

Those four conditions don't make a great scenario. That is a warning we need to start considering. What should we do?

Everyone seems to agree on two safety measures. First, there is one sensible hedge: Don't invest all in fossil fuel. Invest more in renewables. Be on the winning side of the shift. Start making carburetors, not just a mule harness. There is also one important, sensible economic strategy; that is, to manage the transition.

As one paper on this subject concluded, "The issue of concern is the lack of any transitional strategy. . . . Inadequate, conflicting or slow responses to climate change in investment and finance can entail risks that could be avoided under a more orderly transition."

You could equate it to jumping out of an airplane. You are going to end up on the ground anyway. Wouldn't you like a parachute to make it a gentler and more survivable voyage? What is the parachute but a transition plan for managing this shift? The best one is a price on carbon.

This takes us back to the discreditable conduct of the fossil fuel industry, which, far from leading through this transition, far from trying to build itself a parachute, is busily still trying to deny that there is any such transition, including, in my view, their falsely reporting to shareholders that this is all going to be OK, and we are going to be able to extract and sell all of our reserves. This is an industry that is still fighting like a wounded bear to prevent anyone from organizing the orderly transition they need.

At some point, there has to be a grownup in the room. The fossil fuel industry has shown no capacity for that role, which makes it up to us in Congress to help America prepare for both the predicted crash in coastal property values, as sea level begins to enter the mortgage and insurance horizon for those properties, and the predicted carbon bubble we see coming and that economists write about coming that we can manage our way through if we are responsible. In that regard, it is time for us to wake up.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Ms. HIRONO. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 BRETT KAVANAUGH

Ms. HIRONO. Mr. President, there was a time when Blacks and Whites couldn't get married or go to the same school. The Supreme Court changed that. There was a time when gay people could be arrested for loving one another and when it was illegal for them to get married. The Supreme Court changed that. There was a time when

thousands of women died from having illegal, unsafe abortions. The Supreme Court changed that.

The Justices on the Supreme Court matter to each and every one of our lives. That is why there is so much concern over President Trump's nominee to fill the vacancy on the Supreme Court—Judge Brett Kavanaugh.

Rightwing groups, like the Heritage Foundation and the Federalist Society, have been working for decades to set the stage to pack our Federal courts with ideologically driven conservatives. They have invested millions of dollars and decades of time in this effort. These two organizations have played the primary role in vetting and selecting Donald Trump's nominees to the Supreme Court. By including Judge Kavanaugh on their list of potential nominees, these two organizations certainly expect that he will reflect their own ideological perspectives, which include overturning *Roe v. Wade* and repealing the Affordable Care Act, the ACA. They certainly expected Neil Gorsuch—another name on their list—to do the same when he got on the Supreme Court. In the short time he has been on the Court, Justice Gorsuch has not disappointed them.

Is it any wonder that millions of people across the country are raising concerns over the nomination of yet another nominee on the Federalist Society and Heritage Foundation's wish list? Isn't it reasonable to conclude that Judge Kavanaugh will also reflect the ideological agendas of these organizations?

This is why Judge Kavanaugh does not deserve the benefit of the doubt. He has the exceptionally high burden of proof to assure the American people he can be fair and objective. The Senate has a constitutional obligation that is equal to the President's to vet a President's nominee to the Supreme Court and fulfill its advice and consent obligation responsibilities. I take this responsibility seriously because a fight for the future of the Supreme Court will have ramifications for so many issues that we care about.

Our Federal courts have been at the center of the Republican Party's strategy to dismantle, gut, and weaken the Affordable Care Act, the ACA, since it was passed over 8 years ago. The Supreme Court narrowly upheld the constitutionality of the ACA's core provisions in 2012. The ACA provides affordable, accessible health insurance to millions of people in our country who would otherwise not have such insurance. But the Republican Party's effort to sabotage this critically important law through the courts continues unabated.

Right now, Texas and 19 other States have a lawsuit pending in Federal court that claims, among other things, that the Affordable Care Act's protections for Americans living with pre-existing conditions—illnesses such as diabetes, asthma, and cancer—are invalid. The Trump administration filed

a brief supporting Texas in its attack on the ACA's protections for millions of people in our country with pre-existing conditions. This case will likely end up before the Supreme Court. If Texas wins its lawsuit, the healthcare of millions of Americans will be at stake—meaning one in four Americans could either lose their health coverage or pay exponentially more for healthcare.

The outcome of this case is personal to millions of Americans and their families, and it is certainly personal to me. A little over 1 year ago, I was diagnosed with kidney cancer. I was fortunate. I have health insurance that allows me to focus on fighting my illness rather than worrying about how I will pay for my treatment. I now join the millions of Americans living with a preexisting condition—illnesses that don't discriminate on the basis of age, gender, or political ideology.

As this case makes its way to the Supreme Court, the American people should not forget that Donald Trump and this administration have been openly hostile to the ACA, a law that has helped millions of people. In fact, the President has openly bragged about all the things he has done to gut the ACA. Does the President expect his nominee, Judge Kavanaugh, to protect the ACA? I don't think so—quite the opposite.

The next Supreme Court Justice will also play a determining role in the future of a woman's right to make her own reproductive health decisions. I remember vividly the stories of women dying in America, unable to access safe, legal abortions. The fight for reproductive freedom, prompted by these stories, was one of the reasons I got involved in politics.

When I was in college, the first letter I ever wrote to Hawaii's congressional delegation was about abortion at a time when our State legislature was debating whether to legalize abortion. Hawaii became the first State in the country to do so. Those of us who lived in a time before *Roe v. Wade*, when a woman was forced to have a child against her will, are deeply concerned about the future of a woman's right to have an abortion, to have that freedom of choice.

Throughout his campaign for the Presidency, Donald Trump repeatedly promised to appoint Justices to the Supreme Court who would favor overturning the core holding in *Roe v. Wade*. The Heritage Foundation and Federalist Society share this goal, and it is not a stretch to assume that the names they included on their Supreme Court wish list hold the same views.

Judge Kavanaugh's record on this issue is deeply troubling and of significant concern. Last year, Judge Kavanaugh issued a dissent in a case that granted a 17-year-old immigrant in the custody of the Department of Health and Human Services, HHS, the right to get an abortion. Kavanaugh argued in his dissent that holding the

young woman in custody, refusing to release her for a medical appointment for a procedure until HHS was able to find her a sponsor who would serve as a foster parent, was not an undue burden under the Supreme Court's legal test.

He did not consider holding someone in government custody to be an undue burden. This is the view of someone who will not follow the law as it is currently set forth by the Supreme Court if confronted with challenges to Roe. Let us remember, it is the Supreme Court that sets precedent, and that can happen if Judge Kavanaugh is on the Court. Really, his dissent in this case is a view of someone chosen for a reason, ready to fulfill Donald Trump's campaign promise to see *Roe v. Wade* overturned.

This fight matters. Who sits on our courts matters. How we exercise our constitutional duty to examine a nominee for the highest Court in our land matters. Just as well-financed conservative interests have spent decades setting the stage for the court packing going on today, those of us who oppose this agenda need to mobilize, resist, and stay engaged for the long haul in the fight for a fair and independent judiciary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DEPARTMENT OF DEFENSE OVERSIGHT

Mr. GRASSLEY. Mr. President, I come to the floor today to discuss the continuing need for addressing hard-hitting oversight of the Department of Defense. That need for oversight is as great today as it ever was. Waste is alive and very well at the Pentagon.

I have a poster, a blowup of a cartoon published in the Washington Post in 1985, during my early years in the U.S. Senate. It shows Ernie Fitzgerald, a famous whistleblower, confronting what are quite obviously his chief adversaries, the big spenders at the Pentagon.

As a senior Air Force official, Ernie Fitzgerald committed a crime. He says he "committed truth." Ernie Fitzgerald is famous for, in 1968, exposing a \$2.3 billion cost overrun on the C-5 aircraft program. In those days, having a senior Pentagon official like Ernie Fitzgerald speak the truth about a cost overrun on a high visibility program was unheard of. In fact, it was dangerous. It was so dangerous that it cost Ernie Fitzgerald his job. That is why I like to call Ernie Fitzgerald the father of whistleblowers.

The cartoon also depicts the infamous \$640 toilet seat that made history back in those days as one example of the terrible waste at the Defense Department. That happened in 1985, when I, as a first-term Senator, began watchdogging the Pentagon. After a report uncovered a \$640 toilet seat and a \$400 hammer, I began asking very tough questions, such as: How could the bureaucrats possibly justify paying such exorbitant prices? I am still waiting for a straight answer.

A lot has changed since the 1980s. The internet, which was in its infancy in the 1980s, is now a part of everyday life. Mobile phones back then were once the size of bricks. Now those mobile phones can fit in the palm of your hand and do a lot more work than just making telephone calls. But one thing hasn't changed in all those decades—wasteful Department of Defense procurement practices.

Since I began my work on this issue, there have been 6 Presidents and 12 Secretaries of Defense, yet the problem of wasteful spending at the Defense Department keeps going on. Since those earliest revelations, there has been a steady flow of new reports on spare part rip-offs. No political party is immune from these horror stories.

During the administration of George H.W. Bush, oversight efforts uncovered soap dishes that cost \$117 and pliers that cost nearly \$1,000. In some cases the Department of Defense admitted that some high prices didn't pass the smell test.

True, better deals were negotiated. People tried to make some changes, but to offset losses on lower prices, the contractors jacked up overhead and management charges, making the overall contract price the same.

Exercising oversight on these contracts is like working with a balloon. You know the famous balloon—when you squeeze it in one place, the problem pops out someplace else.

Under President Bill Clinton, a report by the Government Accountability Office—we know it here as the GAO—revealed that one defense contractor paid its top executives more than \$33 million a year, an amount that was reimbursed by the Federal Government as part of a contract.

I happen to agree that a company has a right to pay its executives whatever it wants; however, when the government enters into cost-reimbursement contracts, those contracts in which the government directly repays the company for costs incurred instead of paying a fixed price, the contractor loses incentive to control costs, and top executives draw sky-high salaries at the taxpayers' expense.

I introduced an amendment in the 1997 Defense authorization bill to curb executive compensation billed directly to the taxpayers, but as you might expect, with the respect the Defense Department has in this body, that amendment was voted down.

During the Bush administration in the early 2000s, I worked with the GAO to expose abuse of government charge cards by Defense Department employees. We found some truly egregious expenditures—for examples, over \$20,000 at a jewelry store, over \$34,000 on gambling, and over \$70,000 on tickets to sporting events and Broadway shows. In some cases, employees who spent thousands of taxpayer dollars on personal expenses—way beyond anything that was an ordinary business expense—were not only not asked to

repay the money to the taxpayers but oddly were promoted and even issued new charge cards. Instead of being held accountable, it is quite obvious they were rewarded for their illegal activity.

During the Presidency of President Obama, I pressed the Pentagon to answer for a \$43 million gas station built in Afghanistan. This project was revealed as part of an audit conducted by the Special Inspector General for Afghan Reconstruction. When I pressed for answers, the Defense Department responded by saying that the direct cost was actually only \$5 million, but the number didn't include the massive overhead costs charged to the project, which pushed the overall price tag up to that \$43 million. Anybody anywhere else—outside the beltway—knows that doesn't meet the smell test, and that is not even a commonsense answer to my overall question. How did we waste \$43 million there?

Even more alarming is what happened to the rest of the \$800 million provided for other business development projects in our efforts to help Afghanistan recover. Auditors could only find documentation to support about half of the money spent, leaving about \$400 million unaccounted for. This kind of sloppy bookkeeping means we may never know how the rest of the money was spent. Was it used for unauthorized purposes or pocketed by crooked people? We will probably never know.

Now, under the Presidency of Donald Trump, over 30 years since all this started with me, the overpriced airborne toilet seat has really gained altitude. Instead of the \$640 that this cost, the new pricetag was reported by the Air Force to be \$10,000, and that happens to be only for the lid of the toilet stool. One American can tell you that \$10,000 for a toilet seat cover is ridiculous. Americans work too hard to see their precious tax dollars flushed down the toilet.

I asked the Department of Defense for confirmation that the seats cost \$10,000. They still haven't answered my letter, but after my inquiry, the Department of Defense has changed their story. They clarified to the media that they are now 3D printing the toilet seat lids for much less, but they never answered my questions. We don't know how many seat covers were purchased at the \$10,000 pricetag; we don't know when they moved to 3D printing instead of purchasing; and we still don't have documentation or official confirmation on the true price of toilet seat lids.

Even if the issue of the toilet seat has been sorted out, it is clear the Department of Defense still does not have a grip on spending. OIG reports have revealed that the Pentagon frequently overpays for simple parts and does not perform adequate cost analysis.

One of the primary culprits for continuing waste and misuse of tax dollars is the Department of Defense's non-compliance with the congressional