

has been a lecturer at seminars sponsored by a number of agencies and organizations and has written numerous articles appearing in a variety of national publications. Throughout his career, Judge Restrepo has stood out as an exceptional role model for community involvement and civic participation. He has devoted his time and expertise to a variety of boards and commissions as well as the Eastern District prisoner reentry program.

The HNBA's due diligence process has confirmed that Judge Restrepo's integrity, knowledge of the law, breadth of professional experience, and intellectual capacity make him well suited to sit as a federal appellate judge. Accordingly, it is with great pride that we have the privilege of endorsing the Honorable Luis Felipe Restrepo and recommending his confirmation to serve as a Judge on the United States Court of Appeals for the Third Circuit. Please do not hesitate to contact us at the HNBA National Office at (202) 223-4777, or you may contact Cynthia D. Mares directly at (720) 314-1295 or by e-mail at president@hnba.com, if we can be of any further assistance.

Thank you for your consideration.

Sincerely,

CYNTHIA D. MARES,
HNBA National President.
ROBERT RABEN,

Chair, HNBA Judiciary Committee.

Mr. LEAHY. Mr. President, I know the time for the vote is upon us.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. I yield back all time, and I yield the floor.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Luis Felipe Restrepo, of Pennsylvania, to be United States Circuit Judge for the Third Circuit?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from Indiana (Mr. COATS), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), the Senator from South Carolina (Mr. SCOTT), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

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

The result was announced—yeas 82, nays 6, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—82

| | | |
|------------|------------|------------|
| Alexander | Fischer | Murphy |
| Ayotte | Flake | Murray |
| Baldwin | Gardner | Nelson |
| Barrasso | Gillibrand | Paul |
| Bennet | Grassley | Perdue |
| Blumenthal | Hatch | Peters |
| Booker | Heinrich | Portman |
| Boozman | Heitkamp | Reed |
| Boxer | Heller | Reid |
| Brown | Hirono | Roberts |
| Burr | Hoeven | Rounds |
| Cantwell | Johnson | Sasse |
| Capito | Kaine | Schatz |
| Cardin | King | Schumer |
| Carper | Kirk | Shaheen |
| Casey | Klobuchar | Sullivan |
| Cochran | Lankford | Tester |
| Collins | Leahy | Thune |
| Coons | Manchin | Tillis |
| Corker | Markey | Toomey |
| Cornyn | McCain | Udall |
| Cotton | McCaskill | Warner |
| Daines | McConnell | Warren |
| Donnelly | Menendez | Whitehouse |
| Durbin | Merkley | Wicker |
| Enzi | Mikulski | Wyden |
| Ernst | Moran | |
| Feinstein | Murkowski | |

NAYS—6

| | | |
|--------|-------|----------|
| Blunt | Lee | Sessions |
| Inhofe | Risch | Shelby |

NOT VOTING—12

| | | |
|---------|---------|----------|
| Cassidy | Franken | Sanders |
| Coats | Graham | Scott |
| Crapo | Isakson | Stabenow |
| Cruz | Rubio | Vitter |

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.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative action.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Happy new year. Nothing says "Happy new year" like the "Time to Wake Up" speech, so I will kick off 2016 with my year-opener "Time to Wake Up" speech recapping some of last year's climate change milestones.

They say you only get one chance to make a first impression, and the first impression Senate Republicans chose to make in 2015 was to use their first 3 weeks of floor time—3 full weeks of precious floor time—to help a foreign oil company's tar sands pipeline. Even though it meant the government condemning American farms, even though the President was sure to veto it, that was their opener.

By the end of the year, things had changed. The Republican leader was burying the votes against the Clean Power Plan deep in the news of the terrible Paris massacres and collapsing votes together to minimize floor time on this issue. The Republican majority

opened 2015 with a big oil bang but crept out of the year with a whimper.

Things indeed changed in 2015. Of course, the scientific evidence continued to show that fossil fuel pollution was damaging our environment and our oceans and our economy. And 2015 was record-setting hot. This chart from November shows that 2015 is on track to being the hottest year globally since we began keeping records in 1880. We can see that the 2015 running monthly global temperature average is above the 6 next warmest years on record in every month for which data is available.

The Director of NASA's Goddard Institute for Space Studies estimates the probability of 2015 being the hottest on record at better than 99 percent. He has labeled 2015 a "scorcher." But that won't be official until later this month. It is no fluke.

The World Meteorological Organization reports the recent 5-year period—2011 to 2015—as the warmest 5-year period on record, and 2015 was the first year where monthly global average carbon dioxide concentrations exceeded 400 parts per million, and it did so for more than 3 months. Bear in mind that for as long as human beings have been on this planet Earth, we have existed safely in a range of 170 to 300 parts per million. We are outside of that by almost the entire range, and we know this from ice cores which contain tiny bubbles of ancient atmospheres. I saw those ice cores last October at Ohio State University. World-renowned atmospheric scientists, the husband-and-wife team Dr. Ellen Mosley Thompson and Dr. Lonnie Thompson, worked for years to retrieve cores from around the world and to test the ancient air captured inside. The lesson of these cores is that humans have fundamentally altered the chemistry of the Earth's air and that our greenhouse gas emissions are rapidly altering our climate. Scientists now say that we have so altered the Earth as to consider ourselves in a new geologic epoch, the Anthropocene.

In 2015, the oceans kept shouting at us to wake up. Throughout 2015, evidence continued to document our oceans warming, rising, and acidifying. And 2015 brought the first nationwide study assessing the vulnerability of America's \$1 billion shellfish industry to ocean acidification, documenting the risk to 15 coastal States, such as Louisiana, Texas, Maine, and Rhode Island.

The Proceedings of the National Academy of Sciences in October reported on climate change's threats to fish integral to human diets, predicting a dramatic collapse in the world's largest ecosystem, our oceans. The great corrupt denial machine the fossil fuel industry supports never talks about oceans. The machine doesn't care about evidence; it is just an obstacle to their fossil fuel PR campaign. They just want to create phony doubt. But since there is not much room for doubt

in measurements of warming, rising, and acidifying seas, they won't go there. Nevertheless, 2015 was another bad year for oceans.

Mr. President, 2015 was also the year journalists, academics, and investigators took a hard look at that big, phony climate denial apparatus. The year 2015 brought reports that Exxon knew climate change was real but funded the climate denial apparatus anyway, reports of how fossil fuel money influenced the front groups' language, and reports about hidden money and networks of influence and fossil fuel money controlling politics. Report after report showed fossil fuel money pouring into dozens of front groups, creating phony doubt and controversy, then propagated through media outlets also in the tank to the fossil fuel industry, such as FOX News and the Wall Street Journal editorial page.

If you doubt that climate change is real, you have been had. It is really that simple. It is a racket. And 2015 was the year when many voices began asking for a racketeering investigation into a fraud of historic proportions.

Mr. President, 2015 was a year of growing public recognition across America of the need to act. A 2015 Stanford poll found that 83 percent of Americans, including 6 in 10 Republicans, want action to reduce carbon emissions. For the first time, a majority of self-identified Republicans now believe there is solid evidence of global warming. And if you take out the loopy Tea Party cohort, among sensible Republicans, the number goes even higher. Among young Republican voters—Republican voters under age 35—most said they would describe a climate denier as “ignorant,” “out of touch,” or “crazy.”

In 2015, the EPA launched the Clean Power Plan, our Nation's most ambitious effort yet. It is the first-ever plan to reduce carbon pollution from the largest source of U.S. carbon emissions: powerplants. The Clean Power Plan is projected to both cut carbon emissions and save Americans money on their annual energy bills.

In 2015, the Obama administration at last rejected the Keystone XL Pipeline—a great victory for the environmental movement after the 400,000-person climate march in New York City. In 2015, Pope Francis—the world leader of the Catholic Church—added his holy voice to the call.

“Humanity,” Pope Francis said, “is called . . . to combat this warming or at least the human causes which produce or aggravate it.” Specifically, the Pope said, “[T]echnology based on the use of highly polluting fossil fuels, needs to be progressively replaced without delay.”

Pope Francis's encyclical said something to Congress:

To take up these responsibilities, and the costs they entail, politicians will inevitably clash with the mindset of short-term gain and results which dominates present-day economics and politics. But if they are coura-

geous, they will attest to their God-given dignity and leave behind a testimony of selfless responsibility.

And 2015 showed some signs of political courage, dignity, and responsibility. Republican Congressman Bob Inglis took a beating at the hands of the fossil fuel industry, but he did not give up the fight. Our colleague LINDSEY GRAHAM ran for the Republican nomination on a sensible climate change platform. He and other Senate colleagues have started a little Senate Republican study group. Twelve House Republicans, led by Congressman CHRIS GIBSON of New York, broke with their party's Orthodoxy and sponsored a resolution committing to address climate change by promoting ingenuity, innovation, and exceptionalism. It is not much yet, but it is a start. It is a turn.

Perhaps the biggest milestone of 2015 was the Paris agreement reached in December, with 190 countries agreeing to a global deal to address climate change. One key element was that more than 150 major U.S. companies signed on to the American Business Act on Climate Pledge, calling for strong outcomes in the Paris climate negotiations. These companies' operations together span all 50 States, they employ nearly 11 million people, they represent more than \$4.2 trillion in annual revenue, and they have a combined market capitalization of over \$7 trillion. These are blue-chip American icons such as AT&T of Texas, Coca-Cola and UPS of Georgia, Procter & Gamble of Ohio, and Walmart of Arkansas. How long can Republicans ignore them?

You know the phrase about lipstick on a pig? Well, 2015 brought so much change that even the big fossil fuel pigs felt they had to try on a little lipstick. Typical of them, it was bogus—just enough happy talk about climate change and carbon fees to get the CEOs through a Davos cocktail party without being shunned, while here in Congress, their whole brutal political apparatus, up to and including the U.S. Chamber of Commerce—which these days should probably be called the U.S. Chamber of Carbon—kept relentlessly hammering against any prospect of meaningful climate legislation. Real or not, it is noteworthy that the big oil tycoons at least felt the need for some lipstick.

Speaking of piggy, 2015 was also the year the International Monetary Fund calculated the effective public subsidy of the fossil fuel industry at \$700 billion per year just in the United States alone. Remember when the costs of carbon pollution are not factored into the price, those costs become a public subsidy—a market failure. This subsidy climbs into the trillions of dollars worldwide. If that is not piggy, nothing is.

My biggest prayer for 2016 is the American business coalition from Paris helping Republican colleagues acknowledge publicly what many have concluded privately; that it is time for

Congress to address climate change. If Republicans can get some relief from the brutal political pressure of the fossil fuel industry, there are conservative-friendly solutions at hand. Every Republican who has thought this problem through to a solution comes to the same place, every one. Former Treasury Secretary and Secretary of State George Shultz, President Reagan's economic adviser Art Laffer, President George W. Bush's Treasury Secretary Hank Paulson, and his Council of Economic Advisers Chair Greg Mankiw, and many others, all advocated last year that a carbon fee is the efficient way to correct the market failure that lets the fossil fuel industry pollute for free. Four former Republican EPA Administrators, Bill Ruckelshaus, Christine Todd Whitman, Lee Thomas, and Bill Reilly, wrote: “A market-based approach, like a carbon tax, would be the best path to reducing greenhouse-gas emissions.”

Even a columnist at the Wall Street Journal, whose editorial page is notoriously fossil fuel friendly, wrote: “There's no dispute among economists on the most cost-effective way to [reduce emissions]: a carbon tax.”

Well, we have one. In 2015, the conservative American Enterprise Institute hosted the announcement of my legislation with Senator SCHATZ, creating a revenue-neutral carbon fee, with none—zero—of the revenues kept by the Federal Government but instead being used to provide massive corporate tax reductions and personal tax rebates. We have gone to exactly where Republicans are pointing. So please, colleagues, take yes for an answer. Join us, and let's get to work.

Mr. President, 2015 was a year the tide turned in Congress, from that opening Keystone Pipeline political fanfare to the buried, quiet, end-of-the-year votes on the President's Clean Power Plan, with three Republicans even voting to support President Obama on those votes. It was a turning year and a new year now begins. We still need to wake up. We still need to get to work. We still have a duty before us, and it is a duty we should not shirk. I pray that 2016 will be the year, and I promise to do everything in my power to make it the year.

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. 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.

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for January 2016. The report compares current law levels