

When someone tells you who they are, believe them. While I certainly believe that every American and corporation is entitled to vigorous representation by their lawyers, I also believe Senators must evaluate every nominee's full body of work. Let's be clear about how Mr. Robb has chosen to spend his professional life: helping management close plants and cut jobs, suing unions, delaying workers' rights to collectively bargain, and defending companies that violate workplace safety and fair pay laws.

At a time when corporate profits and executive compensation have skyrocketed and worker wages are stagnant, I have no confidence in Mr. Robb's ability to be a neutral arbiter between labor and management, let alone advocate for the safety and the well-being of America's working men and women. Our Nation's workers deserve a nominee who will protect their right to negotiate for fair pay and safe working conditions, not someone who has spent his entire career litigating against workers. I will be voting against Mr. Robb's confirmation, and I strongly urge my colleagues to do the same.

I yield the floor.

Mr. ALEXANDER. Mr. President, today we are voting on the nomination of Peter Robb for general counsel of the National Labor Relations Board, NLRB.

As general counsel, Mr. Robb will have the important job of helping workers who feel their right to organize collectively has been violated or assisting employers when some of their employees want to form a union.

Mr. Robb will have an opportunity to help restore the Board to the role of a neutral umpire in labor disputes.

While partisanship at the Board did not start under the previous administration, it became far worse.

When the Board is too partisan, it creates instability in our Nation's workplaces and creates confusion for employers, employees, and unions.

For example, in 2015, at the previous general counsel's urging, an NLRB decision dramatically expanded "joint employer" liability, and this increased liability makes it much more likely a company will find it more practical to own and operate its stores, taking away the opportunity for a worker to own and run their own franchise.

This decision was the biggest attack on the opportunity for small business men and women to make their way into the middle class that anyone has seen in a long time, threatening to destroy the American Dream for owners of the Nation's 780,000 franchise locations.

Or consider the previous general counsel's aggressive application of the National Labor Relations Act to protect certain employees' belligerent, threatening, and discriminatory conduct.

One troubling decision involved an employer that fired a picketing em-

ployee who engaged in racist and offensive conduct on a picket line.

The Board found that the employee's remarks were "racist, offensive and reprehensible," and violated the company's nondiscrimination policies and the union's conduct rules; yet the Board still ruled that the employer's discharge of the employee was unlawful.

This type of Board decision defies common sense and makes it more difficult for employers to maintain safe workplaces free of discrimination and harassment.

Mr. Robb is extremely qualified to be general counsel of the NLRB.

He currently works as the director of labor and employment at the law firm Downs Rachlin and Marin.

He served as chief counsel to NLRB Member Robert Hunter and was a regional field attorney for the NLRB in Baltimore.

Mr. Robb earned his B.A. in economics from Georgetown University and his J.D. from the University of Maryland School of Law.

His experience and prudence will serve him well at the NLRB.

I urge my colleagues to join me in voting to confirm Peter Robb for general counsel of the National Labor Relations Board.

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

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

#### NOMINATION OF WILLIAM WEHRUM

Mr. SCHATZ. Mr. President, the Senate has, actually, already considered Bill Wehrum to be the Assistant Administrator for Air and Radiation at the Environmental Protection Agency, who is the person in charge of the rules to administer the Clean Air Act at the EPA. This person has already been considered, and the Senate decided that he was not right for the job.

Over 10 years ago, President Bush nominated Mr. Wehrum to head the Office of Air and Radiation at the EPA. He was rejected because his 6-year record as an employee at the EPA told the Senators all that they needed to know. As the ranking member, Jim Jeffords, put it at the time: "Mr. Wehrum's disdain for the Clean Air Act is alarming." If you disagree with the foundational Federal law that we use to keep our air clean, then it is hard to believe that you can competently lead the EPA's efforts when it comes to protecting our right to clean air. A decade later, nothing has changed. Mr. Wehrum has done nothing that should change our minds about his ability to lead the EPA.

This, of course, is part of a pattern. This administration continues to nominate anti-science, pro-pollution, cli-

mate-denying people to lead the U.S. agencies that are in charge of science and climate.

Scott Pruitt has denied a century's worth of established science and basic facts that say that climate change is real, urgent, and caused by humans. He now leads the No. 1 Federal Agency that is charged with working on climate change.

Then there is JIM BRIDENSTINE, who hopes to lead NASA, which is one of our Nation's top science agencies. He, too, is still on the fence about climate change.

Meanwhile, 13 Federal agencies, including the EPA and NASA, just published a dire report that reads that greenhouse gases released by human activity are to blame for rising temperatures and severe weather throughout the world.

This is why Mr. Wehrum should not go any further. It is really very simple. Our own government scientists say that climate change is real, urgent, and caused by humans.

If you do not want to take their word for it, here in the United States in this year alone, a record number of category 4 hurricanes killed dozens of people and destroyed or damaged entire communities in the southern United States and Puerto Rico. Wildfires killed dozens of people and burned more than 8.4 million acres in the Northwest. Droughts lasting for months wiped out farmers' crops and forced ranchers to sell livestock in the Midwest. The city of Seattle had soot on cars from the wildfires. For a period, the State of Montana, depending on where you were, looked like it was literally on fire.

The U.S. Forest Service's budget is soon to be more than 50 percent firefighting. This is supposed to be the Forest Service for the conservation and management of our forests, and now it is the Federal firefighting of our forests. There have been 15 severe weather events this year that have resulted in losses exceeding \$1 billion. That is what insurance companies and reinsurance companies consider to be the threshold. They consider a big event—a catastrophic event—from an insurance standpoint to be a \$1 billion event. We had 15 of them this year in the United States. In the past 10 years, the U.S. Government has spent more than \$350 billion in helping communities recover from severe weather, and that is before our getting through with the various and necessary disaster supplemental budget requests that are coming down for Florida, Houston, and Puerto Rico.

Look, severe weather is a reality or whatever you want to call it. If you feel uncomfortable politically calling it "climate change," fine, but severe weather is actually already happening. It is now a moral issue, and it is a fiscal issue. It has taken a huge toll on our economy, on the American taxpayer, and on local communities. For the most part, we do not budget for

these costs because we have decided that these are one-time events, but they just happen to be one-time events that are occurring more and more frequently and that are costing more and more.

Because of the leadership vacuum that Scott Pruitt and Donald Trump have created, States and cities and the private sector have been stepping up so that the United States can stay on track to cut carbon emissions and fight climate change. Yet the Federal Government still has a responsibility here, not just a moral responsibility but a legal one, for the climate will keep changing, the costs will keep rising, and more and more people will feel the effects. Instead of stepping up so that our Federal debt does not balloon and our coastlines do not erode and our security is not threatened, this administration keeps nominating people like Mr. Wehrum to deny that climate is an issue and that the government ought to act.

Throughout his career, Mr. Wehrum has demonstrated antipathy for the very laws that he is now going to be tasked with upholding. When he held this position in an acting capacity in the 2000s—in other words, he was filling in until he was confirmed but was never confirmed—he was sued dozens of times for not doing his job. Time and again, the courts found that, in fact, he was putting special interests over science and over the public good. This is not just a rhetorical statement. These are 27 times that Mr. Wehrum lost in court for exceeding his authorities under the law.

Here is where he kept getting specifically into trouble. Mr. Wehrum is a former lawyer for the very industries that the EPA regulates—chemical companies, utility companies, the auto industry. This is the experience that he relied on while he worked at the EPA, which is fair enough so far, but when the Agency started working on a rule that regulated pollution from powerplants, Mr. Wehrum took language from his former law firm—again, which represented powerplants—and gave it to the EPA to put into the rule. In other words, the EPA did not look to experts and scientists to decide how best to regulate powerplants; it looked to the powerplants' lawyers.

Mr. Wehrum's job was to protect clean air and public health, and he failed at that job by siding with special interests over that mission. The courts actually stepped in 27 times, and he lost 27 times. One case went all the way to the Supreme Court under Mr. Wehrum. The EPA said that it did not have the authority to regulate carbon dioxide from automobiles, but under U.S. law, the EPA must regulate all emissions that are damaging to human health and welfare, and the Supreme Court has acknowledged that carbon pollution fits that description.

Just to be clear, under the EPA's responsibility to administer the Clean Air Act, the EPA does not just have

the authority to regulate carbon emissions; it has the obligation to regulate carbon emissions. In other words, anything that is airborne that causes harm to people, to public health, must be regulated. The EPA does not simply decide which of these airborne pollutants must be regulated; it has to regulate all of those pollutants that cause damage to public health. Clearly, carbon fits that category on a commonsense level, but the Supreme Court also decided that. There have been more intense storms, as we have seen from Hurricanes Harvey, Irma, Maria, and others, that are certainly bad for human health and well-being, and the Supreme Court has agreed. The EPA has the authority and the obligation to regulate these greenhouse gases.

We do not need to go through this again. Mr. Wehrum has already shown that he is not the right leader for the EPA. He will not commit to taking the necessary steps to address severe weather. He will not fight for clean air. He will fight for his former clients. This is not an accusation. It is based on exactly what he did when he was in the same position. It is the reason the Senate rejected him 10 years ago.

With this kind of information in front of us, there is no way we can put Mr. Wehrum back in charge of the office that is tasked with regulating carbon pollution, not when we are facing a planetary emergency, not when the fiscal and human costs of inaction are so clear. The EPA needs leadership that understands the crisis we are facing and that understands and is willing to do everything in its power to address it. Mr. Wehrum has clearly demonstrated that he is not the right person for this job. I will vote no on this nominee, and I urge my colleagues to do the same.

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

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

There will now be 30 minutes of debate, equally divided between the leaders or their designees.

The Senator from Colorado.

#### TAX REFORM

Mr. GARDNER. Mr. President, I rise today to talk about a historic opportunity that will soon be before this body. It is an opportunity to bring real relief to the American people. It is an opportunity to jolt our economy into a higher gear and bring real, tangible benefits to America's hard-working families.

It has been over 30 years since this country last reformed its Tax Code. Over those 30 years, we have seen a lot of change. We have seen the country move from Ataris to smartphones and Wi-Fi. This photo shows a Ford LTD

station wagon, which rolled off the assembly line 30 years ago. It is a car that any of us would have been excited to drive 30 years ago. Today we have cars that drive themselves. Unfortunately, we still have a tax code that is made for this LTD.

So while the world has changed around us and other countries have learned to craft tax codes to entice businesses to grow, our code has gotten more and more out of date and more and more laden with special-interest giveaways. Our Tax Code has turned Main Street into a dead end and our overseas growth into a one-way street.

Reforming the code is not only a way to give us an opportunity to end those giveaways, but it can also boost our economy. I applaud our colleagues in the House, who last week introduced and are working on a proposal to overhaul the tax system. In the coming days the Senate Finance Committee will introduce their own legislation.

While I will mostly focus my comments today on one aspect of tax reform, I will note that on Friday the Tax Foundation released its analysis of the House tax proposal. This analysis concluded that the House proposal would create 975,000 full-time-equivalent jobs and push GDP 3.9 percent higher than it would otherwise be. Taking into account the economic feedback from the proposed reforms, this means taxpayers would end up with 4.4 percent higher income. In other words, they will make greater, higher income as a result of the bill that the House is working on today. Indeed, the Tax Foundation concluded that the total after-tax gain in income for a middle-class family would be nearly \$2,600.

Importantly, for my constituents in my home State of Colorado, the gain would be over \$3,000. These are serious gains that will bring real, meaningful benefits to hard-working Americans. This is just the starting point for our reform. This number is over \$3,000 of impact to the people of Colorado of additional income and tax relief. When a significant segment of Americans don't even have access within 24 hours to just a few hundred dollars, a \$3,000 a year gain is a significant amount of money.

Today I would like to focus on one part of the tax reform package, and that is the lowering of taxes on America's job creators. Because we have this clunky Atari-era Tax Code—this Ford LTD station wagon Tax Code, our tax rates are no longer competitive. They encourage companies to invest abroad rather than right here at home in the United States. Back in 1986, when this car rolled off the assembly line, our corporate rate was competitive. It didn't discourage companies from investing in the United States.

Things have significantly changed since 1986. Foreign countries have figured it out. They lowered their tax rates, and now the United States has the highest corporate tax rate in the