shellfish industries, big parts of our seafood economy. Climate change has created drought conditions, has jeopardized our farm economy, and it is even changing the chemistry of Puget Sound.

Mr. President, responding to climate change is more than just an environmental issue. It is an economic imperative.

Senator COLLINS and I requested from the Government Accountability Office an analysis about the full costs of climate change.

That is because, after seeing how it impacted us with fires, how it impacted our shellfish industry, how it impacted so much of our coastline, we wanted to know how much climate is costing taxpayers. Well, the GAO report said it will cost taxpayers more than \$1 trillion in the next 10 to 15 years.

So I know that Mr. Wheeler thinks this may not be part of his day job, but rolling back strong environmental laws that help us move forward will put us further and further behind and cost us billions of dollars more than we need to be paying.

We need to uphold these critical environmental standards and laws that protect our clean air and clean water so that we can make progress, so that we can diversify our economy, and so that we can make the right investments.

I believe Mr. Wheeler is the wrong choice for this position. I think he is the wrong person to help us meet those standards.

We need a Deputy Administrator who isn't there trying to just jam coal down the throats of American consumers and businesses, but rather advocating for the next generation of Americans, who will need to be able to compete and compete in a cost-effective way.

I urge my colleagues to join me in voting no on Andrew Wheeler to be the Deputy Administrator at EPA.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, in Federalist Paper No. 76, Alexander Hamilton wrote that it was the job of the Senate to "prevent the appointment of unfit characters." That is certainly the mission for which we have responsibility today—to make sure that the unfit characters do not have roles of power and influence within our government.

Andrew Wheeler, the nominee who is before us for the No. 2 job at the Environmental Protection Agency, raises a series of questions and concerns related to whether or not he is fit for office. This is a man whose entire career working for the fossil fuel industry stands in direct opposition to the mission of the Environmental Protection Agency—a mission to protect the health of the American people and the well-being of our planet.

At such a volatile moment for the EPA, when the Agency is plagued by scandal, ethical misbehavior, and pandering to polluters, this nomination deserves the closest of scrutiny. After all, it is quite possible that, before long, whoever fills the role of No. 2 at the EPA could be acting in the No. 1 spot.



It is clear that Andrew Wheeler is not fit to be that person.

When President Richard Nixon created the Environmental Protection Agency in 1970, he recognized that we all share “a profound commitment to the rescue of our natural environment, and the preservation of the Earth as a place both habitable by and hospitable to man.”

For more than 47 years, the EPA has worked under Democratic Presidents and Republican Presidents to protect our natural environment and preserve our planet as a habitable and hospitable place. That has included controlling toxic and poisonous chemicals, improving air and water quality, and enhancing vehicle efficiency and emissions control. The list of EPA’s accomplishments goes on and on, but it can be summed up like this: Americans value clean air. Americans value clean water. Scott Pruitt does not, and Mr. Wheeler does not.

Administrator Pruitt has turned his longstanding disdain for the EPA into a crusade to destroy it. Think about the hard work of protecting our air and our water. There is a lot that goes into that. You can think about the equivalence of constructing a house. You need to have somebody who knows the foundation, knows the plumbing, knows the wiring, knows the carpentry, knows the drywall, and knows the roofing. You have to combine all of that with someone to get the windows installed right and the insulation installed right. It is a lot of work to create a structure that protects our air and water from the thousands of chemicals that can do it harm, but it only takes one person to knock down that carefully constructed house—one person, one wrecking ball.

Scott Pruitt is that wrecking ball in the EPA, knocking down the carefully constructed work of decades of efforts by some of the Nation’s leading scientists and most dedicated team members.

There is a lot of frustration among those dedicated scientists, and 700 employees have left or have been forced out. Critical clean air and clean water regulations have been stalled or left in limbo. Enforcement of existing regulations has virtually disappeared. Regionally, EPA offices have been routinely stripped of the power to investigate, while advisory committees that have usually been made up by scientific, objective individuals are now being filled with industry skills. To put it bluntly, under Scott Pruitt, the EPA is conducting a war against clean air and clean water. This is really a shameful situation, and that is just the policy side.

Then we have the ethical side. There is the Administrator’s desire to waste our taxpayer money on \$40,000 private phone booths, first-class travel, and swanky accommodations; the Administrator’s determination to retaliate against those who have pointed out the restrictions that he is violating; and an

Administrator who has increased the salaries of his friends in an unapproved fashion. There is little to think that any of this would change with Andrew Wheeler in either the No. 2 or No. 1 position.

It starts with the fact that neither man takes seriously the profound threat to our planet from carbon pollution. I believe that these individuals are smart, that they actually know the enormous damage that carbon pollution is doing to our planet.

After all, it is hard to miss. You can see it this last year in the ferocity of Hurricanes Irma, Maria, and Harvey. Why were they so fierce? Because 90 percent of the heat produced by climate chaos was trapped by the oceans, and that hotter ocean energizes the storms to a higher level of impact. You can see them in the forest fires that raged in Montana, across Oregon, and down into California. Year after year, the fire season is longer and fiercer. There are more forests burned.

You can see it in the insect population. You can see it in the mosquitoes that carry Zika. You can see it in the success of the pine beetles, when it is too warm to kill them in the winter. So they do great, and the trees don’t. You can see it in the oysters that now have to have the water in which they are born be artificially buffered because it is now too acidic for baby oysters.

And why is it too acidic? Because the ocean absorbs carbon dioxide from the air, creating carbonic acid.

It is hard to miss. It is hard to imagine when you see the ocean, where so much carbonic acid has been placed through our ocean through polluted air that it has changed the acidity of the ocean, but that is exactly what it has done.

Now, the EPA does a lot of wonderful work under a normal administration, be it Democratic or Republican. It tracks greenhouse emissions. It works on money-saving regulations, like renewable fuel standard programs. It conducts analyses to compare different policies to see which one would be more effective and what the range of impacts would be. It conducts world-class research on the science. It partners with States and local communities and governments on efficiency and renewable energy. But that is under a normal administration and a normal Administrator. There is no partnering now. It is just simply the wrecking ball.

Scott Pruitt said scientists disagree about the extent of global warming in connection to the actions of mankind. Actually, NASA has very precise estimates or recordings of the changes in the carbon dioxide in the atmosphere and the temperature changes that are occurring from that.

You can find people, primarily those who are funded by the fossil fuel industry, who dispute that and sow confusion. It is certainly the strategy of the fossil fuel folks, who are choosing their

greed over our planet. They are selling out America, and those who shill for them are selling out America.

They say: Well, you know, out of 100 scientists, we can find 2 or 3 who disagree. Well, how often do you have somebody who goes to 97 doctors and have them say: You have cancer. And they say: Oh, but, wait; I can find one doctor somewhere. If I pay them enough, they will say I don’t have cancer, and then I am healed—except that they wouldn’t be healed and they would soon be dead.

In Oregon, we have seen the impact on the Klamath Basin, the worst ever droughts time after time over the last 15 years. Talk to the people in Texas, Louisiana, Florida, Puerto Rico, and the Virgin Islands, whose communities were devastated by last year’s hurricanes.

In the last 10 years, the time I have been in office, we have seen half the coral reefs around the world either die or be deeply damaged—in the time since I was elected in 2008. As to the fact that our economists have calculated the monetary terms of damage for the United States from last year’s storms and fires to be well over \$300 billion, the fact that quality of life would be profoundly affected by the movement of diseases, the fact that the moose are dying in New Hampshire and lobsters are migrating north from Maine, none of that matters because these folks keep coming back and saying: You know, it is just not clear what is happening. It is not even an understanding of the basic scientific principle. Really? That is just such a lie.

As far back as 1959, Edward Teller, the eminent scientist, was warning folks in the petroleum industry. When he gave his speech at the 100th anniversary of the petroleum industry, he said: “First of all, these energy resources will run short as we use up more and more of the fossil fuels.” True enough, it turns out that there is a lot more than anyone thought in 1959. But then he said, second, that it turns out that carbon dioxide produced by burning fossil fuels has a big problem.

You can look through it and you can’t smell it so it doesn’t seem like a pollutant, but it turns out it traps heat. He proceeded to say that would be a big problem because it would melt ice in the world and raise the sea levels and that would flood our cities. He didn’t have all of the science that has been generated since 1959, but he had a basic understanding of the physics of the problem.

What have we seen? We have seen, from that time until now, a 25-percent increase in carbon dioxide in the atmosphere, and that is a big deal. So we have seen, year after year, it become hotter and hotter. In fact, 2015, 2016, and 2017 were the three hottest years ever recorded. In fact, 17 of the 18 hottest years on record occurred within the last 18 years. Yet these individuals stand up and say: Do not worry. Be happy. There is no problem.

But there is a big problem, and putting folks whose bread is buttered by the fossil fuel industry in charge of clean air and clean water is a colossal mistake for our Nation.

Mr. Pruitt's association with the fossil fuel industry is well documented. He went as far as to send a letter to the EPA on his stationery accusing regulators of overestimating how much air pollution energy companies drilling new natural gas wells in Oklahoma were causing. The letter was written almost word-for-word by a company, not by a scientific expert, nor did it have input from scientific experts.

This type of cozy relationship has continued throughout his tenure at the EPA. Take, for instance, his efforts to stall or eliminate regulations, delay implementations of new ones to help polluters at the expense of the health, safety, and livelihood of millions of Americans. He has issued a memorandum saying the regional EPA offices first have to seek permission from headquarters before investigating polluters, investigating violations, or requesting information. So he has sought to really completely stop the investigation into malfeasance and misconduct damaging our environment—all to help his associates who are in private industry.

The list goes on and on.

We see the same thing with Mr. Wheeler working so closely as a lobbyist for the same fossil fuel industry; specifically, Murray Energy. How can you say an individual will enforce the rules when he represents the industry? That is the challenge.

Our U.S. President said he was going to drain the swamp, but Scott Pruitt is the swamp. He is the person who is proceeding to fail to enforce our clean air and clean water laws. He is the person who is stopping his team from investigating violations. He is the person who is allowing his friends to have their pay increased, or actively working to increase their pay, when it is outside of the regulation. He is the person wasting our taxpayer money in all kinds of ways that have been documented, from security details to trains of cars blowing lights so he can get someplace in the city 5 minutes faster, violating the rules; demoting people who try to hold him accountable—every possible ethical and professional violation.

The nominee before us is a straight backup to that kind of misconduct. He should absolutely not be confirmed by the U.S. Senate. He should not get a single vote from a single Member here because the American people want the rules on clean air and clean water enforced. So let's vote for enforcement.

#### NOMINATION OF MICHAEL POMPEO

Mr. President, just a short time ago, I was in the hearings regarding Michael Pompeo to be our Secretary of State. I think my concerns can be summed up by this: I read to him the two provisions of the War Powers Act that give the President the power to put our

troops in motion on foreign soil. One of those is a direct and explicit congressional authorization, and the second is a direct threat or attack on the United States or our forces or our assets.

I asked him: Do you think the President of the United States can put forces into action outside of those two provisions, congressional authorization or a direct attack on America?

He said: Yes.

In other words, he absolutely, 100 percent disavows our Constitution, which says the power to make war rests in Congress, not at the whim of the President.

This was one of the most important provisions in the debate about the design of our Constitution; that it should not be easy to go to war. The Constitution gives that power explicitly to Congress. Mike Pompeo says it doesn't matter. It doesn't matter, even if there is not a threat to the United States, an attack on the United States; it doesn't matter, even if there is no congressional authorization, the President can do what he wants. You really can't make that argument and honestly take an oath of office to abide by the Constitution.

That is why I will adamantly oppose his nomination as Secretary of State.

Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I know of no further debate on the nomination.

The PRESIDING OFFICER. Is there any further debate on the nomination?

Hearing no further debate, the question is, Will the Senate advise and consent to the Wheeler nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 71 Ex.]

YEAS—53

Alexander	Enzi	Kennedy
Barrasso	Ernst	Lankford
Blunt	Fischer	Lee
Boozman	Flake	Manchin
Burr	Gardner	McConnell
Capito	Graham	Moran
Cassidy	Grassley	Murkowski
Collins	Hatch	Paul
Corker	Heitkamp	Perdue
Cornyn	Heller	Portman
Cotton	Hoeven	Risch
Crapo	Hyde-Smith	Roberts
Cruz	Inhofe	Rounds
Daines	Isakson	Rubio
Donnelly	Johnson	Sasse

Scott	Thune	Wicker
Shelby	Tillis	Young
Sullivan	Toomey	

NAYS—45

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

NOT VOTING—2

Duckworth	McCain
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The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the further rollcall votes in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### 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 assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, Jerry Moran, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton, Jeff Flake.

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

The question is, Is it the sense of the Senate that debate on the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: The Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), is necessarily absent.

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

The yeas and nays resulted—yeas 74, nays 24, as follows:

[Rollcall Vote No. 72 Ex.]

YEAS—74

Alexander	Flake	Murkowski
Baldwin	Gardner	Murphy
Barrasso	Graham	Nelson
Bennet	Grassley	Paul
Blumenthal	Hatch	Perdue
Blunt	Heitkamp	Portman
Boozman	Heller	Reed
Burr	Hoeven	Risch
Capito	Hyde-Smith	Roberts
Cardin	Inhofe	Rounds
Carper	Isakson	Rubio
Casey	Johnson	Sasse
Cassidy	Jones	Schatz
Collins	Kaine	Schumer
Corker	Kennedy	Scott
Cornyn	King	Shelby
Cotton	Klobuchar	Sullivan
Crapo	Lankford	Tester
Cruz	Leahy	Thune
Daines	Lee	Tillis
Donnelly	Manchin	Toomey
Durbin	McCaskill	Warner
Enzi	McConnell	Wicker
Ernst	Menendez	Young
Fischer	Moran	

NAYS—24

Booker	Hassan	Shaheen
Brown	Heinrich	Smith
Cantwell	Hirono	Stabenow
Coons	Markey	Udall
Cortez Masto	Merkley	Van Hollen
Feinstein	Murray	Warren
Gillibrand	Peters	Whitehouse
Harris	Sanders	Wyden

NOT VOTING—2

Duckworth	McCain
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The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 24. The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nomination.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Broomes nomination?

The nomination was confirmed.

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 senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Jerry Moran, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton, Jeff Flake.

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

The question is, Is it the sense of the Senate that debate on the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. McCAIN) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The yeas and nays resulted—yeas 94, nays 2, as follows:

[Rollcall Vote No. 73 Ex.]

YEAS—94

Alexander	Gillibrand	Nelson
Baldwin	Graham	Paul
Barrasso	Grassley	Perdue
Bennet	Harris	Peters
Blumenthal	Hassan	Portman
Blunt	Hatch	Reed
Booker	Heinrich	Risch
Boozman	Heitkamp	Roberts
Brown	Heller	Rounds
Burr	Hoeven	Rubio
Cantwell	Hyde-Smith	Sasse
Capito	Inhofe	Schatz
Cardin	Isakson	Schumer
Carper	Johnson	Scott
Casey	Jones	Shaheen
Cassidy	Kaine	Shelby
Collins	Kennedy	Smith
Corker	King	Stabenow
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Ernst	Merkley	Wicker
Feinstein	Moran	Wyden
Fischer	Murkowski	Young
Flake	Murphy	
Gardner	Murray	

NAYS—2

Hirono	Sanders
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NOT VOTING—4

Coons	McCain
Duckworth	Toomey

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 2. The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nomination.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Jennings nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action for the nominations confirmed during today's session.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2010

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 140.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 140) entitled "An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund," do pass with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment to S. 140.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Qualification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

Mitch McConnell, Cory Gardner, Orrin G. Hatch, Tom Cotton, Steve Daines, Roy Blunt, Mike Crapo, James E. Risch, Johnny Isakson, John Thune, Thom Tillis, James M. Inhofe, Pat Roberts, John Hoeven, John Boozman, Jeff Flake, Jerry Moran.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

MOTION TO CONCUR WITH AMENDMENT NO. 2227

Mr. MCCONNELL. I move to concur in the House amendment to S. 140, with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] moves to concur in the House amendment to S. 140, with an amendment numbered 2227.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following:  
"This act shall be effective 1 day after enactment."

Mr. McCONNELL. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2228 TO AMENDMENT NO. 2227

Mr. McCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2228 to amendment No. 2227.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike "1 day" and insert "2 days"

MOTION TO REFER WITH AMENDMENT NO. 2229

Mr. McCONNELL. Mr. President, I move to refer the House message on S. 140 to the Committee on Indian Affairs with instructions to report back forthwith.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] moves to refer the House message to accompany S. 140 to the Committee on Indian Affairs to report back forthwith with instructions, being amendment numbered 2229.

The amendment is as follows:

At the end add the following:  
"This Act shall take effect 3 days after the date of enactment."

Mr. McCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2230

Mr. McCONNELL. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2230 to the instructions of the motion to refer.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike "3 days" and insert "4 days"

Mr. McCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2231 TO AMENDMENT NO. 2230

Mr. McCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2231 to amendment No. 2230.

The amendment is as follows:

Strike "4" and insert "5"

CONFIRMATION OF REBECCA JENNINGS

Mr. McCONNELL. Mr. President, today the Senate completed its work on the personnel business for this week the way we started—by confirming a talented nominee to be a Federal district judge in Kentucky.

President Trump nominated Rebecca Jennings to be the first woman to serve as a district judge for the Western District of Kentucky. Widely recognized for her outstanding legal talents and judgment, Ms. Jennings has earned the support of Kentucky's legal community. In fact, dozens of her peers wrote that "she has a first-rate analytical mind and superb judgment. She is principled, thoughtful, and hard-working." These qualities are exactly what I believe we need on the Federal district courts. Our colleagues on the Judiciary Committee agreed, advancing Ms. Jennings' nomination to the Senate floor on a voice vote. Just moments ago, the Senate fulfilled its responsibility, confirming another well-qualified nominee for Kentucky and for the Nation, both of which will be well-served by Rebecca Jennings on the bench.

I hope the Senate can build on this momentum and continue confirming more of the President's abundantly qualified nominees without undue delay.

The PRESIDING OFFICER. The Senator from Kansas.

CONFIRMATION OF JOHN BROOMES

Mr. MORAN. Mr. President, judges and litigants in our State of Kansas have been anxious to have the vacant positions in our State filled. One of those two vacancies in district judgeships is the longest open vacancy in the country, and today we accomplished the filling of one of those positions with the confirmation of John Broomes.

I rise to express my pleasure to my colleagues and to Mr. Broomes—my

pleasure for his willingness to be considered for this position, to be nominated by the President, and now to be confirmed by the U.S. Senate—and to express my pleasure to my colleagues for seeing his qualifications and experience and capabilities and making that confirmation happen just a few moments ago. He is a highly qualified individual, he is a well-respected attorney, and he has the intellect and legal mind and legal experience to receive this lifetime appointment as a Federal judge.

I take these lifetime appointments very seriously, and I want to make certain that, as a Kansas Senator and as a U.S. Senator, I am doing my part to put highly qualified and soundly principled judges in place to serve Kansas and the country. John Broomes meets these qualifications. In my conversations with him over the last year, he expressed a judicial philosophy that is dedicated to the interpretation of the law as written, recognition that no person is above the law, and treatment for all litigants in a fair and legal fashion.

I appreciate Mr. Broomes' naval service to our country. His willingness to serve is a mark of his character and his love for our Nation.

I want to highlight a note from a distinguished professor at Washburn Law School in Topeka, KS. He indicated in his letter that he found Mr. Broomes to be "the most gifted legal mind he has ever encountered. Equally important, he is an honest and principled person and among the very best lawyers I know." Dr. David Pierce, a law school professor, is a highly regarded member of the faculty and chairman of the Washburn business and transactional law program, and his confirmation of my view of John Broomes is very fulfilling to me. It gives me great confidence that we have made a wise decision today.

Mr. Broomes served as a law clerk to U.S. Magistrate Judge Donald Bostwick and U.S. District Court Judge Monti Belot, and their reputation and experience add to Mr. Broomes' qualifications.

I met Mr. Broomes' family, and I was so impressed with him as a father. I was impressed with his wife and their children. He has a reputation as a solid, decent, and conscientious person and a man with a conscience. He also has a reputation for expertly managing cases and solving complex litigation. He has been a valuable attorney to the Hinkle law firm, a highly regarded law firm in Wichita, KS. That firm is known for employing associates and having partners who meet the qualifications that we would want in a judge. He focuses on business and natural resources law, and that knowledge of those kinds of cases will be very valuable to litigation that is heard in my State.

Mr. Broomes was unanimously confirmed by the Senate Judiciary Committee in December, and I appreciate the support my colleagues have demonstrated on his confirmation today.

Thank you, Mr. President.  
The PRESIDING OFFICER. The Senator from Alaska.

#### TRIBUTE TO JOHN ACTIVE

MR. SULLIVAN. Mr. President, every week I come to the floor to talk about my great State and a person in my State who has made a difference in their communities and in the State and sometimes throughout the entire country. I call this person our Alaskan of the Week, and it is actually one of the best things I get to do each week here in the U.S. Senate.

There is a lot to brag about with regard to Alaska. Frankly, while I love my job here, I wish I were home right now. My wife is there. Although the temperatures are still only in the single digits in some places in Alaska, particularly up north, springtime, which we call breakup in Alaska, has hit much of our State.

I will admit, breakup is not always pretty. The State gets a lot of snow—dirty, melting snow. There is sloshing through the slush and big, huge puddles everywhere. But the sun is now high in the sky and staying up longer and longer every day. Birds are migrating back by the tens of thousands, and the excitement of spring is everywhere. You can feel it and sense it.

The changing of the seasons is no more extreme and no more profound than in Alaska, where the weather, hunting, and passing on of traditions and culture are literally a way of life for many.

Today, what I would like to do is take you to Bethel, AK—a town of about 6,000 people about 400 miles west of Anchorage, which is in the full throws of breakup—in order for the Presiding Officer and everyone watching to meet our Alaskan of the Week, Mr. John Active.

John is an extraordinary Alaskan who has spent decades, season after season, on the radio, telling stories and passing on traditions helping to keep the Yup'ik culture of Alaska alive.

John, who is 70 years old, has lived a storied life, which began in a village outside of Bethel. Unfortunately, after he was born his mother passed away, and his father couldn't care for him, so he was adopted by James and Elsie Active and brought to live in Bethel. His grandmother, Maggie Lind, was a well-known storyteller, and John's childhood was filled with stories about Yup'ik legends, wisdom, and culture. John's experiences as he grew up led him to an incredibly important vocation—translating his native language into English.

You might ask: Translating? Well, yes, that is actually very important in Alaska. You see, we have about 20 different indigenous languages still spoken by the Native peoples of my great State, and throughout my great State thousands of Alaskans literally speak these languages.

During John's senior year of high school, he worked for the Bureau of In-

dian Affairs. He was able to travel to different villages translating the Yup'ik language and helping applicants fill out paperwork for housing, which was great training for the rest of his life.

He also became passionate about the news and spreading the news. In the 1970s, KYUK—Bethel's new local public radio and television shows, which are so important to get the word out in these smaller communities—was born, and John was there as one of the very first Yup'ik language broadcasters.

Many people in the area, particularly the elders, still read and speak only in Yup'ik. John was so intent on letting them know what was happening in the world in the early days that he would wait for the cargo plane to arrive from Anchorage to grab the Anchorage Daily News, the daily newspaper, and rush into the radio station to simultaneously translate the news from English into Yup'ik as he read it.

There are very few people in the world who can simultaneously translate English to Yup'ik. Among many other challenges, there simply aren't Yup'ik words for some English words. Take, for example, the word "computer" and what a computer does. It can take an entire paragraph in Yup'ik to explain that. When a bank was trying to inform Alaskans in the region about home loans, John found that it could take an entire paragraph to translate the phrase "home equity" into Yup'ik. So he had a really hard job, but he did it really, really well.

Over the years, John became known for starting his newscast with a short Yup'ik story. These were stories that he had learned from his grandmother, such as, "How the Fox Turned Red" and "How the Crane Got Its Blue Eyes"—stories that were eventually broadcast around the State. Some of them were even picked up by National Public Radio for the country.

He also became a columnist for the Anchorage Daily News and other papers across Alaska, sharing the stories of his ancestors and his humorous views on the world. It is such a delight to listen to him and to read his stories. He has become a beloved figure throughout Alaska.

But John's work goes way beyond entertainment. His work goal has been to preserve the Yup'ik language, which goes hand in hand with preserving the Yup'ik culture. It is so vitally important in our State where, as I have mentioned, we have 20 indigenous languages. Not a lot of people know that. In the not-so-distant past, unfortunately, Alaska Natives were discouraged, and sometimes even punished, for speaking in their native languages. Now, however, there are more and more efforts, encouraged by people like John Active and by KYUK, to help keep native languages and the cultures that belong to them alive and thriving. For example, my wife Julie is now taking classes in Koyukon, her family's native language.

John also wants to spread not just the culture but the values of the Yup'ik community—in his words, to "Yup'ify" Alaska and the world. With the help of KYUK, the amazing station that serves over 22,000 predominantly Yup'ik residents in this region of Alaska, he and his other cohosts have been able to do that.

"There are so many people in this region who can understand what we're saying," John said. "I feel it makes them proud to hear their language being spoken over the airwaves. . . . I am helping to keep the language and culture alive."

March 30 was John's last show on KYUK. He is now taking a well-deserved retirement, but his legacy and the radio's commitment to their Yup'ik culture continues. KYUK will continue to be a pioneer in bringing 1 hour a day of local news in the Yup'ik language and 5½ hours a week of Yup'ik public affairs and talk shows, all in the language of the region.

I want to thank KYUK for being a pioneer in bringing bilingual content to Alaskans and public broadcasting, and, of course, I want to thank John for being one of the major conduits for that pioneering work.

Your work, John, has touched so many, and you have certainly done your part to serve your fellow Alaskans while "Yup'ifying" the State, the country, and even the world. So thanks, and congratulations on being our Alaskan of the Week.

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

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

#### MORNING BUSINESS

MR. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in 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.

#### BUDGET SCOREKEEPING REPORT

MR. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for April 2018. The report compares current-law levels of spending and revenues with the amounts the Senate agreed to in the budget resolution for fiscal year 2018, H. Con. Res. 71. This information is necessary for the Senate Budget Committee to determine whether budget points of order lie against pending legislation. The Republican staff of the Senate Budget Committee and the Congressional Budget Office, CBO, prepared this report pursuant to section

308(b) of the Congressional Budget Act, CBA.

The enforceable levels included in this report reflect all of the numerical adjustments made to the resolution since its passage. The information contained in this report captures legislative activity from passage of the budget resolution through April 9, 2018. The only law enacted with significant budgetary effects since my last filing, on February 28, 2018, was the Consolidated Appropriations Act, 2018, P.L. 115-141.

Republican Budget Committee staff prepared tables 1 to 4 of this report.

Table 1 gives the amount by which each Senate authorizing committee exceeds or is below its allocation for budget authority and outlays under the most recently adopted budget resolution. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. For this reporting period, 10 of the 16 authorizing committees are in compliance with their allocations. As previously reported, the Senate Veterans' Affairs; Energy and Natural Resources; Health, Education, Labor, and Pensions; Finance; and Agriculture, Nutrition, and Forestry Committees are in breach of their allocations. Since my last report, several committees' allocations were affected by changes in the nonappropriations provisions included in the omnibus appropriations bill. Still, the only new committee creating a breach was the Commerce, Science, and Transportation Committee, which spent \$100 million more in both budget authority and outlays through Division P of the omnibus, Ray Baum's Act of 2018, than allowed under the budget resolution.

Table 2 gives the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in sections 312 and 314 of the CBA. Appropriations for 2018 are consistent with the statutory limits as modified by the Bipartisan Budget Act of 2018.

The budget resolution contains two points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPS. Tables 3 and 4 show compliance with fiscal year 2018 limits for overall CHIMPS \$17 billion, and the crime victims fund CHIMP, \$11.2 billion, respectively. This information is used for determining points of order under sections 4102 and 4103 of H. Con. Res. 71, respectively. CHIMPS included in the 2018 omnibus comply with the existing limits.

In addition to the tables provided by Budget Committee Republican staff, I am submitting CBO tables, which I will use to enforce budget totals approved by Congress.

CBO provided a spending and revenue report for fiscal year 2018, which helps enforce aggregate spending levels in budget resolutions under CBA section 311. CBO's estimates, which now include the full effects of appropriations for this year, show that current-law

levels of spending for fiscal year 2018 are above the amounts assumed in the budget resolution by \$152.2 billion in budget authority and \$105.5 billion in outlays. For fiscal year 2018, Social Security outlay levels remain consistent with the budget resolution's assumption

Current-law revenues continue to be in excess of the levels assumed by the budget resolution. On-budget revenue levels currently exceed assumed levels by \$3.2 billion in fiscal year 2018, \$39.8 billion over the fiscal year 2018-2022 period, and \$94.2 billion over the fiscal year 2018-2027 period. For fiscal year 2018, Social Security revenues are \$446 million below levels assumed in the budget resolution.

CBO's report also provides information needed to enforce the Senate pay-as-you-go, PAYGO, rule. The Senate's PAYGO scorecard currently shows deficit reduction of \$24 million in fiscal year 2018, but deficit increases of \$10 million over the fiscal year 2017-2022 period and \$11 million over the fiscal year 2018-2027 period. For fiscal year 2018, legislation has been enacted that would reduce outlays by \$24 million. Over the fiscal year 2017-2022 period, legislation has been enacted that CBO estimates will decrease outlays by \$13 million and decrease revenues by \$23 million. Over the fiscal year 2017-2027 period, legislation has been enacted that CBO estimates will decrease outlays by \$11 million and decrease revenues by \$22 million. Consistent with recent congressional practice, the direct spending and revenue provisions included in the non-Appropriations Committee portion of the fiscal year 2018 omnibus, which increased deficits by \$2.8 billion over 10 years are being excluded from PAYGO calculations. This is due to provisions in the omnibus that mandated the exclusion of those budgetary effects both from the Senate and statutory PAYGO scorecards. The Senate's PAYGO rule is enforced by section 4106 of H. Con. Res. 71.

Also included in this submission is a table tracking the Senate's budget enforcement activity on the floor since Congress adopted the budget resolution. Two points of order were raised since my last filing. On March 14, 2018, Senator Sanders raised a PAYGO point of order against S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act. This point of order was waived by a vote of 67 to 31. On March 21, 2018, Leader McConnell raised a PAYGO point of order against Senator Wyden's amendment, S. Amdt. 2213, to H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act of 2017. This point of order was sustained with a vote of 21 to 78 on Senator Wyden's waiver motion.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

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

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (–) BUDGET RESOLUTIONS

	(In millions of dollars)		
	2018	2018–2022	2018–2027
<b>Agriculture, Nutrition, and Forestry</b>			
Budget Authority .....	47	629	1,163
Outlays .....	47	711	1,249
<b>Armed Services</b>			
Budget Authority .....	–33	–102	–76
Outlays .....	–24	–15	–16
<b>Banking, Housing, and Urban Affairs</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Commerce, Science, and Transportation</b>			
Budget Authority .....	0	10	100
Outlays .....	0	50	100
<b>Energy and Natural Resources</b>			
Budget Authority .....	220	–78	–70
Outlays .....	198	–82	–83
<b>Environment and Public Works</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Finance</b>			
Budget Authority .....	21,971	69,492	75,504
Outlays .....	5,211	14,037	6,435
<b>Foreign Relations</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Homeland Security and Governmental Affairs</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Judiciary</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Health, Education, Labor, and Pensions</b>			
Budget Authority .....	705	–46	–46
Outlays .....	205	318	–39
<b>Rules and Administration</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Intelligence</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Veterans' Affairs</b>			
Budget Authority .....	2,100	2,100	2,100
Outlays .....	1,050	2,100	2,100
<b>Indian Affairs</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Small Business</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Total</b>			
Budget Authority .....	25,010	72,005	78,675
Outlays .....	6,687	17,119	9,746

TABLE 2.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS<sup>1</sup>

	2018	
	Security <sup>2</sup>	Nonsecurity <sup>2</sup>
Statutory Discretionary Limits .....	629,000	579,000
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies .....	0	23,259
Commerce, Justice, Science, and Related Agencies .....	5,400	54,200
Defense .....	589,320	132
Energy and Water Development .....	21,800	21,400
Financial Services and General Government .....	31	23,392
Homeland Security .....	2,058	45,665
Interior, Environment, and Related Agencies .....	0	35,252
Labor, Health and Human Services, Education and Related Agencies .....	0	177,100
Legislative Branch .....	0	4,700
Military Construction and Veterans Affairs, and Related Agencies .....	10,091	81,900
State Foreign Operations, and Related Programs .....	0	42,000
Transportation and Housing and Urban Development, and Related Agencies .....	300	70,000
Current Level Total .....	629,000	579,000
Total Enacted Above (+) or Below (–) Statutory Limits .....	0	0

<sup>1</sup> This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

<sup>2</sup> Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.



TABLE 3.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

Table with columns for 2018 budget authority and categories like CHIMPS Limit for Fiscal Year 2018, Senate Appropriations Subcommittees, Agriculture, Rural Development, and Related Agencies, etc.

TABLE 4.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAM (CHIMP) TO THE CRIME VICTIMS FUND

Table with columns for 2018 budget authority and categories like Crime Victims Fund (CVF) CHIMP Limit for Fiscal Year 2018, Senate Appropriations Subcommittees, Agriculture, Rural Development, and Related Agencies, etc.

U.S. CONGRESS, CONGRESSIONAL BUDGET OFFICE, Washington, DC, April 11, 2018. Hon. MIKE ENZI, Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2018 budget and is current through April 9, 2018. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018.

Since our last letter dated February 28, 2018, the Congress has cleared and the President has signed the Consolidated Appropriations Act, 2018 (Public Law 115-141). That act has significant effects on budget authority, outlays, and revenues in fiscal year 2018.

Sincerely,

KEITH HALL, Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2018, AS OF APRIL 9, 2018

[In billions of dollars]

Table with columns: Budget Resolution, Current Level, Current Level Over/Under (-) Resolution. Rows include On-Budget (Budget Authority, Outlays, Revenues) and Off-Budget (Social Security Outlays, Social Security Revenues).

Source: Congressional Budget Office.

a Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2018, AS OF APRIL 9, 2018

[In millions of dollars]

Table with columns: Budget Authority, Outlays, Revenues. Rows include Previously Enacted (Revenues, Permanent and other spending legislation, Appropriation legislation, Offsetting receipts), Enacted Legislation (Authorizing Legislation, Appropriation Legislation), Entitlements and Mandatories, and Memorandum (Revenues, 2018-2027).

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

a Includes the budgetary effects of the following acts that affect budget authority, outlays, or revenues and were cleared by the Congress during the 1st session of the 115th Congress, but before the adoption of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018: the VA Choice and Quality Employment Act of 2017 (P.L. 115-46); the Harry W. Colmery Veterans Educational Assistance Act of 2017 (P.L. 115-48); a joint resolution compact relating to the establishment of the Washington Metrorail Safety Commission (P.L. 115-54); the Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (P.L. 115-56); the Emergency Aid to American Survivors of Hurricanes Irma and Jose Overseas Act (P.L. 115-57); the Department of Veterans Affairs Expiring Authorities Act of 2017 (P.L. 115-62); the Disaster Fax Relief and Airport and Airway Extension Act of 2017 (P.L. 115-63); the Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017 (P.L. 115-64); and the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (P.L. 115-72).

b Emergency funding that was not designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Deficit Control Act does not count for certain budgetary enforcement purposes. These amounts, which are not included in the current level totals, are as follows:

	Budget Authority	Outlays	Revenues
Disaster Fax Relief and Airport and Airway Extension Act of 2017 (P.L. 115-63) .....	263	263	0
Bipartisan Budget Act of 2018 (P.L. 115-123) .....	2,217	1,469	-509
<b>Total</b> .....	<b>2,480</b>	<b>1,732</b>	<b>-509</b>

<sup>c</sup> The Bipartisan Budget Act of 2018 (P.L. 115-123) contains seven divisions: Division A, Subdivision 2 of Division B, and Divisions C-F contain authorizing legislation, of which the budgetary effects of Subdivision 2 of Division B were designated as being for emergency requirements. Subdivisions 1 and 3 of Division B contain appropriation legislation: Subdivision 1 provided supplemental appropriations for fiscal year 2018 for disaster relief and designated those amounts as being for emergency requirements, and section 158 of Subdivision 3 provided authority for the duration of fiscal year 2018, for the Secretary of Energy to draw down and sell crude oil from the Strategic Petroleum Reserve. Division G of P.L. 115-123 provided for the budgetary treatment of Divisions A-F.

<sup>d</sup> Sections 540-543 of the Department of Homeland Security Appropriations Act, 2017 (Division F of P.L. 115-31), extended several immigration programs through the end of fiscal year 2017. Several continuing resolutions continued those authorities through March 23, 2018, and sections 202-205 of title II of Division M of P.L. 115-141 further extended those programs through 2018. CBO estimates that extending those authorities for the entirety of fiscal year 2018 will increase on-budget direct spending by \$5 million in fiscal year 2018, \$27 million over the 2018-2022 period, and \$53 million over the 2018-2027 period. In addition, CBO estimates that extending those authorities will decrease off-budget direct spending by \$1 million over the 2018-2022 period and by \$7 million over the 2022-2027 period. Further, CBO estimates that continuing those authorities will increase revenues by \$2 million over the 2018-2022 period and by \$7 million over the 2018-2027 period. Consistent with the budgetary treatment of Divisions K-V of P.L. 115-141, the budgetary effects of extending the immigration programs through March 23, 2018, are charged to the Appropriations Committee; the effects of extending the programs for the remainder of fiscal year 2018 are charged to the relevant authorizing committees.

<sup>e</sup> Pursuant to sections 1001-1004 of the 21st Century Cures Act (P.L. 114-255), certain funding provided to the Department of Health and Human Services—in particular the Food and Drug Administration (FDA) and the National Institutes of Health (NIH)—in 2017 through 2026 shall not count for the purposes of complying with provisions of the Deficit Control Act or the Congressional Budget and Impoundment Control Act of 1974. As a result, the amounts shown do not include \$1.056 billion in budget authority or \$770 million in associated outlays in fiscal year 2018 within the following subcommittees' jurisdictions: \$60 million in budget authority and \$22 million in outlays for the FDA (Agriculture); and \$996 million in budget authority and \$748 million in outlays for HHS, which includes \$500 million in budget authority for state responses to the opioid abuse crisis and \$496 million for NIH (Labor, HHS, Education).

<sup>f</sup> Section 255 of the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 2018 (Division H of P.L. 115-141), delayed implementation of the recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention. CBO estimates that the delay will increase direct spending (budget authority and outlays) by \$14 million in fiscal year 2019 and by \$6 million in fiscal year 2020. In addition, CBO estimates that section 225 will decrease revenues by \$23 million in fiscal year 2019 (of which \$6 million will be off-budget) and will decrease revenues by \$9 million in fiscal year 2020 (of which \$2 million will be off-budget).

<sup>g</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

<sup>h</sup> Periodically, the Senate Committee on the Budget revises the budgetary levels in H. Con. Res. 71, pursuant to various provisions of the resolution. The total for the Initial Senate Resolution shown below excludes \$47,660 million in budget authority, \$22,467 million in outlays, and \$150,003 million in revenues assumed in H. Con. Res. 71 for discretionary spending not constrained by the budgetary caps established by the Budget Control Act of 2011 (P.L. 112-25) and subsequently amended, including spending that qualifies for adjustments pursuant to section 4205 of H. Con. Res. 71.

	Budget Authority	Outlays	Revenues
Initial Senate Resolution .....	3,089,061	3,109,221	2,640,939
Revisions:			
Pursuant to section 311 of the Congressional Budget Act of 1974 and section 3003 of H. Con. Res. 71 .....	-8,600	-8,600	-143,800
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	4,686	803	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	84,436	11,185	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 and section 4108 of H. Con. Res. 71 .....	230,553	108,997	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	-295	-257	0
Revised Senate Resolution .....	3,399,841	3,221,349	2,497,139

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD FOR THE 115TH CONGRESS, AS OF APRIL 9, 2018

[In millions of dollars]

	2018	2017-2022	2017-2027
Beginning Balance <sup>a</sup> .....	0	0	0
Enacted Legislation: <sup>b,c,d</sup>			
Protecting Patient Access to Emergency Medications Act of 2017 (H.R. 304, P.L. 115-83) .....	*	*	*
TSP Modernization Act of 2017 (H.R. 3031, P.L. 115-84) .....	*	*	*
FITARA Enhancement Act of 2017 (H.R. 3243, P.L. 115-88) .....	*	*	*
National Defense Authorization Act for Fiscal Year 2018 (H.R. 2810, P.L. 115-91) .....	-24	-16	-21
Department of State Authorities Act, Fiscal Year 2017, Improvements Act (S. 371, P.L. 115-94) .....	*	*	*
An Act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes (H.R. 1370, P.L. 115-96) <sup>e</sup> .....	*	*	1
An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (H.R. 1, P.L. 115-97) <sup>f</sup> .....	*	n.a.	n.a.
To amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation (H.R. 560, P.L. 115-101) .....	*	*	*
400 Years of African-American History Commission Act (H.R. 1242, P.L. 115-102) .....	*	*	*
Western Oregon Tribal Fairness Act (H.R. 1306, P.L. 115-103) .....	*	2	5
Rapid DNA Act of 2017 (S. 139, P.L. 115-118) .....	*	*	*
An Act making further continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes (H.R. 195, P.L. 115-120) .....	*	*	1
To authorize the President to award the Medal of Honor to John L. Canley for acts of valor during the Vietnam War while a member of the Marine Corps (H.R. 4641, P.L. 115-122) .....	*	*	1
Bipartisan Budget Act of 2018 <sup>g,h</sup> (H.R. 1892, P.L. 115-123) .....	*	*	1
Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (S. 534, P.L. 115-126) .....	*	*	*
Kari's Law Act of 2017 (S. 582, P.L. 115-127) .....	*	*	*
An Act to amend title 38, United States Code, to provide for a consistent eligibility date for provision of Department of Veterans Affairs memorial headstones and markers for eligible spouses and dependent children of veterans whose remains are unavailable. (H.R. 3656, P.L. 115-136) .....	*	*	*
Consolidated Appropriations Act, 2018 (H.R. 1825, P.L. 115-141) <sup>i</sup> .....	*	24	24
Eliminating Government-funded Oil-painting Act (S. 188, P.L. 115-158) .....	*	*	*
Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (H.R. 1865) .....	*	*	*
Strengthening Protections for Social Security Beneficiaries Act of 2018 (H.R. 4547) .....	*	*	*
Current Balance .....	-24	10	11
Changes to Revenues .....	0	-23	-22
Changes to Outlays .....	-24	-13	-11

Source: Congressional Budget Office.  
 Notes: P.L. = Public Law; \* = between -\$500,000 and \$500,000.  
<sup>a</sup> On October 26, 2017, the Chairman of the Senate Committee on the Budget reset the Senate's Pay-As-You-Go (PAYGO) Scorecard to zero for all fiscal years.  
<sup>b</sup> The amounts shown represent the estimated effect of the public laws on the deficit.  
<sup>c</sup> Excludes off-budget amounts.  
<sup>d</sup> Excludes amounts designated as emergency requirements.  
<sup>e</sup> Pursuant to Division E of P.L. 115-96, the budgetary effects of Divisions C and D are excluded from the Senate's PAYGO Scorecard.  
<sup>f</sup> Section 3003 of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018, granted the Chairman of the Senate Budget Committee the authority to revise balances on the Senate PAYGO ledger to fully incorporate the budgetary effects of P.L. 115-97. The Chairman exercised this authority with a filing in the Congressional Record on December 19, 2017.  
<sup>g</sup> Pursuant to section 70101(b) of Division G, the budgetary effects of Division A, Subdivision 2 of Division B, and Divisions C through F are excluded from the Senate's PAYGO Scorecard.  
<sup>h</sup> Pursuant to section 232(b) of H. Con. Res. 290 (106th Congress), the Concurrent Budget Resolution for Fiscal Year 2001, the scoring effects related to the Federal Reserve Surplus Funds are excluded from the Senate's PAYGO Scorecard.  
<sup>i</sup> Pursuant to section 701 of Division M of P.L. 115-141, the budgetary effects of Division M and each succeeding division are excluded from the Senate's PAYGO Scorecard. The amounts shown reflect the revenue effects of section 225 of Division H of Public Law 115-141.

ENFORCEMENT REPORT OF THE 115TH CONGRESS SINCE THE ADOPTION OF H. CON. RES. 71

Vote	Date	Measure	Violation	Motion to Waive <sup>1</sup>	Result
294	December 1, 2017	S. Amdt. 1720 to S. Amdt. 1618 to H.R. 1—created a point of order against legislation that cuts Social Security, Medicare, or Medicaid benefits.	313(b)(1)(A)—Byrd violation <sup>2</sup>	Sen. Sanders (I-VT)	46-54, Not Waived.
295	December 1, 2017	S. Amdt. 1854 to S. Amdt. 1618 to H.R. 1—amended the Internal Revenue Code of 1986 to increase the Child Tax Credit.	302(f)—Exceeds a committee's 302(a) allocation <sup>3</sup>	Sen. Brown (D-OH)	48-52, Not Waived.
296	December 1, 2017	S. Amdt. 1850 to S. Amdt. 1618 to H.R. 1—increased the refundability of the child tax credit.	302(f)—Exceeds a committee's 302(a) allocation <sup>4</sup>	Sen. Rubio (R-FL)	29-71, Not Waived.
299	December 2, 2017	S. Amdt. 1846 to S. Amdt. 1618 to H.R. 1—provided for middle class tax relief.	4105—Unknown Budgetary Effects <sup>5</sup>	Sen. Kaine (D-VA)	34-65, Not Waived.
301	December 2, 2017	S. Amdt. 1717 to S. Amdt. 1618 to H.R. 1—struck title II	302(f)—Exceeds a committee's 302(a) allocation <sup>6</sup>	Sen. Cantwell (D-WA)	48-52, Not Waived.

ENFORCEMENT REPORT OF THE 115TH CONGRESS SINCE THE ADOPTION OF H. CON. RES. 71—Continued

Vote	Date	Measure	Violation	Motion to Waive <sup>1</sup>	Result
322	December 20, 2017	H.R. 1—provided for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.	313(b)(1)—Byrd Rule violations <sup>7</sup>	Sen. Enzi (R-WY)	51–48, Not Waived.
324	December 21, 2017	H.R. 1370—continuing resolution	306—Budget Committee jurisdiction <sup>8</sup>	Sen. Collins (R-ME)	91–8, Waived.
53	March 14, 2018	S. 2155—the Economic Growth, Regulatory Relief, and Consumer Protection Act.	4106(a)—Senate Pay-As-You-Go violation <sup>9</sup>	Sen. Crapo (R-ID)	67–31, Waived.
59	March 21, 2018	S. Amdt. 2213 to H.R. 1865—provided additional funding to the Justice Department to combat online sex trafficking.	4106(a)—Senate Pay-As-You-Go violation <sup>10</sup>	Sen. Wyden (D-OR)	21–78, Not Waived.

<sup>1</sup> All motions to waive were offered pursuant to section 904 of the Congressional Budget Act of 1974.  
<sup>2</sup> Senator Enzi raised a 313(b)(1)(A) point of order against the Sanders amendment because the amendment did not produce a change in outlays or a change in revenues and was extraneous to the reconciliation instruction.  
<sup>3</sup> Senator Enzi raised a 302(f) point of order as S. Amdt. 1854 would cause the underlying legislation to exceed the Finance Committee's section 302(a) allocation of new budget authority or outlays.  
<sup>4</sup> Senator Wyden raised a 302(f) point of order as S. Amdt. 1850 would cause the underlying legislation to exceed the Finance Committee's section 302(a) allocation of new budget authority or outlays.  
<sup>5</sup> Senator Toomey raised this point of order because the budgetary effects of the Kaine amendment were unknown at the time of consideration.  
<sup>6</sup> Senator Murkowski raised a 302(f) point of order because the Cantwell amendment, if adopted, would have caused the Energy and Natural Resources Committee to exceed its section 302(a) allocation of budget authority or outlays.  
<sup>7</sup> Senator Sanders raised a 313(b)(1)(A) point of order against section 11000(a), and 313(b)(1)(D) points of order against page 75, line 17 through page 76, line 9 and against the phrase "tuition-paying" as it appeared on page 309, line 12, and page 309, lines 14 through 15.  
<sup>8</sup> Senator Paul raised a section 306 point of order in relation to the statutory pay-go scorecard.  
<sup>9</sup> Senator Sanders raised a section 4106(a) of H. Con. Res. 71 (115th Congress) point of order against the bill because the bill would increase the on-budget deficit.  
<sup>10</sup> Senator McConnell raised a section 4106(a) of H. Con. Res. 71 (115th Congress) point of order against the amendment because the amendment would increase the on-budget deficit.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Ms. DUCKWORTH. Mr. President, I was necessarily absent for vote No. 70 on the motion to invoke cloture on Executive Calendar No. 666, Andrew Wheeler, to be Deputy Administrator of the Environmental Protection Agency. On vote No. 70, had I been present, I would have voted nay on the motion to invoke cloture on Executive Calendar No. 666.

Mr. President, I was also necessarily absent for vote No. 71 on the confirmation of Executive Calendar No. 666, Andrew Wheeler, to be Deputy Administrator of the Environmental Protection Agency. On vote No. 71, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 666.●

CONFIRMATION OF ANDREW WHEELER

Ms. HIRONO. Mr. President, last year, Democrats kept the Senate in session all night to protest the nomination of Scott Pruitt to lead the Environmental Protection Agency.

We took this unusual step to protest Mr. Pruitt's hostility to the EPA's core mission and to highlight how his close ties to the fossil fuel industry could lead to serious conflicts of interest and breaches of the public trust.

Over the past year, Mr. Pruitt has exemplified the toxic mixture of corruption and hostility to government we have come to expect from the Trump administration.

Mr. Pruitt has radically changed the EPA's mission during his time in office.

He has abandoned the Agency's traditional mission to protect human health and the environment—a commitment that spanned administrations of both parties—in favor of serving the narrow interests of his friends in the fossil fuel industry.

During his tenure, Mr. Pruitt has begun work to repeal the Clean Power Plan, roll back vehicle fuel economy standards, and eliminate commonsense protections for our air and water.

These actions are only three examples of the damage he is doing to our country and environment as the Administrator of the EPA.

Through his actions, Mr. Pruitt confirms he does not understand why Congress and President Nixon established the EPA in the first place.

Mr. Pruitt's policy agenda is damaging enough, but we can scarcely go a week without learning about a new scandal or breach of the public trust at the EPA.

Mr. Pruitt is already being investigated for his first-class travel, spending tens of thousands of dollars on a soundproof phone booth, and providing massive pay increases to his political appointees.

Earlier this month, we learned that Mr. Pruitt got a sweetheart deal from an energy lobbyist to rent an apartment on Capitol Hill at way below market rate.

Scott Pruitt should be fired for cause, but I also find myself agreeing with former New Jersey Governor Chris Christie for once. Scott Pruitt never should have been appointed EPA Administrator in the first place.

Earlier today, the Senate voted to confirm Andrew Wheeler to be the Deputy EPA Administrator. I strongly opposed and voted against his nomination.

At a time when the current EPA Administrator is under siege for his lack of ethics, we don't need a Deputy Administrator who will prioritize the interests of the fossil fuel industry over the public's.

Prior to his confirmation, Mr. Wheeler worked as a fossil fuel lobbyist at a major DC law firm.

His lobbying clients included Murray Energy, the largest privately owned coal firm in the United States.

Bob Murray, the head of the company, is one of President Trump's biggest supporters in the industry.

We certainly don't need another fossil fuel ally undermining the EPA's mission to protect public health in a senior leadership position at the Agency.

During his confirmation hearing last November, Mr. Wheeler continued to question the overwhelming scientific consensus about climate change. He was voted out of committee on a narrow, party-line vote.

There is a serious ethical cloud hanging over the EPA, and I am disappointed that the majority leader forced a vote on Mr. Wheeler's nomination before we had a chance to question the nominee about the ongoing turmoil at the Agency.

Although we weren't successful in blocking Andrew Wheeler's nomination today, I will continue to hold the EPA accountable for the damage it is doing to our environment and our country.

REMEMBERING PEGGY ANN "PEG" LAUTENSCHLAGER

Ms. BALDWIN. Mr. President, today I wish to honor the life and legacy of Peggy Ann "Peg" Lautenschlager, whose passing at the age of 62 leaves Wisconsin without one of its greatest public servants. Peg was a true trailblazer in Wisconsin politics, and her kindness, tenacity, and strength will be greatly missed.

Peg was a native of Fond du Lac, WI. The only daughter of Milton and Patsy Lautenschlager, Peg attended Goodrich High School, now known as Fond du Lac High School, and graduated in 1973 as valedictorian of her class. Her early academic accomplishments were the initial signs of her future success.

After graduating summa cum laude from Lake Forest College, Peg earned her law degree from the University of Wisconsin-Madison in 1980. Peg broke through the glass ceiling of Wisconsin politics a mere 5 years later and never looked back. In 1985, Peg won an election as the first woman district attorney for Winnebago County. She later served as Wisconsin's first woman attorney general from 2003 to 2007. Between those two important bookends of her career, she spent every ounce of her professional energy in service to the people of Wisconsin.

In 1987, she unseated a 32-year incumbent to win election to the State assembly representing her hometown of Fond du Lac. She quickly became well respected for her work promoting criminal justice reform, sexual assault prevention, fair elections, and open records. President Bill Clinton appointed her to serve as the U.S. Attorney for the Western District of Wisconsin in 1993. Peg found a mentor and a friend in her boss, U.S. Attorney General Janet Reno, who named Peg to the

U.S. Attorney General's advisory committee, the first Wisconsinite to serve on the committee.

Peg was unstoppable. She was one of those rare jewels who was as caring as she was brilliant and funny as she was passionate. She will go down in the history books as one of Wisconsin's most powerful women, and she used every bit of that power in pursuit of justice for those who didn't have a voice. Her greatest legacy, however, is not something you can point at or capture in a headline. It is the countless women who can see themselves in a courtroom or on a ballot because they were inspired by Peg's audacity in never letting anything stop her. It is the hundreds of young girls who can imagine themselves walking through doors that they had always assumed were closed to them because Peg had already blazed that trail.

Peg was a brilliant attorney, a fierce friend, and a loving mother. Colleagues and staff struggled to keep up with her as she juggled dozens of legal cases, three phones, and five children. She toggled seamlessly between a discussion of the finer points of case law against drug manufacturers overcharging for pharmaceuticals and a call about her middle-schooler's wardrobe crisis. She tackled both challenges with the same passion, heart, and ingenuity.

Peg's memory will be kept alive by her husband, Bill, her five children, and all of us lucky enough to have known her. She knew that serving as the first woman attorney general in Wisconsin was not only an honor, it was a momentous responsibility. She carried that honor and responsibility proudly. She leaves behind a legacy that will be carried forward by women in Wisconsin who boldly pursue success in law and politics.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING PHILIPSBURG BREWING COMPANY

• Mr. DAINES. Mr. President, this week, I have the honor of recognizing Philipsburg Brewing Company in Philipsburg, MT.

Philipsburg Brewing Company opened in August of 2012. What started as a four-person team has since grown into a 16-person operation. With the expansive growth in their business, their product now reaches almost the entire State. Recently, they were named the Best Brewery in Montana by Montana Mint.

While their business has expanded tremendously, it is their impact on the community that stands out most. Before they opened, the community did not have a gathering place. With the opening of the Philipsburg Brewing Company, folks now have a great atmosphere to be together with their friends, families, and dogs.

I congratulate Philipsburg Brewing Company on their tremendous success

and thank them for their positive impact on the community. I look forward to seeing their business grow and visiting the brewery again soon.●

##### TRIBUTE TO GROVER CONNELL, JR.

• Mr. MENENDEZ. Mr. President, today I want to wish a lifelong citizen of New Jersey the happiest of birthdays. Grover Connell, Jr., celebrates his 100th birthday today. That alone is an accomplishment that not many people are able to achieve and is worthy of recognition.

Grover Connell, Jr., was born on April 12, 1918, to joyous parents, Mr. and Mrs. Grover Connell, Sr., who were the founders of a rice distribution and export business, Connell Rice & Sugar Co. After serving in the Navy as an officer on a Fletcher Class destroyer from 1942 to 1946 during WWII, Grover succeeded his late father and moved the business to a modern building near their family residence in Westfield, NJ, in 1950. There, he expanded his business, and by the 1970s, Connell Rice & Sugar Co. became one of largest exporters of domestically grown rice, serving over 100 countries around the world. With the growing success of the family-owned business, Grover extended his scope of operations and became involved with a vast variety of services and products, and the business was renamed the Connell Company.

The Connell Company has provided thousands of jobs to New Jersey residents with its business of leasing, distributing, and selling construction equipment; brokering and selling canned food products; offering asset management services in the technology sector; and arranging financing of leased equipment and commercial property development. Today, under the leadership of Grover Connell, Jr., the Connell Company is one of the greatest known brokers of domestically grown rice. Thanks to love and support of his late wife, Patricia, his two daughters, Terry and Toni, and his three grandsons, Shane, Duane, and Sean, the Connell Company continues to grow while remaining a privately held, family-run company.

I applaud and honor the exemplary life of Grover Connell, Jr., for his sacrifice and service to our Nation and nations around the world and for his ambition and humility throughout his life. New Jersey is better today for his relentless hard work and dedication. I am immensely proud to have him as a constituent, and I hope that his 100th year is the best one yet.●

##### TRIBUTE TO JULIE NADEAU

• Mr. SANDERS. Mr. President, I would like to take a moment to recognize the extraordinary work of Julie Nadeau of Waterford, VT. Julie, a mother of five, has been a volunteer for the St. Johnsbury Meals on Wheels program for the past 4 years, delivering meals to area seniors 3 days a week.

Julie brings freshly cooked nutritious meals to 42 seniors in their homes, many of whom otherwise might not have enough to eat. She plays a critically important role helping ensure that older Vermonters in the most rural and lowest income region of our State have access to adequate nutrition. That, in and of itself, is no small matter.

Julie understands that she is doing much more than just delivering a meal. She is also providing invaluable social interaction and companionship for the seniors she visits. She takes pride in finding time to have meaningful conversations with each senior, which goes a long way to combat the effects of isolation that many older Vermonters face, especially in rural areas.

The regular visits serve another purpose as well. Julie routinely checks to make sure that the seniors are safe, secure, and warm. She knows each person she visits and recognizes immediately if something doesn't seem right. It is no exaggeration to say that Julie has saved Vermonters' lives by checking when no one answers the door, taking the time to discover that someone had fallen and been injured.

Julie Nadeau has my sincere appreciation for her remarkable work. Of course, Julie is but one of many regular volunteers who give their time to ensure that seniors receive nutritious meals and conversation. Each and every one of those volunteers deserves to be recognized for their efforts.

Moreover, the St. Johnsbury Meals on Wheels program is run by caring and dedicated professionals. Chefs Ashley Coburn and Amy Garfield prepare the nutritious meals that Julie delivers, and program director Diane Coburn ensures that everything runs smoothly, as the organization provides close to 36,000 meals this year, for a mere \$6.64 per meal.

The St. Johnsbury Meals on Wheels program is but one of many such programs that are doing incredible work all across the State. Together, those programs served more than 1 million meals in Vermont last year alone. This is an indispensable component of our social safety net for older Vermonters.

Last month was "March for Meals," when Meals on Wheels programs across the country expand their outreach to draw attention to the growing need for the services these agencies provide. I am enormously pleased that many of my Vermont staff rode along with Meals on Wheels volunteers across the State, including with Julie Nadeau, to see the wonderful work they are doing.●

##### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Cuccia, one of his secretaries.

**EXECUTIVE MESSAGES REFERRED**

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

**MESSAGE FROM THE HOUSE**

At 10:10 a.m., a message from the House of Representatives, delivered by Mr. Novotny, 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. 4061. An act to amend the Financial Stability Act of 2010 to improve the transparency of the Financial Stability Oversight Council, to improve the SIFI designation process, and for other purposes.

H.R. 4293. An act to reform the Comprehensive Capital Analysis and Review process, the Dodd-Frank Act Stress Test process, 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. 4061. An act to amend the Financial Stability Act of 2010 to improve the transparency of the Financial Stability Oversight Council, to improve the SIFI designation process, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4293. An act to reform the Comprehensive Capital Analysis and Review process, the Dodd-Frank Act Stress Test process, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

**MEASURES DISCHARGED**

The following joint resolution was discharged by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 57. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act".

**MEASURES READ THE FIRST TIME**

The following bill was read the first time:

S. 2667. A bill to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes.

**PETITIONS AND MEMORIALS**

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-191. A joint memorial adopted by the Legislature of the State of Washington urging the United States Congress to pass and

the President of the United States to sign legislation reforming the harbor maintenance tax; to the Committee on Finance.

**SENATE JOINT MEMORIAL 8008**

Whereas, The federal harbor maintenance tax is assessed on the value of goods being shipped into United States ports; and

Whereas, The harbor maintenance tax is not collected on transpacific cargo shipped to the United States via rail or roads from ports in Mexico and Canada; and

Whereas, The ability to move transpacific cargo through Canadian ports and avoid paying the harbor maintenance tax is an incentive to divert cargo away from United States ports; and

Whereas, The federal maritime commission inquiry into the harbor maintenance tax found that up to half of United States bound containers coming into Canada's west coast ports could revert to using United States west coast ports if United States importers were relieved from paying the tax; and

Whereas, Current United States law does not require the revenues raised through the harbor maintenance tax to be fully spent on harbor maintenance related investments, collections have far exceeded fund appropriation and surplus collections will grow to over nine billion dollars this year; and

Whereas, Revenue raised through the harbor maintenance tax pays for dredging and other maintenance costs, with significant amounts being spent for dredging at east coast, Gulf, and Columbia River ports; and

Whereas, Certain deep water ports on the west coast that require no or little dredging, including the new Northwest Seaport Alliance consisting of the ports of Seattle and Tacoma, receive just over a penny on every dollar of harbor maintenance tax paid by shippers who use their ports; and

Whereas, The Columbia river channel is critical to maintain global trade and the port of Vancouver USA serves as the largest wheat export gateway in the nation; and

Whereas, With the recent widening of the Panama Canal and potential addition of a canal in Nicaragua, Washington ports face increasing competition for maritime goods bound for the United States; and

Whereas, Washington ports are ready to compete on a level playing field to efficiently move goods to market; Now, therefore, Your Memorialists respectfully pray that:

(1) Congress pass and the president sign legislation reforming the harbor maintenance tax; and

(2) Such legislation ensures that United States tax policy does not disadvantage United States ports and maritime cargo, strives to have all navigation channels including the Columbia River be fully maintained, and provides greater equity for harbor maintenance tax donor ports through expanded uses of the harbor maintenance revenues to meet all Northwest port needs.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Donald Trump, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-192. A resolution adopted by the Senate of the Commonwealth of Pennsylvania urging the United States Congress to amend the Gun Control Act of 1968 to protect the constitutional rights of medical cannabis users; to the Committee on the Judiciary.

**SENATE RESOLUTION 253**

Whereas, In 1968, the Congress of the United States passed the Gun Control Act of 1968 (Public Law 90-618, 82 Stat. 1213) to regulate the firearms industry and firearms owners; and

Whereas, In 1970, the Congress of the United States passed the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236), which designates cannabis in the most restrictive category as a Schedule I drug; and

Whereas, In 1993, the Brady Handgun Violence Prevention Act (Public Law 103-159, 107 Stat. 1536) amended the Gun Control Act of 1968 by restricting individuals who use controlled substances from owning firearms and ammunition; and

Whereas, The Federal Bureau of Alcohol, Tobacco, Firearms and Explosives has issued guidance on restricting individuals who use cannabis from owning firearms and ammunition; and

Whereas, Section 102 of the act of April 17, 2016 (P.L. 84, No. 16), known as the Medical Marijuana Act, states that "Scientific evidence suggests that medical marijuana is one potential therapy that may mitigate suffering in some patients and also enhance quality of life"; and

Whereas, The Second Amendment of the Constitution of the United States guarantees "the right of the people to keep and bear arms"; and

Whereas, The Fifth Amendment of the Constitution of the United States guarantees that no person shall "be deprived of life, liberty, or property, without due process of law"; and

Whereas, The Tenth Amendment of the Constitution of the United States provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; therefore be it

*Resolved*, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to amend the Gun Control Act of 1968 to protect the constitutional rights of medical cannabis users; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-193. A report from the Housing Authority of the City of High Point, North Carolina entitled "Housing Authority of the City of High Point 2017 Annual Report"; to the Committee on Banking, Housing, and Urban Affairs.

POM-194. A resolution adopted by the Township Council of Berkeley, New Jersey, memorializing their opposition to offshore oil and gas exploration and drilling activities that would affect the coast of New Jersey, and calling upon the Bureau of Ocean Energy Management to withdraw New Jersey and the entire Atlantic Ocean from consideration for the offshore oil and gas exploration, development, or drilling; to the Committee on Energy and Natural Resources.

POM-195. A resolution adopted by the Mayor and City Commission of the City of Miami Beach, Florida, memorializing their opposition to the proposal to dramatically expand domestic oil and gas production by increasing offshore drilling leases off Florida's Atlantic and Gulf coasts, as well as along both the east and west coasts of the continental United States; to the Committee on Energy and Natural Resources.

POM-196. A resolution adopted by the Mayor and City Commission of the City of Miami Beach, Florida, memorializing their opposition to the Administration's decision to end temporary protected status for Salvadoran immigrants in the United States; to the Committee on the Judiciary.

POM-197. A resolution adopted by the Common Council of East Chicago, Indiana memorializing its opposition to the President of the United States' rescission of

DACA and calling upon the United States Congress to take affirmative steps to develop a bipartisan pathway to citizenship for DREAMERS; to the Committee on the Judiciary.

POM-198. A resolution adopted by the City Council of New Orleans, Louisiana, memorializing its opposition to H.R. 38, the "Concealed Carry Reciprocity Act of 2017," S. 446, the "Constitutional Concealed Carry Reciprocity Act of 2017," and any other attempts to undermine Louisiana state laws; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

H.R. 2229. A bill to amend title 5, United States Code, to provide permanent authority for judicial review of certain Merit Systems Protection Board decisions relating to whistleblowers, and for other purposes (Rept. No. 115-229).

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Jill Aiko Otake, of Hawaii, to be United States District Judge for the District of Hawaii.

Timothy A. Garrison, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

Kenji M. Price, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

John Cary Bittick, of Georgia, to be United States Marshal for the Middle District of Georgia for the term of four years.

David L. Lyons, of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

Rodney D. Ostermiller, of Montana, to be United States Marshal for the District of Montana for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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. WYDEN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2653. A bill to create a poverty relief benefit under title II of the Social Security Act for eligible individuals; to the Committee on Finance.

By Ms. SMITH:

S. 2654. A bill to amend the Rural Electrification Act of 1936 to establish the Community Connect Grant Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PORTMAN (for himself and Mrs. MCCASKILL):

S. 2655. A bill to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. YOUNG (for himself and Ms. KLOBUCHAR):

S. 2656. A bill to require the Secretary of Veterans Affairs to report biennially on actions taken to address areas of concerns that led to the inclusion of veterans health care in the High Risk List of the Government Accountability Office, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself and Mrs. SHAHEEN):

S. 2657. A bill to amend title V of the Public Health Service Act to establish a grant program to create peer support recovery networks, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2658. A bill to amend the Public Health Service Act to provide for systematic data collection, analysis, and epidemiological research regarding neonatal abstinence syndrome; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Ms. HASSAN, Mrs. CAPITO, Ms. BALDWIN, and Ms. WARREN):

S. 2659. A bill to amend the Controlled Substances Act to authorize employees of hospice programs to handle controlled substances in the residences of certain hospice patients to assist in disposal of those controlled substances; to the Committee on the Judiciary.

By Mr. YOUNG:

S. 2660. A bill to require Federal agencies not performing security functions to relocate throughout the United States by the beginning of fiscal year 2030; to the Committee on Homeland Security and Governmental Affairs.

By Ms. WARREN (for herself, Mr. RUBIO, Ms. HASSAN, and Ms. COLLINS):

S. 2661. A bill to amend the Controlled Substances Act to allow hospice providers to dispose of leftover prescription medications, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself, Mr. BLUMENTHAL, and Mr. MURPHY):

S. 2662. A bill to provide for a grant program for handgun licensing programs, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mrs. CAPITO, Mr. CRAPO, Mr. COTTON, Mr. ENZI, Mrs. FISCHER, Mr. GRASSLEY, Mr. INHOFE, Mr. RISCH, and Mr. ROBERTS):

S. 2663. A bill to modify and improve provisions relating to environmental requirements for agriculture and agricultural producers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. MANCHIN, Mr. TILLIS, and Ms. HARRIS):

S. 2664. A bill to reform the GEAR UP program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. YOUNG (for himself and Mr. DONNELLY):

S. 2665. A bill to require guidance on how the Food and Drug Administration will consider claims of opioid sparing and on the conditions under which the Food and Drug Administration will consider misuse and abuse of drugs in making certain determinations of safety; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. GRAHAM, and Mrs. GILLIBRAND):

S. 2666. A bill to improve assistance provided by the Hollings Manufacturing Extension Partnership to small manufacturers in the defense industrial supply chain on matters relating to cybersecurity, and for other

purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. PAUL):

S. 2667. A bill to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes; read the first time.

By Mr. BURR (for himself, Mrs. MURRAY, Mr. NELSON, and Mr. RUBIO):

S. 2668. A bill to require a pilot program on the earning by special operations forces medics of credits towards a physician assistant degree; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. BALDWIN (for herself, Mr. DURBIN, Mrs. SHAHEEN, Ms. COLLINS, and Ms. WARREN):

S. Res. 460. A resolution condemning Boko Haram and calling on the Governments of the United States of America and Nigeria to swiftly implement measures to defeat the terrorist organization; to the Committee on the Judiciary.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. Res. 461. A resolution commending the University of Central Missouri Jennies for winning the national championship in the National Collegiate Athletic Association Division II tournament; considered and agreed to.

By Mr. UDALL (for himself, Mr. WHITEHOUSE, Mr. MARKEY, Ms. HEITKAMP, Ms. WARREN, Mr. CARDIN, Mr. KING, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mrs. MURRAY, Mr. BROWN, Ms. HASSAN, and Mr. VAN HOLLEN):

S. Res. 462. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for Ms. DUCKWORTH):

S. Res. 463. A resolution authorizing a Senator to bring a young son or daughter of the Senator onto the floor of the Senate during votes; to the Committee on Rules and Administration.

#### ADDITIONAL COSPONSORS

S. 661

At the request of Mr. UDALL, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 661, a bill to assist entrepreneurs, support development of the creative economy, and encourage international cultural exchange, and for other purposes.

S. 814

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 814, a bill to require that States receiving Byrne JAG funds to require sensitivity training for law enforcement officers of that State and to incentivize States to enact laws requiring the independent investigation and prosecution of the use of deadly force by law enforcement officers, and for other purposes.

S. 915

At the request of Mr. BROWN, the name of the Senator from Illinois (Ms.



DUCKWORTH) was added as a cosponsor of S. 915, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 974

At the request of Mr. LEAHY, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 974, a bill to promote competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions of those drugs and biological products.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1086, a bill to amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

S. 1121

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1121, a bill to establish a postsecondary student data system.

S. 1572

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1572, a bill to amend the Mineral Leasing Act to provide that extraction of helium from gas produced under a Federal mineral lease shall maintain the lease as if the helium were oil and gas.

S. 2105

At the request of Mr. BOOZMAN, the name of the Senator from Wisconsin (Mr. BALDWIN) was added as a cosponsor of S. 2105, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 2128

At the request of Mr. HATCH, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2128, a bill to improve the coordination and use of geospatial data.

S. 2269

At the request of Mr. ISAKSON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2269, a bill to reauthorize the Global Food Security Act of 2016 for 5 additional years.

S. 2506

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2506, a bill to establish an aviation maintenance workforce development pilot program.

S. 2580

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2580, a bill to amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census.

S. 2607

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2607, a bill to provide family members of an individual who they fear is a danger to himself, herself, or others, or law enforcement, with new tools to prevent gun violence.

S. 2652

At the request of Mr. CASSIDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2652, a bill to award a Congressional Gold Medal to Stephen Michael Gleason.

S.J. RES. 39

At the request of Mr. DONNELLY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S.J. Res. 39, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. RES. 435

At the request of Mr. TOOMEY, his name was added as a cosponsor of S. Res. 435, a resolution expressing the sense of the Senate that the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor, should serve as a reminder of repressive Soviet policies against the people of Ukraine.

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 435, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2653. A bill to create a poverty relief benefit under title II of the Social Security Act for eligible individuals; to the Committee on Finance.

Mr. WYDEN. Mr. President, every day, Social Security provides vital benefits to millions of Americans who worked and paid into the system, and I cannot overstate the important anti-poverty role that the program plays. Supplemental Security Income or SSI is the safety net of last resort for individuals who have not worked enough to qualify for Social Security. Even with these critical income support programs, more and more seniors and people with disabilities find themselves struggling to keep up with the costs of the things they need just to get by.

Although Social Security and SSI automatically increase each year when there is an increase in the cost of living, over time those increases do not allow beneficiaries to maintain their standard of living. Because Social Security provides an increasingly larger share of the elderly's income as they age, even a slight decrease in value of these lifeline benefits can lead to poverty and hardship. Too many seniors are walking on an economic tightrope, balancing their food bill against their rent against their utility bill. It's time to update Social Security's guarantee of a secure retirement, and this bill is a landmark step towards accomplishing that goal. I'm particularly hopeful about the benefits this bill will have for older American women, who live longer and often have less retirement savings.

To help combat the risk of poverty among the most vulnerable receiving Social Security and SSI, I, along with Senators BROWN and CASEY, are introducing the Elder Poverty Relief Act. This bill creates a monthly Poverty Relief Benefit for almost everyone over age 82, individuals who have been relying on Social Security or SSI for a long time, or who have worked in low-paying jobs and receive a very small Social Security benefit. The Poverty Relief benefit will also go to seniors who receive only SSI. If enacted, in 2019, the Poverty Relief Benefit would provide an additional \$85 a month to almost 14 million people. The Poverty Relief Benefit will grow by roughly 4 percent each year. SSA estimates that the enactment of the Poverty Relief Benefit would reduce poverty among seniors who received the benefit by almost 25 percent in 2030 which would lift 420,000 seniors out of poverty. Notably, the enactment of the Poverty Relief Benefit would not accelerate the depletion year of the Social Security trust funds. The bill has been endorsed by the Gray Panthers, Justice in Aging, the National Committee to Preserve Social Security and Medicare, Social Security Works, and the Strengthen Social Security Coalition.

For most seniors, Social Security is the only income they will receive that's guaranteed to last as long as they live. But despite these important benefits, poverty among seniors grows—with some studies showing the poverty rate among the very old is between 12 and 19 percent. We simply must do more to protect the financial stability of our elderly friends, neighbors, and relatives and enactment of the Poverty Relief Benefit would help reduce poverty among America's seniors. These are workers who sent a chunk of every paycheck to the Federal government with the understanding that they'd be getting it back in their later year when they needed it most. We must do right by them.

Mr. President: I ask unanimous consent that a letter from the National Committee to Preserve Social Security and Medicare be inserted into the

RECORD following my remarks about the Elderly Poverty Act.

NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY & MEDICARE®,  
Washington, DC, March 16, 2018.

Hon. RON WYDEN,  
Washington, DC.

DEAR SENATOR WYDEN: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I write to endorse your bill, the “Elder Poverty Relief Act.” We applaud your leadership in developing new and innovative approaches for alleviating poverty among America’s seniors.

The “Elder Poverty Relief Act” addresses the long-standing problem of seniors falling into poverty after being on the Social Security rolls for many years. This occurs when inflation, only partially offset by annual cost-of-living adjustments, gradually erodes the purchasing power of a Social Security benefit for beneficiaries who have participated in the program for several years.

The “Elder Poverty Relief Act” will help alleviate poverty among the elderly and the disabled by granting each beneficiary a monthly increase in their benefit equal to about \$85. This bump-up will increase for future beneficiaries in tandem with growth in wages in the economy.

Benefits under the “Elder Poverty Relief Act” will be paid to:

Social Security beneficiaries beginning at age 82 (or older) and to Supplemental Security Income (SSI) recipients when they reach their full retirement age (currently 66, increasing gradually to age 67);

Social Security and SSI beneficiaries who have received benefits for 20 years; and to

Social Security beneficiaries with low monthly benefits (currently about \$944) when they reach their full retirement age.

The “Elder Poverty Relief Act” embodies legislation that the National Committee to Preserve Social Security and Medicare has supported for a number of years. In testimony given before the Senate Finance Committee at a hearing on December 9, 2014, Catherine Dodd, who is the chair of the National Committee’s board of directors, recommended increasing benefits for seniors who have received Social Security for many years.

For these reasons, the National Committee endorses your bill, the “Elder Poverty Relief Act.” We thank you for your leadership on this matter and look forward to working with you to enact this important improvement to Social Security.

Sincerely,

MAX RICHTMAN,  
President and CEO.

Mr. WYDEN. 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. 2653

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Elder Poverty Relief Act”.

#### SEC. 2. POVERTY RELIEF BENEFIT.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

##### “POVERTY RELIEF BENEFIT

“SEC. 235. (a) Subject to subsection (d), any eligible individual shall be entitled to a poverty relief benefit that shall be—

“(1) in addition to any other amounts to which the individual is entitled under this title;

“(2) certified and paid monthly in such manner as the Commissioner of Social Security (referred to in this section as the ‘Commissioner’) considers appropriate; and

“(3) equal to the monthly benefit amount determined under subsection (b).

“(b)(1) Subject to paragraph (4), the monthly benefit amount determined under this subsection for any calendar year shall be a dollar amount equal to 1/12th of 2 percent of the national average wage index for the year (as defined in section 209(k)(1)).

“(2) If the monthly benefit amount determined under paragraph (1) is not a whole dollar, such amount shall be rounded down to the next lower whole dollar.

“(3) The Commissioner shall determine the monthly benefit amount under this subsection for each calendar year not later than October 1 of the preceding calendar year, based on the most recent data that is available.

“(4) If the monthly benefit amount determined for a calendar year under paragraph (1) is less than the monthly benefit amount determined for any previous calendar year, the highest monthly benefit amount determined for a previous year shall be the monthly benefit amount for the calendar year involved.

“(5) For purposes of a monthly benefit amount payable to an eligible individual pursuant to this section, such amount shall be payable for each month during the 12-month period from the month of December of the applicable calendar year under such subsection through the month of November of the subsequent calendar year.

“(c)(1) For purposes of this section, the term ‘eligible individual’ means any of the following:

“(A) An individual who—

“(i) is entitled to a monthly benefit under subsections (a) through (h) of section 202 or section 223(a); and

“(ii) attains 82 years of age or 240 benefit months (as defined in paragraph (3)) on the basis of the wages and self-employment income of 1 individual, whichever is earlier.

“(B) An individual who—

“(i) is eligible for supplemental security income benefits under title XVI; and

“(ii) attains retirement age (as defined in section 216(l)) or 240 benefit months (as defined in paragraph (3)), whichever is earlier.

“(C) An individual who—

“(i) is entitled to a monthly benefit under subsections (a) through (h) of section 202;

“(ii) attains retirement age (as defined in section 216(l));

“(iii) has average indexed monthly earnings which do not exceed the amount specified in subparagraph (B) of section 215(a)(1) for the purposes of clause (i) of subparagraph (A) of such section 215(a); and

“(iv) has not less than 11 years of coverage (as defined for purposes of section 215(a)(7)(D)).

“(2)(A) An individual’s entitlement to a poverty relief benefit under this section shall be suspended if, during any month, the individual ceases to be an eligible individual.

“(B) In the case of an individual described in subparagraph (A) who subsequently satisfies the requirements under paragraph (1), such individual shall be reentitled to a poverty relief benefit under this section.

“(3)(A) Subject to subparagraphs (B) and (C), for purposes of this subsection, the term ‘benefit month’ means a month for which an individual has—

“(i) attained age 19; and

“(ii) been—

“(I) entitled to a monthly benefit under subsections (a) through (h) of section 202 or section 223(a); or

“(II) eligible for supplemental security income benefits under title XVI.

“(B) The term ‘benefit month’ shall not include any month in which an individual is—

“(i) entitled to a benefit under section 202 that is not payable or reduced to zero by application of subsection (k), (n), (t), (u), (v), or (x) of such section and is not eligible for a benefit under title XVI (or is eligible for a benefit under such title but the benefit is not payable or reduced to zero);

“(ii) eligible for a benefit under title XVI that is not payable or reduced to zero and is not entitled to a benefit under sections 202 or 223 (or is entitled to a benefit under such section 202 but the benefit is not payable or reduced to zero); or

“(iii) subject to a penalty under section 1129A.

“(C) In the case of an individual who is entitled to a monthly insurance benefit described in subclause (I) of subparagraph (A)(ii) on the basis of the wages and self-employment income of more than 1 individual, a benefit month shall be determined based on the wages and self-employment income that are the basis of the largest benefit to which such individual is entitled for such month.

“(d)(1) In no case shall an eligible individual be entitled to more than 1 poverty relief benefit under this section for any month.

“(2) For any month in which an eligible individual is entitled to a monthly benefit described in subsection (c)(1)(A)(i) on the basis of the wages and self-employment income of more than 1 individual, a poverty relief benefit under this section may only be paid for such month on the basis of the wages and self-employment that are the basis for the largest monthly benefit to which such individual is entitled for such month.

“(3) Any amounts provided to an eligible individual pursuant to this section shall not be regarded as income or earnings for purposes of determining the eligibility of the recipient for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds, or the eligibility for or extent of benefits or assistance under such programs of any individual for whom the income of the recipient is counted.”.

(b) RAILROAD RETIREMENT ACT.—Section 19 of the Railroad Retirement Act of 1974 (45 U.S.C. 231r) is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following new subsection:

“(d)(1) An individual entitled to an annuity component computed under section 3(a)(1), 4(a)(1), or 4(f)(1) of this Act shall be entitled to the benefit described in section 235 of the Social Security Act, subject to the requirements and conditions set forth therein.”; and

(3) in subsection (e), as so redesignated, by striking “subsection (a), (b), or (c)” each place it appears and inserting “subsection (a), (b), (c), or (d)”.

(c) SOURCE OF FUNDS.—Subsection (h) of section 201 of the Social Security Act (42 U.S.C. 401) is amended to read as follows:

“(h)(1) Benefit payments required to be made under section 223, and benefit payments required to be made under subsection (b), (c), or (d) of section 202 to individuals entitled to benefits on the basis of the wages and self-employment income of an individual entitled to disability insurance benefits, shall be made only from the Federal Disability Insurance Trust Fund. All other benefit payments required to be made under this title (other than sections 226 and 235) shall be made only from the Federal Old-Age and Survivors Insurance Trust Fund.

“(2) Any benefit payment required to be made under section 235 to an individual entitled to

a poverty relief benefit under such section shall be made—

“(A) in the case of an individual who is also entitled to a benefit under section 202 or 223, from the same trust fund from which the individual’s benefit under section 202 or 223 is made; and

“(B) in the case of an individual who is not entitled to a benefit under section 202 or 223, from funds appropriated for such purpose pursuant to the authorization of appropriations in section 1601.”

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1601 of the Social Security Act (42 U.S.C. 1381) is amended by striking “there are authorized” and all that follows through the period and inserting the following: “and to make poverty relief benefit payments under section 235 to individuals who are described in section 201(h)(2)(B), there are authorized to be appropriated sums sufficient to carry out this title and make such payments.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable for months beginning after November 2018.

By Mr. CORNYN (for himself, Mr. MANCHIN, Mr. TILLIS, and Ms. HARRIS):

S. 2664. A bill to reform the GEAR UP program; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORNYN. 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. 2664

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “GEAR UP for Success Act of 2018”.

**SEC. 2. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS AMENDMENTS.**

Chapter 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) is amended—

(1) in section 404A (20 U.S.C. 1070a–21)—

(A) in the matter preceding subparagraph (A) of subsection (a)(1), by inserting “for college readiness” after “academic support”; and

(B) in subsection (b)—

(i) by striking paragraph (3) and inserting the following:

“(3) PRIORITY.—In making awards to eligible entities described in subsection (c), the Secretary—

“(A) may give a competitive priority—

“(i) to eligible entities that—

“(I) on the day before the date of enactment of the GEAR UP for Success Act of 2018, carried out successful educational opportunity programs under this chapter (as this chapter was in effect on such day); and

“(II) have a prior, demonstrated commitment to early intervention leading to college access and readiness through collaboration and replication of successful strategies;

“(ii) to eligible entities that ensure that students served under this chapter on the day before the date of enactment of the GEAR UP for Success Act of 2018 continue to receive assistance through the completion of secondary school; or

“(iii) to eligible entities that meet the requirements of clauses (i) and (ii); and

“(B) shall not give a competitive priority on any other basis.”; and

(ii) by adding at the end the following:

“(4) MULTIPLE AWARD PROHIBITION.—Any eligible entity described in subsection (c)(1) that receives a grant under this chapter shall not be eligible to receive an additional grant under this chapter until after the date on which the initial grant period expires.”;

(2) in section 404B(d)(1) (20 U.S.C. 1070a–22(d)(1))—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) in subparagraph (B), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C);

(3) in section 404C (20 U.S.C. 1070a–23)—

(A) in subsection (b)(1)(A)—

(i) by inserting “matching funds” after “will provide”;

(ii) by inserting “equaling” after “private funds.”; and

(iii) by striking “the cost of the program, which matching funds” and inserting “total Federal grant award, which”; and

(B) by striking subsection (d) and inserting the following:

“(d) PEER REVIEW PANELS AND COMPETITIONS.—The Secretary—

“(1) shall convene peer review panels to assist in making determinations regarding the awarding of grants under this chapter; and

“(2) shall host a grant competition to make new awards under this chapter in any year in which there are funds available to make new awards.”;

(4) in section 404D (20 U.S.C. 1070a–24)—

(A) in subsection (b)—

(i) in paragraph (1), by striking “or former participants of a program under this chapter” and inserting “; former participants of a program under this chapter, or peers and near peers” after “adults”;

(ii) in paragraph (3), by inserting “academic, social, and postsecondary planning” after “supportive”;

(iii) in paragraph (10)—

(I) by redesignating subparagraphs (E) through (K) as subparagraphs (F) through (L), respectively;

(II) by inserting after subparagraph (D) the following:

“(E) counseling or referral services to address the behavioral, social-emotional, and mental health needs of at-risk students.”;

(III) in subparagraph (I), as redesignated by subclause (I), by inserting “, cognitive, non-cognitive, and credit-by-examination” after “skills”;

(IV) in subparagraph (K), as redesignated by subclause (I), by striking “and” after the semicolon;

(V) in subparagraph (L), as redesignated by subclause (I), by striking the period at the end and inserting “; and”; and

(VI) by adding at the end the following:

“(M) capacity building activities that create college-going cultures in participating schools and local educational agencies.”; and

(iv) by adding at the end the following:

“(16) Creating or expanding secondary school drop-out recovery programs that allow students who have dropped out of secondary school to complete a regular secondary school diploma and begin college-level work.

“(17) Establishing data collection and data sharing agreements to obtain, analyze, and report postsecondary outcome data for eligible students for a period of not more than 72 months after the end of the grant award period, which may include postsecondary enrollment, persistence, and completion data.

“(18) Establishing or maintaining an agreement with a consortium of eligible entities described in section 404A(c) to—

“(A) foster collaborative approaches to research and evaluation;

“(B) improve the quality of data collection, data sharing, analysis and reporting; and

“(C) apply evidence to improve programs and evaluation under this chapter.

“(19) Providing services under this chapter to students who have received services under a previous grant award under this chapter but have not yet completed grade 12.”;

(B) in subsection (c)—

(i) in paragraph (3), by inserting “and technical assistance” after “support”; and

(ii) by striking paragraph (9); and

(C) in subsection (d)—

(i) in paragraph (3), by striking “or”;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

“(4) eligible for free or reduced-price lunch under the Richard B Russell National School Lunch Act; or”;

(5) in section 404E (20 U.S.C. 1070a–25)—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following:

“(1) APPLICATION REQUIREMENTS.—

“(A) PLAN FOR MAINTENANCE OF FINANCIAL ASSISTANCE.—An eligible entity proposing to establish or maintain a financial assistance program providing scholarships for students assisted by the program of the eligible entity under this chapter shall include a plan regarding the financial application program with the application submitted under section 404C.

“(B) SCHOLARSHIP DETAILS.—Under a plan described in subparagraph (A), an eligible entity—

“(i) may elect to offer 1 or more types of scholarships; and

“(ii) shall describe, for each type of scholarship—

“(I) the minimum and maximum awards for the scholarships, consistent with section 404E(d), based on criteria and disbursement priorities established by the eligible entity;

“(II) the duration of the scholarships, which may be single-year or multi-year awards;

“(III) the enrollment requirements for participating students, which may include providing scholarships for participating students who are enrolled in an institution of higher education on less than a full-time basis during any award year; and

“(IV) notwithstanding subsection (g), any additional student eligibility criteria established by the eligible entity for earning and maintaining scholarships under this section, including—

“(aa) financial need;

“(bb) meeting participation milestones in the activities offered by the eligible entity under section 404D;

“(cc) meeting and maintaining satisfactory academic milestones; and

“(dd) other criteria aligned with State and local goals to incentivize postsecondary readiness, access, and success.”; and

(iii) in paragraph (3), as redesignated by clause (i), by striking “may award” and inserting “may use not less than 10 percent and not more than 50 percent of funds made available under this chapter to award”;

(B) in subsection (b)—

(i) in the subsection heading, by inserting “STATE” before “LIMITATION”; and

(ii) in paragraph (2), by striking “eligible entity demonstrates” and all that follows through the period at the end and inserting the following: “eligible entity—

“(I) demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section or eligible students have reasonable access to State and local financial assistance programs; and

“(II) describes such means or access in the application submitted under section 404C.”;

(C) in subsection (e)—

(i) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) SCHOLARSHIP PLAN.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall hold in reserve, for the students served by such grant as described in section 404B(d)(1)(A) or 404D(d), an estimated amount that is based on the eligible entity’s scholarship plan described in subsection (a)(1).

“(B) INTEREST USE.—Interest earned on funds held in reserve under subparagraph (A) may be used by the eligible entity to administer the scholarship program during the award period and through the post-award period described in paragraph (4).”;

(ii) in paragraph (2)(B), by inserting “, or been accepted for enrollment,” after “enrolled”; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking “and” after the semicolon;

(II) by redesignating subparagraph (B) as subparagraph (C); and

(III) by inserting after subparagraph (A) the following:

“(B) the costs associated with enrolling in an institution of higher education; and”;

(D) in subsection (g)—

(i) in paragraph (3)—

(I) by inserting “ or, if the eligible entity chooses, in another program of study or credential program for which an individual could use funds received under a Federal Pell Grant to attend,” before “that is located”; and

(II) by striking “except that, at the State’s option” and inserting “except that, at the eligible entity’s option”; and

(ii) in paragraph (4), by inserting “and qualifies for an award, consistent with the eligible entity’s scholarship plan as described in subsection (a)(1)” after “404D(a)”; and

(6) in section 404G (20 U.S.C. 1070a–27)—

(A) in subsection (b)—

(i) in paragraph (1), by striking “and” after the semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting “; and”; and

(iii) by inserting after paragraph (2) the following:

“(3) include the following metrics:

“(A) The number of students completing the Free Application for Federal Student Aid under section 483.

“(B) If applicable, the number of students receiving a scholarship under section 404E.

“(C) The graduation rate of participating students from high school.

“(D) The enrollment of participating students into postsecondary education.

“(E) Such other metrics as the Secretary may require.”; and

(B) in subsection (c)—

(i) in the subsection heading, by inserting “AND TECHNICAL ASSISTANCE” after “FEDERAL EVALUATION”;

(ii) in the matter preceding paragraph (1)—

(I) by inserting “after consultation with the community of eligible entities receiving grants under this chapter and” after “Secretary shall.”;

(II) by striking “.075” and inserting “.1”; and

(III) by striking “evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation. Such evaluation shall include a separate analysis of”;

(iii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the margins appropriately; and

(iv) before subparagraph (A) (as redesignated by clause (iii)), by inserting the following:

“(1) provide pre-application technical assistance workshops for eligible entities and potential applicants in any year in which new awards are expected to be made;

“(2) support initiatives designed to improve the research, data collection and infrastructure, and evaluation capacity of eligible entities; and

“(3) evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation. Such evaluation may include a separate analysis of—”;

(7) in section 408H (20 U.S.C. 1070a–28), by striking “2009” and inserting “2019”.

By Mr. McCONNELL (for himself,  
Mr. WYDEN, Mr. MERKLEY, and  
Mr. PAUL):

S. 2667. A bill to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes; read the first time.

Mr. McCONNELL. 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. 2667

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Hemp Farming Act of 2018”.

#### SEC. 2. HEMP PRODUCTION.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

##### “Subtitle G—Hemp Production

#### “SEC. 297A. DEFINITIONS.

“In this subtitle:

“(1) HEMP.—The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(4) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico; and

“(D) any other territory or possession of the United States.

“(5) STATE DEPARTMENT OF AGRICULTURE.—The term ‘State department of agriculture’ means the agency, commission, or department of a State government responsible for agriculture in the State.

“(6) TRIBAL GOVERNMENT.—The term ‘Tribal government’ means the governing body of an Indian tribe.

#### “SEC. 297B. STATE AND TRIBAL PLANS.

“(a) SUBMISSION.—

“(1) IN GENERAL.—A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer

of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production as described in paragraph (2).

“(2) CONTENTS.—A State or Tribal plan referred to in paragraph (1)—

“(A) shall only be required to include—

“(i) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;

“(ii) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;

“(iii) a procedure for the effective disposal of products that are produced in violation of this subtitle; and

“(iv) a procedure to comply with the enforcement procedures under subsection (d); and

“(B) may include any other practice or procedure established by a State or Indian tribe, as applicable, to the extent that the practice or procedure is consistent with this subtitle.

“(3) RELATION TO STATE AND TRIBAL LAW.—

“(A) NO PREEMPTION.—Nothing in this subsection preempts or limits any law of a State or Indian tribe regulating the production of hemp, to the extent that law is consistent with this subtitle.

“(B) REFERENCES IN PLANS.—A State or Tribal plan referred to in paragraph (1) may include a reference to a law of the State or Indian tribe regulating the production of hemp, to the extent that law is consistent with this subtitle.

“(b) APPROVAL.—

“(1) IN GENERAL.—Not later than 60 days after receipt of a State or Tribal plan under subsection (a), the Secretary shall—

“(A) approve the State or Tribal plan if the State or Tribal plan complies with subsection (a); or

“(B) disapprove the State or Tribal plan only if the State or Tribal plan does not comply with subsection (a).

“(2) AMENDED PLANS.—If the Secretary disapproves a State or Tribal plan under paragraph (1)(B), the State, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, may submit to the Secretary an amended State or Tribal plan that complies with subsection (a).

“(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to a State or Indian tribe in the development of a State or Tribal plan under subsection (a).

“(d) VIOLATIONS.—

“(1) IN GENERAL.—A violation of a State or Tribal plan approved under subsection (a) shall be subject to enforcement solely in accordance with this subsection.

“(2) NEGLIGENT VIOLATIONS.—

“(A) IN GENERAL.—A hemp producer in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b) shall be subject to subparagraph (B) of this paragraph if the State department of agriculture or Tribal government, as applicable, determines that the hemp producer has negligently violated the State or Tribal plan, including by negligently—

“(i) failing to provide a legal description of land on which the producer produces hemp;

“(ii) failing to obtain a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or

“(iii) producing *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration

of more than 0.3 percent on a dry weight basis.

“(B) CORRECTIVE ACTION PLAN.—A hemp producer described in subparagraph (A) shall comply with a plan established by the State department of agriculture or Tribal government, as applicable, to correct the negligent violation, including—

“(i) a reasonable date by which the hemp producer shall correct the negligent violation; and

“(ii) a requirement that the hemp producer shall periodically report to the State department of agriculture or Tribal government, as applicable, on the compliance of the hemp producer with the State or Tribal plan for a period of not less than the next 2 calendar years.

“(C) RESULT OF NEGLIGENT VIOLATION.—Except as provided in subparagraph (D), a hemp producer that negligently violates a State or Tribal plan under subparagraph (A) shall not be subject to any criminal or civil enforcement action by the Federal Government or any State government, Tribal government, or local government other than the enforcement action authorized under subparagraph (B).

“(D) REPEAT VIOLATIONS.—A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) 3 times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.

“(3) OTHER VIOLATIONS.—If the State department of agriculture or Tribal government in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b), as applicable, determines that a hemp producer in the State or territory has violated the State or Tribal plan with a culpable mental state greater than negligence—

“(A) the State department of agriculture or Tribal government, as applicable, shall immediately report the hemp producer to—

“(i) the Attorney General; and  
“(ii) in the case of a State department of agriculture, the chief law enforcement officer of the State; and

“(B) paragraph (1) of this subsection shall not apply to the violation.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(f) EFFECT.—Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe for which a State or Tribal plan is not approved under this section in accordance with other Federal laws (including regulations).

**“SEC. 297C. AUTHORITY TO ISSUE REGULATIONS AND GUIDELINES.**

“The Secretary shall have sole authority to issue Federal regulations and guidelines that relate to the production of hemp, including Federal regulations and guidelines that relate to the implementation of section 297B.”.

**SEC. 3. FUNDING FOR HEMP RESEARCH.**

(a) SUPPLEMENTAL AND ALTERNATIVE CROPS.—Section 1473D(c)(3)(E) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(3)(E)) is amended by inserting “(including hemp (as defined in section 297A of the Agricultural Marketing Act of 1946))” after “material”.

(b) CRITICAL AGRICULTURAL MATERIALS.—Section 5(b)(9) of the Critical Agricultural Materials Act (7 U.S.C. 178c(b)(9)) is amended by inserting “, and including hemp (as defined in section 297A of the Agricultural Marketing Act of 1946)” after “hydrocarbon-containing plants”.

**SEC. 4. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.**

(a) IN GENERAL.—Section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (a), respectively, and moving the subsections so as to appear in alphabetical order;

(2) in subsection (b) (as so redesignated), in the subsection heading, by striking “IN GENERAL” and inserting “INDUSTRIAL HEMP RESEARCH”; and

(3) by adding at the end the following:

“(c) STUDY AND REPORT.—

“(1) IN GENERAL.—The Secretary shall conduct a study of agricultural pilot programs—

“(A) to determine the economic viability of the domestic production and sale of industrial hemp; and

“(B) that shall include a review of—

“(i) each agricultural pilot program; and  
“(ii) any other agricultural or academic research relating to industrial hemp.

“(2) REPORT.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing the results of the study conducted under paragraph (1).”.

(b) REPEAL.—Effective on the date that is 1 year after the date of enactment of this Act, section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is repealed.

**SEC. 5. FEDERAL CROP INSURANCE.**

(a) DEFINITION OF HEMP.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) HEMP.—The term ‘hemp’ has the meaning given the term in section 297A of the Agricultural Marketing Act of 1946.”.

(b) INSURANCE PERIOD.—Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by striking “and sweet potatoes” and inserting “sweet potatoes, and hemp”.

(c) SUBMISSION OF POLICIES AND MATERIALS TO BOARD.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(B) in the matter preceding subclause (I) (as so redesignated), by striking “The Corporation shall” and inserting the following:

“(i) IN GENERAL.—The Corporation shall”;

(C) in clause (i)(I) (as so redesignated), by inserting “subject to clause (ii),” before “will likely”; and

(D) by adding at the end the following:

“(ii) WAIVER FOR HEMP.—The Corporation may waive the viability and marketability requirement under clause (i)(I) in the case of a policy or pilot program relating to the production of hemp.”; and

(2) in paragraph (3)(C)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) in the case of reviewing policies and other materials relating to the production of hemp, may waive the viability and marketability requirement under subparagraph (A)(ii)(I).”.

(d) AGRICULTURAL COMMODITY.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by inserting “hemp,” before “aquacultural species”.

(e) RESEARCH AND DEVELOPMENT AUTHORITY.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (2), by adding at the end the following:

“(K) WAIVER FOR HEMP.—The Board may waive the viability and marketability requirements under this paragraph in the case of research and development relating to a policy to insure the production of hemp.”; and

(2) in paragraph (3)—

(A) by striking “The Corporation” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), the Corporation”; and

(B) by adding at the end the following:

“(B) WAIVER FOR HEMP.—The Corporation may waive the marketability requirement under subparagraph (A) in the case of research and development relating to a policy to insure the production of hemp.”.

**SEC. 6. CONFORMING CHANGES TO CONTROLLED SUBSTANCES ACT.**

(a) IN GENERAL.—Section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)) is amended—

(1) by striking “(16) The” and inserting “(16)(A) Subject to subparagraph (B), the”; and

(2) by striking “Such term does not include the” and inserting the following:

“(B) The term ‘marihuana’ does not include—

“(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946; or

“(ii) the”.

(b) TETRAHYDROCANNABINOL.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)), is amended in subsection (c)(17) by inserting after “Tetrahydrocannabinols” the following: “, except for tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946)”.

**SEC. 7. RULE OF CONSTRUCTION.**

Nothing in this Act authorizes interference with the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946, as added by section 2).

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 460—CONDEMNING BOKO HARAM AND CALLING ON THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND NIGERIA TO SWIFTLY IMPLEMENT MEASURES TO DEFEAT THE TERRORIST ORGANIZATION**

Ms. BALDWIN (for herself, Mr. DURBIN, Mrs. SHAHEEN, Ms. COLLINS, and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 460

Whereas Boko Haram is a Nigeria-based militant group with links to al Qaeda in the Islamic Maghreb and the so-called Islamic State;

Whereas Boko Haram is responsible for tens of thousands of deaths, including the targeted killings of civilians, in northeast and central Nigeria over the last several years, and, according to the United Nations High Commissioner for Refugees, has caused the displacement of 2,400,000 people in Nigeria, Cameroon, Chad, and Niger;

Whereas the Department of State designated Boko Haram a Foreign Terrorist Organization in 2013 and supports efforts to defeat Boko Haram with security and development tools;

Whereas Boko Haram rejects modern education and science, is engaged in an armed



revolt against the Government of Nigeria, has carried out vicious campaigns of violence, including suicide bombings, against schools, public institutions, law enforcement, and civilians;

Whereas, since 2012, Boko Haram has conducted brutal mass kidnappings of women, girls, and boys and has abducted thousands of women and girls from schools and markets, during raids on villages and houses, and on public transportation;

Whereas Boko Haram continues its campaign of mass and systematic brutality against the people of Nigeria and the greater Lake Chad Basin;

Whereas, on April 14, 2014, Boko Haram militants attacked a boarding school in Chibok in Borno state, where girls from surrounding areas had gone to take final exams;

Whereas the Boko Haram terrorists arrived in Chibok late at night, firing their guns indiscriminately and burning down houses, raided the dormitories, and kidnapped 276 girls aged 12 to 17;

Whereas 57 girls escaped by jumping off the kidnappers' trucks as they were driving away or running into the forest;

Whereas the 219 kidnapped girls were held captive, abused, made to be slaves, forced into marriage with their abductors, repeatedly raped, starved, and, in some cases, forcibly converted to Islam;

Whereas the international community, including the United Nations Secretary-General and the United Nations Security Council, condemned the abduction and called for the immediate release of the girls;

Whereas Boko Haram ruthlessly killed some of the kidnapped girls for trying to escape, and some girls died during childbirth;

Whereas thousands of women, girls, and boys kidnapped by Boko Haram have endured similar horrific experiences;

Whereas the parents of the kidnapped girls and concerned citizens banded together and embarked upon a global awareness campaign to urge the rescue of the girls, using the Twitter hashtag #BringBackOurGirls, through which over 3,300,000 people around the world expressed their outrage at the abduction and continue maintaining a vigil for the girls' return;

Whereas the United States Government sent advisors to Nigeria and supplied surveillance and reconnaissance to help rescue the girls;

Whereas 21 girls were released in October 2016, 82 girls were released in May 2017, and four years since their abduction, over 100 girls distressingly still remain in captivity and are subjected to deplorable abuses as recounted by the returnees;

Whereas many of the returned girls are being kept in a government facility in Abuja away from their families;

Whereas the scourge of Boko Haram continues to menace the population of the Lake Chad Basin area, including northern Nigeria;

Whereas, on February 19, 2018, Boko Haram militants stormed the town of Dapchi and abducted 110 girls from the Government Girls Science and Technical School and two other children;

Whereas 106 of the children from the Dapchi kidnapping have been released and five are presumed to have perished;

Whereas Leah Sharibu remains a hostage because she refuses to convert to Islam;

Whereas the Government of Nigeria said Boko Haram had been defeated in 2015, but the terrorist organization continues to mount attacks against civilians, schools, and security forces;

Whereas the United States Government has provided assistance for several years for women and girls targeted by Boko Haram and individuals displaced by Boko Haram violence, as well as to combat Boko Haram;

Whereas educating girls transforms societies for the better by giving girls the knowledge and tools to make positive decisions about their futures, live healthier lives, provide nurturing environments for their families, and play active roles in their communities and economies;

Whereas the United States Government has provided significant financial assistance in recent years to support women and girls who are at risk from extremism and conflict;

Whereas child and forced marriage is a human rights abuse;

Whereas the United States Government has appropriated \$11,000,000 in both fiscal years 2017 and 2018 for programs to combat child marriage;

Whereas in section 2 of the Women, Peace, and Security Act of 2017 (Public Law 115-68; 131 Stat. 1202), Congress found that "women in conflict-affected regions have achieved significant success in . . . moderating violent extremism . . . and stabilizing societies by enhancing the effectiveness of security services, peacekeeping efforts, institutions, and decision-making processes";

Whereas in section 1(c) of Public Law 114-266 (130 Stat. 1383), Congress found that "lack of economic opportunity and access to education, justice, and other social services contributes to the ability of Boko Haram to radicalize and recruit individuals"; and

Whereas section 4 of the Women, Peace, and Security Act of 2017 (22 U.S.C. 2152j) states that "[i]t shall be the policy of the United States to promote the meaningful participation of women in all aspects of overseas conflict prevention, management, and resolution, and post-conflict relief and recovery efforts": Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the tragic fourth anniversary of the Chibok girls kidnapping and calls for the immediate release of all Boko Haram captives, especially the remaining Chibok girls and Leah Sharibu;

(2) applauds the extraordinary bravery of survivors of Boko Haram, who continue to come forward to share their stories and experiences at great risk to themselves;

(3) deplors Boko Haram for its destabilizing activities and extremist violence;

(4) acknowledges the efforts of the United States Government to defeat Boko Haram through development and security partnerships with Nigeria and other regional partners, and calls on the Department of State and the Department of Defense to rapidly implement the five-year regional strategy to address the grievous threat posed by Boko Haram and other violent extremist organizations;

(5) furthermore requests that the Department of State and the United States Agency for International Development create a plan to address the needs of women and girls adversely impacted by extremism and conflict as required by section 7059(e)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115-31; 131 Stat. 699);

(6) commends the swift enactment of the Women, Peace, and Security Act of 2017 (Public Law 115-68), and encourages the President to release the Women, Peace, and Security Strategy by October 2018, as required by section 5 of the Women, Peace, and Security Act of 2017 (22 U.S.C. 2152j-1);

(7) acknowledges the actions of the Government of Nigeria to combat Boko Haram, and encourages it to—

(A) provide the necessary counseling and support to those abducted by Boko Haram;

(B) allow returned women and girls to be reunited with their families when appropriate;

(C) appropriately channel the announced \$1,000,000,000 assistance from the Excess Crude Account to humanitarian assistance, development, education, and deradicalization programs; and

(D) accept international assistance in a timely manner when offered; and

(8) encourages continued cooperation between the Governments of the United States and Nigeria to defeat the violent extremist organization Boko Haram.

SENATE RESOLUTION 461—COM-  
MENDING THE UNIVERSITY OF  
CENTRAL MISSOURI JENNIES  
FOR WINNING THE NATIONAL  
CHAMPIONSHIP IN THE NA-  
TIONAL COLLEGIATE ATHLETIC  
ASSOCIATION DIVISION II TOUR-  
NAMENT

Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted the following resolution; which was considered and agreed to:

S. RES. 461

Whereas on March 23, 2018, the University of Central Missouri Jennies (referred to in this preamble as the "Jennies") women's basketball team defeated defending national champion Ashland University by a score of 66-52 in the National Collegiate Athletic Association Division II national championship game in Sioux Falls, South Dakota;

Whereas that victory marks the first Division II national championship for the Jennies since 1984;

Whereas the Jennies ended the 2017-2018 season with—

(1) an overall record of 30-3;

(2) a perfect record of 10-0 during away games; and

(3) a record of 18-1 in the Mid-America Intercollegiate Athletics Association (referred to in this preamble as the "MIAA") conference;

Whereas the 2017-2018 season marks—

(1) the eleventh MIAA regular season championship win for the Jennies; and

(2) the seventh Central Region championship win for the Jennies;

Whereas the 30 season wins and 18 conference wins of the Jennies are program records;

Whereas the Jennies won 6 playoff games and outlasted 63 other teams in the Division II national championship tournament to end the 73-game winning streak of Ashland University;

Whereas all of the following 15 players on the Jennies roster should be congratulated: Paige Redmond, Gigi McAtee, Sydney Crockett, Kayonna Lee, Kendra Gladbach, Abby Gann, Kelsey Williams, Emilie Jobst, Megan Skaggs, Peyton Taylor, Morgan Fleming, Jolene Shipps, Sydney Skaggs, Madison Sandor, and Meghan Allen;

Whereas, during the Division II national championship game—

(1) the Jennies made 50 percent of shots taken; and

(2) the following 3 players scored points in the double digits: Paige Redmond, Megan Skaggs, and Kelsey Williams;

Whereas Paige Redmond—

(1) led the Jennies by scoring 16.3 points per game during the 2017-2018 season;

(2) recorded a championship game high of 22 points; and

(3) was awarded MIAA Player of the Year;

Whereas Kayonna Lee collected a team high of 11 rebounds and a game high of 3 blocked shots, and was awarded MIAA Defensive Player of the Year;

Whereas Paige Redmond and Morgan Fleming were selected to the All-MIAA team;



Whereas Kayonna Lee, Megan Skaggs, and Kelsey Williams received Honorable Mentions from the All-MIAA team;

Whereas Jennies Head Coach Dave Slifer was awarded MIAA Coach of the Year; and

Whereas Coach Slifer and all of the supporting staff of the Jennies should be congratulated: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the University of Central Missouri Jennies for the Division II national championship victory in women's basketball;

(2) recognizes the athletic prowess, hard work, and dedication exhibited by the players, coaches, support staff, and student body of the University of Central Missouri; and

(3) congratulates the city of Warrensburg, Missouri, and the University of Central Missouri Jennies fans and alumni around the world.

**SENATE RESOLUTION 462—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC HEALTH WEEK**

Mr. UDALL (for himself, Mr. WHITEHOUSE, Mr. MARKEY, Ms. HEITKAMP, Ms. WARREN, Mr. CARDIN, Mr. KING, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mrs. MURRAY, Mr. BROWN, Ms. HASSAN, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 462

Whereas the week of April 2, 2018, through April 8, 2018, is National Public Health Week;

Whereas the theme for National Public Health Week in 2018 is “Healthiest Nation 2030: Changing Our Future Together”, with the goal of making the United States the healthiest Nation in one generation;

Whereas there is a significant difference in the health status of individuals with different abilities and demographics, such as obesity, poor mental health and infectious disease, of people living in the healthiest States compared to people living in the least healthy States;

Whereas according to the National Academy of Medicine, despite being one of the wealthiest nations in the world, the United States ranks below many other economically prosperous and developing countries with respect to measures of health, including life expectancy, infant mortality and maternal mortality rates;

Whereas the life expectancy for the United States population declined for the second year in a row, and the leading causes of deaths are among the most common, costly, and preventable of all health problems;

Whereas despite having a high infant mortality rate compared to other economically prosperous and developing countries, and the death rate varying greatly among States, overall, the United States was making steady progress, until recently, with the infant mortality rate reaching a historic low of 5.8 infant deaths per 1,000 live births in 2016;

Whereas more women die from pregnancy-related deaths in the United States than any other developed country, and the number of maternal deaths per 100,000 live births has increased from 16.9 in 1990 to 26.4 in 2015;

Whereas the number of overdose deaths involving opioids was more than five times higher than in 1999 and 115 Americans on average die every day from an opioid-involved death requiring a comprehensive strategy across a range of sectors including robust efforts to prevent substance misuse disorders;

Whereas the percentage of adults using tobacco products in the United States, the leading cause of preventable disease and death in the United States, accounting for more than 480,000 deaths every year including more than 41,000 deaths resulting from secondhand smoke, decreased from 20.9 percent in 2005 to 15.5 percent in 2016;

Whereas approximately 554,000 adults suffered from homelessness in the United States in 2017, an increase since 2010, with 35 percent of homeless individuals still living unsheltered;

Whereas the value of a strong public health system is in the air we breathe, the water we drink, the food we eat, and the places where we all live, learn, work, worship, and play;

Whereas public health organizations use National Public Health Week to educate the public, policymakers, and public health professionals on issues that are important to improving the health of the people of the United States;

Whereas studies show that small strategic investments in prevention can result in significant savings in health care costs;

Whereas each 10 percent increase in local public health spending contributes to a 6.9 percent decrease in infant deaths, a 3.2 percent decrease in deaths related to cardiovascular disease, a 1.4 percent decrease in deaths due to diabetes, and a 1.1 percent decrease in cancer-related deaths;

Whereas public health professionals help communities prevent, prepare for, withstand, and recover from the impact of a full range of health threats, including disease outbreaks such as the Zika virus, natural disasters, and disasters caused by human activity;

Whereas public health professionals collaborate with partners that are not in the health sector, such as city planners, transportation officials, education officials, and private sector businesses, recognizing that other sectors have an important influence on health;

Whereas in communities across the United States, people are changing the way they care for their health by avoiding tobacco use, eating healthier, becoming more physically active, and preventing unintentional injuries at home and in the workplace; and

Whereas efforts to adequately support public health and prevention can continue to transform a health system focused on treating illness to a health system focused on preventing disease and promoting wellness: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Public Health Week;

(2) recognizes the efforts of public health professionals, the Federal Government, States, Tribes, municipalities, local communities, and individuals in preventing disease, injury, and promoting quality of life;

(3) recognizes the role of public health in improving the health of individuals in the United States;

(4) encourages increased efforts and resources to improve the health of people in the United States to create the healthiest Nation in one generation through—

(A) greater opportunities to improve community health and prevent disease and injury;

(B) strengthening the public health system in the United States; and

(C) using data to guide policies and behaviors that promote health and quality of life; and

(5) encourages the people of the United States to learn about the role of the public health system in improving health in the United States.

**SENATE RESOLUTION 463—AUTHORIZING A SENATOR TO BRING A YOUNG SON OR DAUGHTER OF THE SENATOR ONTO THE FLOOR OF THE SENATE DURING VOTES**

Mr. DURBIN (for Ms. DUCKWORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 463

*Resolved*,

**SECTION 1. AUTHORIZATION FOR SENATORS TO BRING YOUNG CHILDREN ONTO THE FLOOR OF THE SENATE.**

Notwithstanding rule XXIII of the Standing Rules of the Senate, a Senator who has a son or daughter (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) under 1 year of age may bring the son or daughter onto the floor of the Senate during votes.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2227. Mr. MCCONNELL proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

SA 2228. Mr. MCCONNELL proposed an amendment to amendment SA 2227 proposed by Mr. MCCONNELL to the bill S. 140, supra.

SA 2229. Mr. MCCONNELL proposed an amendment to the bill S. 140, supra.

SA 2230. Mr. MCCONNELL proposed an amendment to amendment SA 2229 proposed by Mr. MCCONNELL to the bill S. 140, supra.

SA 2231. Mr. MCCONNELL proposed an amendment to amendment SA 2230 proposed by Mr. MCCONNELL to the amendment SA 2229 proposed by Mr. MCCONNELL to the bill S. 140, supra.

**TEXT OF AMENDMENTS**

**SA 2227.** Mr. MCCONNELL proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

At the end add the following:

“This act shall be effective 1 day after enactment.”

**SA 2228.** Mr. MCCONNELL proposed an amendment to amendment SA 2227 proposed by Mr. MCCONNELL to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

Strike “1 day” and insert “2 days”

**SA 2229.** Mr. MCCONNELL proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

At the end add the following.

“This Act shall take effect 3 days after the date of enactment.”

**SA 2230.** Mr. MCCONNELL proposed an amendment to amendment SA 2229

proposed by Mr. McCONNELL to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

Strike “3 days” and insert “4 days”

**SA 2231.** Mr. McCONNELL proposed an amendment to amendment SA 2230 proposed by Mr. McCONNELL to the amendment SA 2229 proposed by Mr. McCONNELL to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

Strike “4” and insert “5”

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 8 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, April 12, 2018, at 9:30 a.m. to conduct a hearing.

##### 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 Thursday, April 12, 2018, at 10 a.m. to conduct a hearing entitled “The Consumer Financial Protection Bureau's Semi-Annual Report to Congress.”

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, April 12, 2018, at 9:45 a.m. to conduct a hearing.

##### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, April 12, 2018, at 10 a.m. to conduct a hearing entitled “The 2018 Tax Filing Season and Future IRS Challenges.”

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, April 12, 2018, at 10:15 a.m. to conduct a hearing on the nomination of Mike Pompeo, of Kansas, to be Secretary of State.

##### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, April 12, 2018, at 10 a.m. to conduct a hearing on S. 994 and the following nominations: John B. Nalbandian, of Kentucky, to be

United States Circuit Judge for the Sixth Circuit, Kari A. Dooley, to be United States District Judge for the District of Connecticut, Dominic W. Lanza, to be United States District Judge for the District of Arizona, Jill Aiko Otake, to be United States District Judge for the District of Hawaii, Michael Y. Scudder, of Illinois, and Amy J. St. Eve, of Illinois, both to be a United States Circuit Judge for the Seventh Circuit, Charles J. Williams, to be United States District Judge for the Northern District of Iowa, and Joseph H. Hunt, of Maryland, to be an Assistant Attorney General, Timothy A. Garrison, to be United States Attorney for the Western District of Missouri, Kenji M. Price, to be United States Attorney for the District of Hawaii, John Cary Bittick, to be United States Marshal for the Middle District of Georgia, David L. Lyons, to be United States Marshal for the Southern District of Georgia, and Rodney D. Ostermiller, to be United States Marshal for the District of Montana, all of the Department of Justice.

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 2 p.m. to conduct a closed hearing.

##### SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

The Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, April 12, 2018, at 10 a.m. to conduct a hearing entitled “Reviewing the Office of Information and Regulatory Affairs.”

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my fellow, Sharmin Syed, be granted privileges of the floor for the duration of her service in my office.

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

Mr. MORAN. Mr. President, I ask unanimous consent that Dustin Ellsberry, an intern in Senator SULLIVAN's office, be granted floor privileges for the remainder of the day.

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

#### COMMENDING THE UNIVERSITY OF CENTRAL MISSOURI JENNIES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 461, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 461) commending the University of Central Missouri Jennies for

winning the national championship in the National Collegiate Athletic Association Division II tournament.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. 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. Without objection, it is so ordered.

The resolution (S. Res. 461) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

#### MEASURE READ THE FIRST TIME—S. 2667

Mr. McCONNELL. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 2667) to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes.

Mr. McCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR MONDAY, APRIL 16, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, April 16; 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, and morning business be closed. Finally, I ask that following leader remarks, the Senate resume consideration of the House message to accompany S. 140 and that notwithstanding the provisions of rule XXII, the cloture vote on the motion to concur be at 5:30 p.m., Monday.

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

#### ADJOURNMENT UNTIL MONDAY, APRIL 16, 2018, AT 3 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:54 p.m., adjourned until Monday, April 16, 2018, at 3 p.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**DEPARTMENT OF DEFENSE**

JAMES H. ANDERSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ROBERT M. SCHER, RESIGNED.

**CORPORATION FOR PUBLIC BROADCASTING**

RUBYDEE CALVERT, OF WYOMING, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2022, VICE DAVID J. ARROYO, TERM EXPIRED.

**NATIONAL TRANSPORTATION SAFETY BOARD**

JENNIFER L. HOMENDY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2019, VICE MARK R. ROSEKIND, RESIGNED.

**DEPARTMENT OF TRANSPORTATION**

HEIDI R. KING, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE MARK R. ROSEKIND.

**CORPORATION FOR PUBLIC BROADCASTING**

LAURA GORE ROSS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2022, VICE JANNETTE LAKE DATES, TERM EXPIRED.

**UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

BONNIE GLICK, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ALFONSO E. LENHARDT.

**INTERNATIONAL MONETARY FUND**

MARK ROSEN, OF CONNECTICUT, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE MARGRETHE LUNDSAGER, RESIGNED.

**DEPARTMENT OF LABOR**

JOHN P. PALLASCH, OF KENTUCKY, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE PORTIA Y. WU.

**THE JUDICIARY**

RAUL M. ARIAS-MARXUACH, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE JOSE ANOTONIO FUSTE, RETIRED.

PAMELA A. BARKER, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE DONALD C. NUGENT, RETIRED.

KENNETH D. BELL, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE RICHARD L. VOORHEES, RETIRED.

STEPHEN R. CLARK, SR., OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE CAROL E. JACKSON, RETIRED.

**DEPARTMENT OF JUSTICE**

CHARLES L. GOODWIN, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE GERVIN KAZUMI MIYAMOTO, TERM EXPIRED.

**THE JUDICIARY**

JAMES PATRICK HANLON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE WILLIAM T. LAWRENCE, RETIRING.

**DEPARTMENT OF JUSTICE**

SCOTT PATRICK ILLING, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE GENEVIEVE LYNN MAY, TERM EXPIRED.

JOHN D. JORDAN, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE WILLIAM CLAUD SIBERT, TERM EXPIRED.

**THE JUDICIARY**

JONATHAN W. KATCHEN, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE RALPH R. BEISTLINE, RETIRED.

**DEPARTMENT OF JUSTICE**

SCOTT E. KRACL, OF NEBRASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE MARK ANTHONY MARTINEZ, TERM EXPIRED.

R. DON LADNER, JR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE EDWARD M. SPOONER, RETIRED.

CHERYL A. LYDON, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE WILLIAM N. NETTLES, TERM EXPIRED.

ERICA H. MACDONALD, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE ANDREW MARK LUGER, RESIGNED.

**THE JUDICIARY**

PAUL B. MATY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE JULIO M. FUENTES, RETIRED.

MARY S. MCELROY, OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE MARY M. LISI, RETIRED.

DAVID STEPHEN MORALES, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE JANIS GRAHAM JACK, RETIRED.

SARAH DAGGETT MORRISON, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE GREGORY L. FROST, RETIRED.

DAVID JAMES PORTER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE D. MICHAEL FISHER, RETIRED.

**DEPARTMENT OF JUSTICE**

J. C. RAFFETY, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE GARY MICHAEL GASKINS, TERM EXPIRED.

GADYACES S. SERRALTA, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE AMOS ROJAS, JR., TERM EXPIRED.

MARK F. SLOKE, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE CHARLES EDWARD ANDREWS, TERM EXPIRED.

**CONFIRMATIONS**

Executive nominations confirmed by the Senate April 12, 2018:

**THE JUDICIARY**

JOHN W. BROOMES, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS.

REBECCA GRADY JENNINGS, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY.

**DEPARTMENT OF LABOR**

PATRICK PIZZELLA, OF VIRGINIA, TO BE DEPUTY SECRETARY OF LABOR.

**ENVIRONMENTAL PROTECTION AGENCY**

ANDREW WHEELER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.