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. KAINE. 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

19, with minimal cost sharing and without premiums.

In Virginia, since 2009, when I was Governor, we extended CHIP to also allow dental coverage. That has been really important to children and their families. The program is one of the success stories in this body because it has been strongly bipartisan in support since its creation in 1997. But as the President knows, this program expired on September 30. Despite bipartisan work on the Finance Committee, we still have not seen a reauthorization bill come to the Senate floor.

The uncertainty surrounding CHIP has already started to have an influence on my constituents and the constituents of every Member of this body. According to our Virginia Department of Medical Assistance Services, the State will be forced to send letters on December 1, 2017, notifying families that there is an impending loss of coverage. If there is not a reauthorization bill done by that time, imagine the anxiety of all these families in the weeks before Christmas getting a letter in the mailbox saying that this CHIP program, which covers 66,000 kids and 1,100 pregnant women, is about to expire. This will, at a minimum, cause a great deal of anxiety and confusion, even if we then come back and fix it. But if we don't fix it, obviously, the anxiety and confusion becomes much more catastrophic for the families.

After we send out letters on December 1 telling families that they have to prepare for the elimination of this program, enrollment will freeze on January 1. No new children can come into the program. By the end of January—and this differs in different States—Virginia will have insufficient funds to continue the program. There are some States that are already experiencing running out of the funds they have for the program. Virginia has a little cushion, but that will take us only through the end of January if we don't reauthorize.

Here is something that makes matters worse in Virginia, and I think it is the case in most States. Our legislature is a part-time legislature. The legislature is not in session. The legislature does not come back in until January, and that will make it really difficult. We can't find time for solutions before then because the legislature is not in session. When the legislature comes back, that would be a lot to face in 2 weeks, which is when this program is going to expire.

Needless to say, the kids who use CHIP in Virginia are in all parts of the State. Just to give you some examples, the Hampton Roads area, the second largest metropolitan area in the State—Virginia Beach, Norfolk, and the Northern Neck—has over 5,000 kids who rely on CHIP. In far southwest Virginia, where my wife's family is from—Appalachia—nearly 6,000 kids rely on CHIP. It is a high poverty area, and in those parts of the State where poverty is high, CHIP is used in a very important way by families. The Shenandoah Valley, an agricultural area in western Virginia, has about 6,400 kids who rely on CHIP. There is not a county, there is not a city in Virginia where there isn't a child and a pregnant woman who rely on this program.

On September 18—now to the good part of my talk, the positive words from my colleagues—Senators HATCH and WYDEN introduced the bipartisan Keeping Kids' Insurance Dependable and Secure Act, which is a bipartisan compromise in the best traditions of this body, to extend the CHIP program for 5 years to give States sufficient time to plan their budgets and make sure that families don't face the uncertainty related to getting notice letters saying that the program may terminate.

I rise today to urge my colleagues to strongly support bringing this bill to the floor and providing certainty to the families and children who rely on CHIP. The possibility of all these families getting letters on December 1 saying that the program is possibly going to expire is just a needless uncertainty, and we should try to avoid that if we can, not just in Virginia but in every State.

My senior Senator, Mr. WARNER, is also a strong supporter of the program. I will give him some props. When he was Governor of Virginia—he preceded me as Governor—he was the one who focused on doing a better job of enrolling kids in the program. I give him credit for that, and I will take credit for my teamwork and for adding dental coverage to CHIP. But he was a great leader. He and I have together sent a letter to the Senate leader, Mr. MCCONNELL, asking if he would bring a bipartisan bill to the floor quickly on behalf of Virginia's children.

This bill was bipartisan in its introduction, and with the number of cosponsors and the historic, bipartisan nature of support for this program, if we can get a floor vote on this bill, I think we can pass it today and send it to the House and do so in a way that we would avoid the need to start sending out termination letters to families, needlessly increasing their anxiety.

I will conclude by saying that if we can bring this to the floor, I think we can get it passed. It is an urgent issue for children across the country—and even more than children in some ways. The children aren't wandering around every day thinking about their healthcare, but their parents are wondering every day, worrying desperately about their healthcare. This would be a bill that would help both children and parents.

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. BLUNT. 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. BLUNT. Mr. President, this week we are moving to confirm four Federal circuit judges. Because of that, it is a good week to talk about the critical role the judiciary plays and actually about the unique power our Constitution gave the courts to do the job they are supposed to do.

They are to provide a check and balance on the other two coequal branches of government—the executive branch and the legislative branch. Most importantly, the Federal judiciary provides Americans with an avenue with which to seek the rule of law, an avenue to know that one is going to be impacted by what the law says and what the Constitution says. It is a fundamental right of how we conduct ourselves, how we seek justice, how people should be able to make decisions about their families and about their businesses and about their financial futures as well as their personal futures.

That is why judges who believe in the rule of law and what the law says and what the Constitution says are so important and why it is important to have qualified and well-grounded judges—not just people who are really good lawyers but people who have an appreciation for how important it is that others can absolutely rely on the law and the Constitution. Those can be changed. There is a way to change them, but the way to change them is seldom on the Federal bench.

According to the Administrative Office of the U.S. Courts, as of this morning, there are 148 vacancies on the Federal judiciary. That includes two vacancies on the Eighth Circuit Court of Appeals. It includes the circuit judges of whose nominations we have not yet fully complied and approved this week, but there are 148 vacancies—jobs that are to be filled for as long as the people are able to serve. That is why healthy judges, younger judges, and judges who are well grounded can have such an impact for so long. The first major judicial accomplishment this year, in terms of the nominating process, was Judge Gorsuch, who 29 years from now will be younger than three of the judges with whom he is currently serving. These are decisions that will last well beyond a Presidency and well beyond the tenure of the Senators who will vote to confirm, and we have a chance to do that.

Of these judicial circuits, the Eighth Circuit is one my State of Missouri is in. As a matter of fact, the most recent data shows that while there are a handful of States in that circuit, one-third of all the cases that had been filed in the Eighth Circuit from September 2015 to September 2016 had come from our State, and I imagine that number will be about the same again this year. Reshaping the judiciary, generally, as well as what happens in the Eighth Circuit are important.

At the start of President Trump's term, 12 percent of all of the positions

in the Federal judiciary were vacant. The Congressional Research Service found that not since President Clinton took office has a President had the constitutional obligation to fill more judicial vacancies at the start of his term than President Trump. I, certainly, believe he made the right choice when he selected Judge Gorsuch to serve on the Court, and I have been enthusiastic about the other judges whom he has nominated, including the four we have had a chance to talk about and will continue to have a chance to talk about this week.

I think President Trump will continue to nominate judges who will, first of all, pay attention to the Constitution and what it says, who will apply the rule of law, and will not legislate from the bench. Those three hallmarks of how this Senate should define, and how this President has so far defined, what a judge is supposed to do not only can happen but can happen at this moment for—or at least as of January 20—12 percent of the judicial positions, and that number will continue to grow as judges, for whatever reason, leave the bench as judges decide to take early retirement. If at the end of the 4 years of this administration we have filled all of the vacancies that will have occurred, we will have filled more than 12 percent of those lifetime appointments. So it is really important that the Senate act to confirm these nominees and fill as many vacancies as are there to be filled.

Last month, the Federalist reported: ''Democrats are forcing more cloture votes than any early Presidency and demanding the full 30 hours of floor time per nominee that the Senate rules allow.''

Yesterday, at the press stakeout that we had outside of this room, I said that the Senate was designed to protect the rights of the minority, and that is a good thing. Just the fact that it would take 6 years to replace the entire Senate means that the country has to stay focused on one set of ideas if all of the Senators are going to reflect that one set of ideas much longer than the 2-year opportunity to change everybody in the House. Also, the understanding that the Senate provides that protection for minorities to be heard in a big and diverse democracy like we have is a good thing. In the points that we were making yesterday, I also said that the protections for the minority are always held onto, appreciated, and protected until the minority decides to abuse those protections. When that happens, the minority always loses the protection.

What we have had over and over again—47 times this year as compared to 1 time with President Obama for nonjudicial appointments, 5 times in the entire first Obama year up until this time in October, I believe, no times for either President Bush, and 1 time for President Clinton—is that the minority has taken a judicial nomination or another nomination and said we are going to insist on 30 hours of debate because the rules allow for 30 hours of debate. Well, the rules allow for 30 hours of debate for contentious nominees. The rules allow for 30 hours of debate when there is really going to be a debate. Last week, we had 30 hours of debate on a judge, but 20 minutes were spent talking in support of him while zero minutes were spent in opposing him. The 30 hours that could have been used for other purposes was gone.

Frankly, I think that was the reason the 30 hours was demanded—so the other work of the Senate had to be set aside so we could do the equally important work of letting the President put people in vacant positions that needed to be filled. That 30 hours will be changed if the minority continues to abuse it. It has happened in the entire history of the Senate, but that is what happens when you abuse these rules that protect you and give you rights. It will happen again here if this does not change.

We see the same thing happening this week. We have had lots of time this week—30 hours of debate, a final vote, and Democrats and Republicans vote. In fact, regarding the judge I mentioned a minute ago, 28 Democrats voted for that judge. There were 30 hours of debate, and not a single critical word was spoken in debate about the judge. A majority of the Democrats and virtually all of the Republicans voted for that judge. That is not an acceptable way to stop the Senate from getting to the other work the Senate needs to do. This is not basketball without a clock, where they used to effectively play the delay game. The delay game got abused, and the clock became part of the system. The clock will run faster here, too, if our colleagues do not begin to see the importance of what we do here.

NOMINATION OF DAVID STRAS

Mr. President, while these nominees have had cloture votes—again, President Obama, I think, only had one on a judge in his first year—there is one nominee, Minnesota Supreme Court Justice David Stras, in the Eighth District, which is the district again that Missouri is in, who has had his nomination held up. There is a rule sometimes that has been used in the Senate—almost always if a judge is being replaced that only affects your State—whereby a Senator can say: I am really opposed to that. In most of the history of the Senate, that kind of hold has been honored. It has not been honored on judges who represent another State, many States, or will be a judge in the circuit for many States just because they happen to come from your State.

The American Bar Association has said that Justice Stras is ''well qualified.'' It is its very highest rating. He received his bachelor's degree, with the highest distinction, from the University of Kansas, which is another State in this circuit. He received his MBA from the University of Kansas and his law degree from the University of Kansas. He clerked on the U.S. Supreme Court before practicing law and teaching at the University of Minnesota. Not only was he appointed to fill a vacancy on the Supreme Court in Minnesota, but he was elected. In fact, he was elected and received more votes than the person who is holding his nomination received when he was elected to that job.

I urge my colleagues to not only support his nomination but to do what we need to do to get these nominees to the floor and let everybody express their opinion and be given the time needed to do that, not to continue to abuse the rules, not to continue to hold these important vacancies hostage to getting anything else done because we have 30 hours of debate in which nobody decides to come and debate.

By the way, if we want to continue to allow Senators to hold nominations in circuits that their States happen to be a part of, in the Eighth Circuit, most of the work before that court comes from Missouri more than any other State. We would be glad to have an additional judge, and there is nothing that would prevent that.

The right thing to do here is to let the nomination of a well-qualified person come to the Senate floor and be debated, if there is debate to be had, and be voted on and to take one of those significant 140-plus vacancies on the Federal judiciary and fill it with a person who is well qualified, just like this week. In four other circuits, we intend to put three women and one man on those courts who will hopefully be able to serve long and well and will take their important philosophies to the courts with them when they go.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, thank you.

As we heard my colleague from Missouri saying, we have a great opportunity this week to confirm four outstanding individuals to the Federal circuit courts. These nominees are well-qualified individuals who have demonstrated a strong understanding of the proper role that a judge plays in our constitutional system.

I am especially pleased that we are considering three exceptionally talented women for the Federal bench. Federal circuit court nominations are extremely important. Circuit courts sit directly below the Supreme Court in our judicial system. Because the Supreme Court reviews relatively few or a smaller number of cases, many times the circuit courts have the last word in the majority of those cases, so it is essential that we have judges on the circuit court who will treat all litigants fairly.

When I think about what I want in a judge, I think fairness is the first thing that comes to mind. We want someone who treats litigants fairly, who shows respect for our Constitution, our statutes, and the controlling precedents.