

Kaine	Murphy	Smith
King	Murray	Stabenow
Klobuchar	Nelson	Tester
Leahy	Peters	Udall
Manchin	Reed	Van Hollen
Markey	Sanders	Warner
McCaskill	Schatz	Warren
Menendez	Schumer	Whitehouse
Merkley	Shaheen	Wyden

NOT VOTING—3

Jones	McCain	Rounds
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The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48.

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 Russell Vought, of Virginia, to be Deputy Director of the Office of Management and Budget.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS and Mr. HEINRICH pertaining to the introduction of S. 2458 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

REMEMBERING URSULA K. LE GUIN

Mr. WYDEN. Mr. President, I rise today to honor the extraordinary life and work of one of Oregon's finest, Ursula K. Le Guin, who, after a long life, passed away in my hometown of Portland on January 22 at the age of 88.

You would have a tough time overstating Mrs. Le Guin's impact on American literature, particularly on the genres of fantasy and science fiction. She didn't invent science fiction or fantasy literature, but what she did, in true Oregon fashion, is redefine them.

Millions of school children in Oregon and around the world know her best as the author of the unforgettable Earthsea series. She also wrote essays, poetry, and short stories throughout her life. To the end, she fiercely resisted the constant attempts to pigeon-hole her as a sci-fi author.

Over five decades, she upended conventions, shattered ceilings, and inspired generations of readers and authors. She is going to be missed, even as her legacy lives on.

Ursula Le Guin was born Ursula Kroeber on October 21, 1921, in Berkeley, CA. Her parents were both successful anthropologists who encouraged their kids to think and to question. Exposed to mythology and science fiction at an early age, she soon grew tired of what she would later describe as White men and soldiers going forth and conquering the universe.

A shy young woman, she escaped the anxieties of adolescence by reading authors like Austen, Shelley, and Tolstoy in her local public library. She went on to Radcliffe College, graduating Phi Beta Kappa in 1951. She earned a master's degree from Columbia University the following year and won a prestigious Fulbright scholarship to continue her studies in Paris.

She met fellow Fulbright scholar Charles Le Guin on her way there, and they were married shortly thereafter.

The pair returned to the United States and ultimately settled in Oregon in the late 1950s, when her husband took a job at Portland State University. She focused on the couple's three children and on her writing, returning to science fiction with "Rocannon's World" in 1966. Two years later, she published "A Wizard of Earthsea," the first in a series of highly acclaimed fantasy novels that have remained in print to the delight of millions.

I can't imagine it is an easy feat for any author to create an entire universe that sticks in the minds of readers for generations. In building Earthsea, Mrs. Le Guin joined that elite group of fiction writers, like Tolkien and C.S. Lewis, who have done just that.

More impressively, she used her writing to push back against social injustices and social constraints. She wrote about environmental destruction, about feminism and gender inequality, about racism, about war and peace. She wrote about women protagonists and about non-White heroes when they were even less commonly highlighted than they are today. She wrote about multidimensional characters and others who sought to better themselves and their societies rather than bend others to their will.

The more Mrs. Le Guin wrote, the more people would read, and the more the awards started to pile up. She racked up awards in the course of her career like few authors have—multiple Hugo, Nebula, and Locus Awards, a National Book Award, a Newbery Medal, and a Pushcart Prize. In 1977, she was shortlisted for the Pulitzer Prize.

She twice won the Hugo and Nebula Awards in the same year, for 1969's "The Left Hand of Darkness" and in 1974 for "The Dispossessed."

I would be here until next week if I tried to list all of her achievements, but because we have a rule in the Wyden household against filibustering friends, let me just say that in 2000, the Library of Congress made official what all of Oregon had long known. It declared that Ursula Le Guin was a "Living Legend" for her contributions to American literature.

The fact is, we love our bookstores, and I very often kid Michael Powell and my wife Nancy that they are the LeBron James and Damian Lillard of bookstores. The fact is, Mrs. Le Guin has been in demand in bookstores and libraries for decades, and she has always been sharing that wisdom in her books with visitors near and far. Thanks to her example and her influence, generations of women writers have blazed new trails and defied old dogmas.

As a dad who knows full well the importance of reading in a child's life, this is really a special honor today to be able to stand before this distinguished body and remember Ursula K.

Le Guin, her life and her legacy. Her pioneering writing is going to continue to make readers challenge their conceptions and contemplate their role in this enormously vast universe for decades to come. Her long career's worth of great works will be treasured far into the future. I especially appreciate the opportunity to recognize the extraordinary work of a woman who did so much to promote writing and attract young readers at home in Oregon and the chance to have been able to recognize Ursula Le Guin today before the U.S. Senate.

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. 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 ask unanimous consent to speak for up to 20 minutes as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for my 198th "Time to Wake Up" speech with my increasingly dog-eared and beaten chart.

My last two speeches focused on, shall we say, the peculiar role two of this country's largest trade associations play on climate change. They have dozens and dozens of member companies that support action on climate change. Renewable energy now provides more jobs than fossil fuels and lots of American manufacturing. Yet the U.S. Chamber of Commerce and the National Association of Manufacturers spend millions and millions of dollars lobbying Congress against climate action, against renewables, and in favor of the fossil fuel industry. Go figure.

In 2016, Senator WARREN and I surveyed the 108 companies on the chamber of commerce's board, and we couldn't find a single one that would endorse the chamber's anti-climate lobbying—not one. Many of these companies had very public pro-climate positions. None said they had even been consulted by the chamber about the chamber's anti-climate crusade.

The U.S. Chamber of Commerce's war on climate action isn't just in lobbying Congress. It also spends tens of millions of dollars in elections, using political attack ads to sink pro-climate candidates. So I asked in my last speeches: Why? Why does the chamber and NAM advance the special interests of the fossil fuel industry, opposing climate action, ignoring their own pro-climate members, and turning their backs on the whole renewable energy and green technology economy? Why, indeed.

Well, today I would like to talk about a fossil fuel trade association—the American Petroleum Institute,

API. API is a slightly different beast than the chamber and NAM. It represents the oil and gas industry. You wouldn't expect it to care about renewable energy or green technology. API's policy positions should align with the big oil companies it represents, but it gets complicated. It gets complicated because the big oil companies all claim to support action on climate change. Here is what ExxonMobil claims: "The risk of climate change is clear and the risk warrants action."

In 2009, then-Exxon CEO Rex Tillerson said the company supported a price on carbon. That is supposedly ExxonMobil's position today.

Here is Shell on carbon pricing: "The transition to low-carbon solutions is best underpinned by meaningful government-led carbon 'pricing' mechanisms."

On the Paris Agreement, Exxon publicly supported the Paris Agreement, as did Chevron, as did Shell, as did BP. In addition, BP and Shell signed on to an initiative to eliminate methane flaring.

So summing up, all of the major oil companies supported the Paris Agreement. Three out of four, including ExxonMobil—the big kahuna—publicly support putting a price on carbon emissions, and two of them even support eliminating methane flaring.

So where is the American Petroleum Institute on these policies? Let's start with the Paris Agreement. API funds a group called the American Council on Capital Formation, which, along with the Chamber of Commerce, funded the debunked study claiming that the Paris Agreement would cause massive job losses and huge costs. This debunked report was cited by President Trump as justification for withdrawing from the Paris accord. So API funded the report used as a basis for withdrawal—but wait. It gets better. The authors of this API-funded study are the same two characters API hired way back in 1997 and 1998 to write similar reports critical of the Kyoto Protocol. The Kyoto Protocol, of course, was violently opposed in the Senate by the fossil fuel industry and API.

So here we are 20 years after Kyoto, and API used almost exactly the same playbook—even the same personnel—against the Paris Agreement that they had used against the Kyoto accord, except that this time API paid for the report through a front group to hide API's hand in torpedoing the Paris Agreement. How do you relate that to the stated position of the four oil majors for the Paris Agreement? You would have to ask API to explain.

So now let's look at API's position on carbon pricing, which three out of those four oil majors say they support. API's President has claimed that his organization doesn't have an official position on carbon pricing, but if you take a look at API's website, it is loaded with comments critical of putting a price on carbon, and API also funded yet another study claiming that a price

on carbon emissions would be bad for the economy.

On the issue of methane flaring, API out front led the charge against Department of the Interior and Environmental Protection Agency rules. Its lobbying campaign has paid off, as two of Trump's fossil fuel stooges, Interior Secretary Ryan Zinke and EPA Administrator Scott Pruitt, are busily trying to dismantle these rules. Luckily, they are not very bright about it, and courts keep upending their schemes.

Let's look at the lobbying. Big Oil money provides much of API's power in the Halls of Congress. API has spent over \$100 million lobbying the Federal Government, and apparently its lobbying goes against the wishes as stated by its biggest clients, the four oil majors. If you look, there is a big bump up in 2009 and here through 2016—the Obama years—when they wanted to go in and stop all kinds of progress on climate change.

In this building, we all know perfectly well that API is not here lobbying for a price on carbon. We know perfectly well that if a Republican were to say, "I am for a price on carbon," or sign on to a bill, they would probably get a visit from API saying, "Whoa, not so fast there, partner." We know perfectly well that they are not in this building lobbying for the Paris accord.

So why the discrepancy? Is it possible that all of this money—\$100 million—is being thrown around without the approval of the big oil companies? Has the American Petroleum Institute sort of gone off on its own, off the leash, free range, running away from the oil companies? It is a puzzle, this vast gulf between the pro-climate policies the oil majors say they support and the anti-climate policies the API lobbyists support.

I said one possibility is, Big Oil doesn't know how its lobbying money is being spent. Maybe those CEOs have lost control of their own trade association and don't even know it. I mean, after all, around here, who pays attention to their own lobbying operation, anyway? Maybe the \$100 million is such chump change to the big oil companies that they have just lost track of it, like we might lose change in our couch cushions.

Maybe—cover your ears, young pages, because I may say something shocking here—maybe it is a scam. It is totally shocking that a big corporation will say one thing and do another. What a concept, but it is a concept that works out great for Big Oil. The Big Oil CEOs get to go to cocktail parties in Davos or on Fifth Avenue. They get to go to international conferences, and with all their sophisticated friends, they get to say: Hey, we are not a bunch of science-hating, heads-in-the-sand climate deniers. We have sensible climate policies.

At the same time, they can send their lobbying goons out to make sure no one in Congress takes that "sensible climate policies" nonsense seriously. It

is great. Have your front group do your dirty work for you, fill your websites with happy assurances, while you let API loose on Washington to crush any pro-climate policies that might actually reduce carbon emissions and threaten your bottom line.

Hypocrisy? Yes, but then hypocrisy is famously the tribute vice pays to virtue. I suppose it is at least a start. It is a sign that we have reached the point where Big Oil recognizes the need to try to at least look virtuous. That is a start, but it still leaves us with this huge disconnect between the pro-climate policies the big oil companies claim to support and their American Petroleum Institute's relentless anti-climate lobbying.

Remember, throughout the oil industry's decades-long campaign against climate action, they knew all along. Exxon knew decades ago about the effects of carbon pollution, but they worked through an elaborate web of front groups to propagate doubt and denial about the science they knew.

Shell knew too. In 1991, Shell even produced a documentary warning about the serious threat climate change posed to the future of civilization. Despite acknowledging this threat, Shell, like Exxon, continued to fund API and other front groups that sought to mislead the public about climate change and opposed climate action here in Congress.

Exxon's trade group—this American Petroleum Institute—also knew. They knew of the reality of climate change. They knew it was caused by carbon emissions from fossil fuels, and they knew of the danger it poses. Way back in 1959—almost 60 years ago—API was warned by an eminent scientist that if we kept burning fossil fuels, we would increase the concentration of carbon dioxide in the atmosphere. Back in 1959, they were warned. The prediction they received was that it would warm the atmosphere, melt the icecaps, and submerge coastal cities and towns, as we are beginning to see along the Florida coastline right now. That was the prediction in 1959.

In 1959, the concentration of carbon dioxide in the atmosphere was 316 parts per million. Then, in 1968, a group of scientists API had itself commissioned warned API that significant temperature changes could occur by the year 2000 and that, ultimately, potential damage to the environment could be severe. By 1968, the atmosphere concentration of CO₂ was up to 323 parts per million.

In 1980, scientists hired by API again warned API that carbon emissions from burning fossil fuels were likely to have catastrophic effects. By 1980, the atmospheric concentration of CO₂ was 339. In 1983, API disbanded the scientific working group it had created to study global warming. Apparently, API didn't like what it was hearing so, in 1983, they shut it off. There is a legal term for when you are on notice but

then just turn away; it is called “willful ignorance.” By 1983, the atmospheric concentration of CO₂ was 343 parts per million.

Then came 1999, when James Hansen’s famous Senate testimony threatened API’s willful ignorance scheme. So API and its Big Oil members founded a front group with the misleading name Global Climate Coalition. What is it with these front groups and these people, anyway? Why is it always these front groups? Global Climate Coalition began to spread falsehoods and disinformation about climate science, even though in 1989 they knew. In 1989, they had known for 30 years, since that first report in 1959, and by 1989 the atmospheric concentration was 353 parts per million.

In 1993, API hired one of the same men who wrote those phony Kyoto and Paris reports that I mentioned to write a report attacking President Clinton’s so-called Btu tax on fuel sources. In 1993, the CO₂ concentration in the atmosphere was up to 357 parts per million. In 1998, API did that report attacking the Kyoto Protocol. It also commissioned what it called its Global Climate Science Communications Plan, a plan designed to mislead Americans about climate science. By 1998, the atmospheric concentration of CO₂ was 367 parts per million.

In 2009, API fought and killed the Waxman-Markey cap-and-trade legislation that would have controlled carbon emissions. By 2009, the atmospheric concentration of CO₂ was 387 parts per million.

Now here we are in 2018. API is still fighting climate action. The concentration of carbon dioxide in the atmosphere is now 407 parts per million, almost 30 percent higher than it was when API probably first learned what climate science meant. As we have kept dumping carbon pollution into the atmosphere, temperatures and sea levels have indeed steadily risen—just as API was told they would. They knew, but they lied.

For decades, they lied on a massive industrial scale. They lied through phony science. They lied through phony front groups and bogus studies. They lied through talk shows. They lied through rightwing media. They lied through AstroTurf, and well-paid PR firms. They lied for decades, and now the American people have to pay the price of climate change to the tune of hundreds of billions of dollars.

So, from their point of view, what the heck? After decades of lying about climate change, what is a little discrepancy now between what Big Oil CEOs say and what Big Oil lobbyists do? The industry’s sophisticated and expensive disinformation and lobbying campaign has blockaded climate action in this country for more than half a century. When you have been lying that long, maybe it is a hard habit to break.

Looking back at this whole scam, I guess API and its members actually see

it as a win—nearly 60 years of industry profits they protected behind the barricade of lies, but at what price to our country? At what price to Americans whose lives have already, in many cases, been upended by climate change? At what price to people around the world who will suffer the effects of climate change and one day want an answer about why America, through all this period, let this take place—why America let them down.

The time for deception, the time for front groups, for misinformation, for inaction is over. API and its fossil fuel allies over at the U.S. Chamber of Commerce and National Association of Manufacturers have blocked climate action in Congress long enough. Look at the price we paid to allow the fossil fuel lobby to dictate climate policy in this great body. Four hundred seven parts per million is a measurement, and it is a measurement unprecedented in the full span of human history on this planet.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

INDIAN HEALTH SERVICE

Ms. WARREN. Mr. President, I rise today to call on President Trump to nominate a Director for the Indian Health Service.

There are many critical issues facing Indian Country—economic development, infrastructure, protection of Native lands, respect for Tribal governments—and after years and years of broken promises, discrimination, and neglect, Washington owes Tribes a fighting chance to build stronger communities and a brighter future.

The Federal Indian trust responsibility means that Washington has a basic legal obligation to the Tribes. Washington also has a fundamental moral obligation, and that starts with basic healthcare.

American Indians have treaty rights to healthcare from the Federal Government, but the U.S. Government cannot fulfill our treaty obligations if key posts, such as the Director of IHS, lay vacant for years.

The IHS is a big deal. It is the primary Federal healthcare provider for American Indians and Alaska Natives. It serves 2.2 million people spread across 36 States. It has a budget of nearly \$5 billion annually. The IHS provides care through more than 660 clinics, hospitals, and health stations on or near reservations, many of them in remote and rural locations located hours away from other health facilities. It serves more than 13 million outpatient visitors a year.

The doctors, nurses, and other healthcare providers at IHS hospitals

and clinics do everything from delivering babies, to providing dental services, to fighting the opioid crisis.

Right now, more than a year into President Trump’s term, there is still no permanent leader at the Indian Health Service. Two weeks ago, the nomination for IHS Director was withdrawn, and there hasn’t been a Senate-confirmed Director for years. This leadership vacuum creates a serious problem. The IHS cannot engage in long-term planning without a permanent Director at the helm. It cannot officially fix problems at hospitals that failed inspections and where Medicare and Medicaid funding is in jeopardy. It cannot move as decisively to ensure that IHS facilities stay open. It cannot implement agency-wide standards for quality of care, as the Government Accountability Office has recommended. The IHS cannot prioritize competing issues, solve serious and longstanding problems, or work through how to meet multiple goals more effectively.

Its relationship with other Federal agencies is weakened without a stable leader—critical relationships with the Centers for Medicare and Medicaid Services, the Office of Management and Budget, the Substance Abuse and Mental Health Services Administration, and the rest of the Department of Health and Human Services. It cannot ensure that programs like the Special Diabetes Program for Indians, which has created real, positive outcomes, is implemented as well as possible. The IHS cannot work out a direction for the Service and hold a single stable leader accountable for doing a good job.

The IHS faces serious challenges that require the attention of a permanent, dedicated Director. The agency is underfunded and has been underfunded for a long time. As a result, its facilities often lack medical equipment that many Americans take for granted when they visit a clinic or a hospital, like an MRI machine or a functioning operating room. A 2016 report by the inspector general of the U.S. Department of Health and Human Services found that IHS hospital administrators have had difficulty recruiting and retaining critical staff. Aging hospital buildings and outdated equipment also raise concerns about patient safety. The inspector general cites concerns about corroded pipes leaking sewage into the OR and not being able to find replacement parts to fix old equipment the hospitals are relying on. Doctors and nurses should be able to focus on helping their patients get well, not on whether the building is habitable and basic facilities are available.

There are also serious staffing shortages. At its Great Plains facilities, for example, IHS vacancy rates have reached 37 percent. Compare that to my home State of Massachusetts, where only 6 percent of nursing jobs were vacant in 2015.

Tribal leaders are understandably concerned about the direction of an