

submitted for the RECORD, but I want to highlight some of the people who have signed this letter because when it comes to the courts and nominations, I think it is very important that we listen to the voices of those people who are closest to the court over which the nominee may be presiding. It is also important that those who are closest to a practicing lawyer provide their opinions of a lawyer who has been nominated for the bench who is not already on the bench.

In the case of Justice Eid's supporters, there is an incredible list of people from across the political spectrum—both sides of the aisle—supporting Justice Eid. Let me talk about a few of Justice Eid's supporters, because we will hear a lot of debate about groups who support or oppose Justice Eid, but the people who know her the best, the people who have practiced before her court, the people who have worked with her over the many years of public service that she has provided don't just fall on the Republican side of the aisle or the Democratic side of the aisle, the support she has gathered is from across the political spectrum.

There is Michael Bender, former Colorado Supreme Court justice; Justice Rebecca Love Kourlis, one of the most respected jurists in Colorado, who served on the State supreme court and is one of the most highly regarded justices not only in Colorado but across the country, quite frankly; Justice Mary Mullarkey. Justice Mullarkey is no longer on the Colorado Supreme Court, but she served as the chief justice of the Colorado Supreme Court. She was appointed by a Democratic Governor. She is someone who believes Justice Eid would be an incredible addition to the court. There is Neal Katyal, a former Department of Justice civil servant for the Obama administration—a U.S. Solicitor General, in fact. If we look at the other supporters she has, we see that Melissa Hart, who has run for office as a Democratic candidate, supports the nomination and confirmation of Justice Allison Eid.

As you can see, the Tenth Circuit has an incredible nominee before it whom I hope this body will soon confirm. I urge my colleagues to move quickly during this cloture time so that we can actually approve somebody who I know will do an outstanding job. I urge their support. I hope we will do our duty under our Constitution to select those people who will be guarding the Constitution and do it in a way that we can all be proud of. That is why I support Allison Eid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I come to the floor today for the 184th time to ask us to at least wake up to our duty as a Congress to enact prudent policies to address the effects of climate change. The Presiding Officer is well aware of what Alaska faces from

ocean acidification and ocean melting and sea level rise and all of that.

For the generations who will look back at this, I have tried in these speeches to chronicle the political tricks and bullying that have put Congress—the Congress of the United States—in tow to a massively conflicted special interest, such that we are incapacitated on this vital subject. The shamelessness of the fossil fuel industry and the spinelessness of Congress under its sway will provide a long lesson in modern-day corruption and political failure.

The Trump administration has been particularly loathsome, threatening the emissions standards for cars and trucks, pressing for the Keystone XL tar sands pipeline, disbanding science advisory committees, lifting the moratorium on Federal coal leasing, trying to expand offshore drilling, and open national marine monuments and sanctuaries to energy companies. The Environmental Protection Agency is working to eliminate rules on the leaking and flaring of methane and has rescinded requirements for reporting methane emissions. The President has announced his intention to withdraw the U.S. from the Paris climate agreement.

One particular target of this corrupted administration is the Clean Power Plan, the 2015 EPA rule to reduce carbon dioxide emissions from American powerplants—a rule that many utilities and States supported. But it is the industry's bottom-dwellers who have the President's ear, and they want to undo even this flexible framework for meeting emissions-reduction targets.

When EPA balanced the costs and benefits of the Clean Power Plan originally, it offset things, like between \$14 billion and \$34 billion in health benefits in the form of preventive illnesses and deaths, against the costs of industry compliance.

The net benefits of the Clean Power Plan came out to between \$26 billion and \$45 billion every year.

So with its official proposal to rescind the Clean Power Plan, EPA administrator and fossil fuel operative Scott Pruitt had to cook the books to wipe out this public benefit. Here is how he did it. There were two tricks. One derives from the fact that harms, injuries, and losses caused by carbon pollution can take place many years after the pollution is emitted. In financial matters, future costs and benefits are balanced against present costs and benefits, using what is called a discount rate. It is more valuable to receive \$1 million now than \$1 million 20 years from now. That is the theory.

But even the George W. Bush administration recognized for healthcare rulemaking that “[s]pecial ethical considerations arise when comparing benefits and costs across generations,” and they urged care about using a discount rate when a rule is expected to harm future generations.

In 2015, the United States settled on a 3-percent discount rate to estimate the out-year costs of carbon pollution to society. Scott Pruitt jacked that up to a 7-percent discount rate so out-year harms, injuries, and losses would count for less. Mind you, our children and grandchildren will still suffer the exact same costs at 3 percent or at 7 percent. It is just that present-day polluters—Scott Pruitt's masters—get a way-big discount.

Pruitt's second trick is only to count the carbon pollution harm within our borders. You might say: That is OK; we are Americans, after all. But it is worth taking a look at what this rule does if all countries were to use it because there is a trick hidden in the middle of it. The fact is that we are harmed by other countries' carbon emissions, and they in turn are harmed by our carbon emissions. On the flip side, we harm other countries with our emissions, and they harm us with theirs.

There is a total amount of global emissions, and there is a total amount of global harm. If you call the total global emissions X and the total global harm Y, what happens when every country follows the Pruitt method of only pricing local emissions and local harms?

For purposes of illustration, let's say there are three countries in the world, and each emits one-third of the total carbon pollution and suffers one-third of the global harm from the collective global emissions. If each country only counts its own emissions and the harms only to its own country, guess what happens. All that cross-border harm never gets counted. It never gets counted. It disappears off the balance sheet. It vanishes into this trick of calculation. If you are the tool of the fossil fuel industry, how rewarding it must be to implement a trick that just vanishes so much of the fossil fuel industry's harm to the world.

In this hypothetical, how much harm simply vanishes? Two-thirds of it does. Two thirds of the harm simply vanishes, never to be accounted for—not in the real world. Nothing has changed in the real world. In this three-country hypothetical, the total emissions is still X and the total harm is still Y. None of that has changed. This Pruitt trick of accounting just wiped two-thirds of the harm off the books. A happy day for polluters, and a happy, happy day for the polluters' tool, for there will no doubt be rewards for implementing this trick.

Those fossil fuel industry bottom-dwellers no doubt think that this is pretty cute and that this is pretty clever stuff, indeed. There are high-fives in the corporate boardrooms that they have a tool in office who will pull such a trick of magical, vanishing carbon pollution harms. But the problem with these crooked little schemes is that the whole world is actually watching. Anybody can do the analysis that I just did and show that this is nothing more

than a trick, and sooner or later, consequences do come home to roost.

Out in the real world, the Pacific Island nation of Kiribati is buying up land in Fiji so it can evacuate its people there when rising seas engulf its islands and eliminate the nation. It is on its way to becoming a modern-day Atlantis, lost forever to the waves. You can replicate that risk along the shores of Bangladesh, Burma, Malaysia and the Maldives.

You can add in the risk of lost fisheries that left a country's EEZ for cooler waters. If you think that is just a hypothetical, ask Connecticut and Rhode Island lobstermen about their catch. Add in the expansion of the world's desert areas in the Sahel and elsewhere that forces farmers' crops and shepherds' flocks away from their historic homes.

Add unprecedented storms powered up over warming seas. As bad as things have been in Houston, Florida, and Puerto Rico, we are rich enough to rebuild, to throw billions of dollars at the problem, and we are. Other places do not have those resources. Without the help, imagine that suffering.

To those who will suffer in the future, what do we say? On that day of reckoning, on that judgment day, what do we tell all those people who suffered? Ha-ha-ha, do we say? We came up with this little trick that wiped most of your suffering off our books. We used a discount rate that discounted your suffering to virtually zero. Is that the kind of America we want to be? Remember the saying: The power of America's example is more important than any example of our power. Some example we would be, some city on a hill, if that was the way we behaved.

The natural world does not care about self-serving or ideological arguments. The natural world is governed by immutable laws of physics, chemistry, biology, and mathematics. Scott Pruitt's polluter-friendly mathematics just doesn't add up. As Michael Greenstone, an economist at the University of Chicago who helped develop the social cost of carbon, put it, Pruitt's plan was not evidence-based policymaking. This was policy-based evidence making.

There is enormous pressure in the Trump administration to get rid of the social cost of carbon. What is bizarre about the Trump administration is that they don't try to get rid of the social cost of carbon by getting rid of its social costs, by lowering carbon emissions, by addressing the harms that it causes. They try to get rid of the social cost of carbon by getting rid of the scoring mechanism that counts all of that. It is like saying: My team is winning because I tore down the scoreboard.

Well, no, the world is getting clobbered out there by carbon pollution and the climate change that causes it, and tearing down the scoreboard doesn't help change the game on the

field. You cannot just cook the books and reduce the social cost of carbon.

For one thing, the social cost of carbon analysis is too well established in the honest world. Courts have instructed Federal agencies to factor the social cost of carbon into their regulations. States are using the social cost of carbon in their policymaking. Most major corporations, even ExxonMobil, factor a social cost of carbon into their own planning and accounting.

The social cost of carbon pollution is at the heart of the International Monetary Fund calculation, for which the fossil fuel industry gets an annual subsidy in the United States of \$700 billion a year. Even to protect a multihundred-billion-dollar annual subsidy, Scott Pruitt can't just wish the social cost of carbon away and just can't stop counting it. Courts will take notice.

They may take notice that these stunts are arbitrary and capricious under the Administrative Procedure Act. They may take note that Pruitt has massive conflicts of interest with his fossil fuel funders. They will surely note that the Supreme Court has said greenhouse gases are pollutants under the Clean Air Act, and that EPA is legally obligated to regulate them. They will surely note that the EPA itself has determined that greenhouse gas emissions endanger the public health and welfare of current and future generations, a determination that the DC Circuit resoundingly upheld.

But we are not in an ordinary situation. Pruitt has a long history of doing the bidding of the fossil fuel industry. In the recent *Frontline* documentary, "War on the EPA," Bob Murray of Murray Energy, a strong Pruitt supporter, bragged about giving this administration a three-page action plan on environmental regulations and bragged that the first page was already done. That is the world we live in now, where the regulated industry brags that it controls its regulator, gives it direction, and that its work is already being done.

Courts that look at any rule proposed by Scott Pruitt must recognize that there is a near zero chance that he is operating in good faith. Our Nation's environmental regulator went in captured and has stayed captured by our Nation's biggest polluters. Scott Pruitt is not their regulator; he is their instrument. That is a conflict of interest.

I recently hosted my eighth annual Rhode Island Energy Environment and Oceans Day, bringing together members of our business community from the public sector, from government, and academia, to hear directly from experts about the latest environmental news and initiatives. I was very excited to be joined by excellent keynote speakers, including former Secretary of State John Kerry, who has done such magnificent work on oceans particularly but on climate change generally, leading us into the Paris climate agreement. Also, there was former U.S. Special Envoy for Climate Change Todd

Stern, who has labored in these vineyards so many years, and ocean advocate and Oceana board member Sam Waterston. They were all great, but one phrase stood out.

Sam Waterston called on us to tackle today's ocean and environmental problems with what he called a "battle-ready kind of optimism"—a "battle-ready kind of optimism."

So let us go forward with a "battle-ready kind of optimism" to clean the polluter swamp at EPA, to clean our Earth's atmosphere and oceans of unbridled carbon emissions, and to clear the reputation of our beloved country of the obloquy it is rapidly earning at the hands of a corrupting industry.

I yield the floor.

THE PRESIDING OFFICER (Mr. BURR). The Senator from Virginia.

HEALTHCARE

MR. KAINES. Mr. President, I rise to talk about the Children's Health Insurance Program. We all know that healthcare is the most important thing in any person's life and in their family's life, and there is probably no healthcare issue that is more intense than a parents' concern about the health of their children. I think all of the offices in this building have heard from parents about the health of their kids over the course of the number of months we have been debating what to do about the Affordable Care Act.

I rise today to talk about another critical program, which I hope we will act in a bipartisan way to reauthorize: the Children's Health Program, or CHIP. CHIP builds on Medicaid, and it gives families who earn too much to be eligible for Medicaid an insurance option for their kids. In talking to families who avail themselves of this option—in Virginia, years ago we didn't do a very good job of enrolling kids in CHIP, and we have become an awful lot better at it. It is interesting to hear the way parents talk about it. They will often talk about how important CHIP is to them when their child is sick or when their child is injured, but what is interesting to me is how important it is to them when their child is perfectly fine—not sick, not injured. But if you are a parent, you are going to have anxiety when you go to bed every night if your child doesn't have insurance or coverage: What if something happens tomorrow? This is a program that provides not just healthcare but peace of mind for parents and their kids.

Between Virginia's separate CHIP program and the Family Access to Medical Insurance Security and CHIP-funded Medicaid, the State provides coverage to nearly 193,000 children. CHIP alone—the specific CHIP program—covers 66,000 kids in Virginia and also pregnant moms; 1,100 pregnant moms are covered right now. The coverage is important. It includes doctor visits, hospital care, prescription medicines, eyeglasses—which are critical to being successful in school—immunizations, and checkups for kids up to age