

as a result of the healthcare policies this administration has pursued and cheered.

Even worse—and I touched on this yesterday—the administration is bringing back to life junk insurance, letting fraudsters get back into the insurance business with health plans that aren't worth the paper they are printed on. It takes me back to my days as co-director of the Oregon Gray Panthers. Back then, I met older people who sometimes had 15 or even 20 private insurance policies to supplement their Medicare. Those policies were junk. Some of them were just out-and-out scams.

So the Congress passed a law. I was proud to be a part of that bipartisan coalition to change it to protect older people. The law worked. We drained the swamp when it came to those fraudsters ripping off seniors. Then 8 years ago, some of the key parts of the Affordable Care Act put consumer protections in place so that nobody of working age would get ripped off with junk insurance. It is those policies and those people that the Trump administration would let the fraudsters exploit because the Trump administration wants to undo those protections against fraudsters who are ripping off those of working age.

They have already taken steps on what are called Association Health Plans. Next up are short-term plans that are likely to be even worse.

What this comes down to is the Trump administration's tradition of turning back the clock on healthcare and allowing junk insurance to discriminate over preexisting conditions and age. This is going to be a big test for Mr. Azar if he is confirmed.

I would just ask my colleagues: We will see if Mr. Azar is going to look the other way and allow scam artists to peddle junk coverage, or is he going to protect Americans who need care and health coverage they can count on?

There is also an array of discriminatory policies with respect to women's health. They tried to take away guaranteed no-cost access to contraception, essentially taxing women for their gender. Fortunately, that move has been held up in the courts. They overturned longstanding protections dealing with States and family planning—what amounts to an attack on a woman's right to see the doctor of her choosing and an attack on Planned Parenthood.

They are broadening exceptions that give employers and universities say over what healthcare women can access. When asked on these issues during his nomination hearing, Mr. Azar said: "We have to balance, of course, a woman's choice of insurance that she would want with the conscience of employers and others." My counter to that is absolutely not. There is no balancing women's choices against anything. In America, a woman's choice of healthcare ought to be her choice and nobody else's.

In much the same way as going after women's healthcare, this administra-

tion is permitting discrimination against LGBTQ Americans in need of healthcare.

Then, finally, there is Medicaid. In just the last few weeks, the administration has been giving States a green light to slap punitive, new requirements and limitations on Americans covered by State Medicaid Programs. This action by Health and Human Services goes after people across the country who are working on an economic tightrope. They are people who are taking care of kids or elderly parents or who are struggling with a chronic condition.

These punitive new requirements aren't going to improve anybody's healthcare. As the first waivers are coming out from the Department of Health and Human Services, the public is learning some disturbing details. In Kentucky, the State is introducing what sounds a lot like a literacy test for healthcare. Nobody in this body should have to be reminded that the history of literacy tests is an ugly and discriminatory one. That is the wrong direction to take on healthcare.

I close by saying that the record after 1 year shows that the Trump agenda on healthcare isn't about improving care for all Americans. The Trump agenda on healthcare is about discrimination and ideology.

So the question, as my colleagues come over to this floor to cast their votes, is whether the Trump administration is going to be allowed to continue to turn back the clock and advance discrimination. Given the opportunity to demonstrate that he would actually lead the Department in a new direction, he came up short. So I will not support his nomination.

Through my time in public service, back from those early days working with the senior citizens, I have always said: Healthcare has to be a bipartisan issue. To do healthcare right, you have to find a way to bring people together.

If Mr. Azar is confirmed, I hope he will make his stated willingness to listen to ideas a reality and begin to work closely with colleagues on both sides of the aisle to actually make some changes in these key areas I have described. From policies where we just sit on the sidelines with our skyrocketing drug prices, to sitting out in the fight against opioids, to allowing discrimination against women, to rolling back the protections on Medicaid—these are issues that go right to the heart of the health and safety of millions of Americans.

Mr. Azar certainly does not carry the ethical baggage of his predecessor, Tom Price. The question for the Senate this afternoon—after we have asked him again and again and again to give any examples of how he would break with these harmful policies of the last year, we have come up short. So I regret to say to the Senate that I am going to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Azar nomination?

Mr. BURR. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—55

Alexander	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Carper	Heitkamp	Rounds
Cassidy	Heller	Rubio
Cochran	Hoehn	Sasse
Collins	Inhofe	Scott
Coons	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Jones	Thune
Crapo	Kennedy	Tillis
Cruz	King	Toomey
Daines	Lankford	Wicker
Donnelly	Lee	Young
Enzi	Manchin	
Ernst	McConnell	

NAYS—43

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Kaine	Schumer
Booker	Klobuchar	Shaheen
Brown	Leahy	Smith
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Casey	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Feinstein	Nelson	Whitehouse
Gillibrand	Paul	Wyden
Harris	Peters	
Hassan	Reed	

NOT VOTING—2

Corker	McCain
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The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer, John Barrasso, Richard Burr, Ben Sasse, Richard C. Shelby, Cory Gardner, Mike Crapo, James E. Risch, Shelley Moore Capito, John Hoeven, Dan Sullivan, Rob Portman, John Thune.

The PRESIDING OFFICER (Mr. TOOMEY). By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN)

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 22 Ex.]

YEAS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—49

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Sanders
Booker	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	
Harris	Nelson	

NOT VOTING—2

Corker McCain

The VICE PRESIDENT. On this vote, the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes in the affirmative, and the motion to invoke cloture is agreed to.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The senior assistant legislative 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 (Mr. TOOMEY). Without objection, it is so ordered.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

OFFSHORE OIL AND GAS DRILLING

Mr. WHITEHOUSE. Mr. President, I begin today by adding a Rhode Island voice to the chorus of coastal communities around the country standing against President Trump's reckless and unwelcome choice to try to allow oil and gas drilling off of nearly all U.S. coasts.

The Rhode Island ocean economy is worth over \$2 billion and employs more than 40,000 people. For whatever potential gain of fossil fuel corporations, offshore drilling introduces all sorts of hazards to our fishing industry and people who work in tourism and recreation along Narragansett Bay.

Remember how devastating the 2010 BP oilspill was in the Gulf of Mexico? This graphic depicts what a spill that size would look like off of New England.

The administration has tossed aside a 5-year plan that underwent multiple revisions and involved multiple agencies over multiple years taking into account the input of stakeholders and literally millions of comments from the public.

The final plan that had been developed after all that effort allowed for only 10 lease sales in the Gulf of Mexico and one sale in the Cook Inlet program area off the Alaska coast. There were no lease sales allowed in the Pacific or Atlantic. Why? Because everybody hates it.

In ruling out drilling off our Atlantic coast, the Bureau of Ocean Energy Management cited "strong local opposition, conflicts with other ocean uses, . . . current market dynamics, . . . [and] careful consideration of the comments received from Governors of affected states."

None of that has changed, and the Trump administration ought to listen to those coastal voices, not just the occasional Republican Governor of a coastal State seeking a political boost.

Rhode Island, the Ocean State, has come out strongly opposed to this proposal. Our Governor, Gina Raimondo, said the administration's plan is "endangering the health of nearly all coastal waters in our country, including our 400 miles of coastline in Rhode Island, so that rich oil companies can get richer."

Rhode Island Attorney General Peter Kilmartin vowed to "continue to fight this latest move by the Trump admin-

istration to give the oil and gas industry carte blanche to destroy our environment."

Rhode Island is a leader in offshore wind development. It was the first in the Nation to have steel in the water, first in the Nation to have electrons flowing to the grid. We also have vibrant fisheries and a longstanding fishing economy. We depend on our coastal economy for that, for tourism, and for many other things. Also, we are especially susceptible to sea level rise and other consequences of climate change. We are not about to go back in time and endanger our coast with the extraction of more dirty fuels.

Here in Washington, I led a bipartisan group of New England Senators seeking legislation to bar offshore drilling along our New England coast. My Rhode Island colleague, Representative DAVID CICILLINE, introduced the companion legislation in the House of Representatives. The Trump administration will not be following through on its rash plan if New England's bipartisan Members of Congress have anything to say about it. The value of healthy oceans and coasts is tangible and immediate for us.

The larger backdrop to this conversation about offshore drilling is that our oceans are steadily getting sicker, even without the threat of additional oilspills. The oceans have absorbed approximately 30 percent of the excess carbon dioxide that we have added to the atmosphere since the industrial revolution began. That is changing the ocean's chemistry dramatically. The oceans have already absorbed roughly 90 percent of the excess heat trapped in the atmosphere by those greenhouse gases. We would not be living the way we have gotten used to through our development as a species if it weren't for the ocean absorbing so much of that excess heat. We owe the oceans a lot, but as a result of that excess carbon dioxide and excess heat, our oceans are warming, and because they are warming, they are rising and, as well, of course, they are growing more acidic, putting marine life, coastal communities, and ocean economies all in jeopardy.

Oceans face another emerging problem, which is deoxygenation. Oceans need oxygen, and fish and other creatures that live in the ocean need oxygen, and we are finding that there is less and less. Low-oxygen zones in the ocean are nothing new. Dead zones or areas where oxygen levels drop too low for marine life to survive occur naturally, but dead zones are worsening. They are worsening near the coasts where agricultural runoff spurs rapid blooms of phytoplankton. When the phytoplankton die, their decomposition consumes large amounts of oxygen from the water, and fish and other marine animals suffocate. We saw this just a few years ago in Narragansett Bay's Greenwich Bay area.

Now, the Gulf of Mexico routinely sees dead zones as nitrogen-rich waters