

So far, by these measures, he has been a great success for a President who mocks climate science and who denies that this existential threat even exists, but there is no success for the American people. Mr. Wheeler's nomination puts the American public at great risk, and we should firmly oppose making his appointment permanent.

Unfortunately, Mr. Wheeler's upside-down priorities don't end at climate change. In addition to actively resisting climate action, Mr. Wheeler is not looking out for the health and well-being of my constituents or protecting my State's most precious resource, our water. There, like in so many other parts of the country, fire foam used by the Air Force has contaminated groundwater with toxic chemicals known as PFAS. These chemicals are linked to various cancers, heart disease, and other ailments. Groundwater in and around Cannon Air Force Base, near Clovis, NM, is contaminated with PFAS.

This is dairy country. One dairy is actually being put out of business because the PFAS is in groundwater and it has contaminated this farmer's water wells. The family that owns the dairy and its hard-working employees have drank water from these wells for years.

Will a Wheeler EPA put us in this situation? Will they help us out of it? During his confirmation hearings, he refused to commit to setting a drinking water standard. Then, later, we find out that he had already decided not to set standards for these toxic chemicals in December of last year. Under bipartisan pressure, he has since backed down and says EPA will set a standard—someday. I wouldn't hold my breath. In the meantime, millions of Americans and the dairies in eastern New Mexico are being hurt.

Furthermore, Mr. Wheeler is a committed soldier in the long-running assault on science that President Trump has championed. One of my constituents, Celerah Hewes, wrote this week asking me to vote against this nomination. She writes:

I grew up in Corrales, surrounded by farmland and fresh air. I remember when the Rio Grande was full of water and the ditches in the bosque flowed freely.

Climate change and drought have forever changed the land I call home and my daughter will not remember a time without severe fire danger and ozone pollution.

Celerah wants me to vote no because Mr. Wheeler "is putting our children's health and future at risk."

According to the 2018 "Fourth National Climate Assessment," we have 12 years to turn this around for Celerah, her daughter, and the world. Soon, the impacts will become irreversible.

The previous EPA set rules to reduce carbon pollution from powerplants by 32 percent by 2030. Mr. Wheeler's new plan will allow increased emissions from fossil fuel plants instead.

He is no better when it comes to even modest standards for methane waste

from oil and gas operations. Methane is an extremely potent greenhouse gas, 84 times more potent than carbon dioxide over the initial 20-year period. EPA's prior methane rules would have cut back methane pollution in a cost-effective way. Those regulations are out the window under Mr. Wheeler and replaced with loose rules, adding hundreds of thousands of tons of methane, volatile organic compounds, and toxins into the air.

Climate change is the most significant threat facing our planet. The EPA is the Agency that should be leading the charge on tackling this threat, but Mr. Wheeler is a former lobbyist for the coal industry. Like so many other nominations, the President has again put the fox in charge of the henhouse. This time, the consequences could be disastrous and irreversible for our country and our planet. If we vote to confirm him, there will be little, if any, hope for climate action for the next 2 years.

Mr. Wheeler leaves no doubt whose side he is on. His record shows that, under his watch, big polluters will get off scot-free.

Companies that pollute often try to reduce their cost of business and increase their profits by dumping that pollution and its costs on society as a whole. When environmental officials fail to enforce the rules against polluters, bad actors get an unfair advantage. Lax environmental enforcement is bad for American businesses that do the right thing and bad for taxpayers, who get stuck with the cleanup bills.

Sadly, Mr. Wheeler's EPA is the poster child for lax enforcement. In 2018, EPA collected the smallest amount of civil penalties against polluters since 1994. Inspections are half of what they were in 2010. EPA charged the fewest criminal defendants since 1991. It saw a steep drop in civil judicial enforcement cases as well. The bad news goes on and on.

So the best that can be said of Mr. Wheeler's record is that he is not Scott Pruitt. As far as we know, he has not abused taxpayer funds or staff for a variety of luxurious perks or rented his house from a lobbyist. But the bar is so low that it is in the Capitol basement.

Indeed, I believe that the EPA under this President has reached an all-time low. There is hardly even any pretense that their goal is to safeguard the environment and public health. They are actively damaging our environment and actively resisting action on climate change at a time when young people and so many others across New Mexico and this country are crying out for action. We simply must do better.

So I will vote no, and I will urge my colleagues to consider the consequences of this nomination for their children, grandchildren, and beyond, and to vote no as well.

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

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

#### ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, all postcloture time on the Wheeler nomination be considered expired at 12:30 p.m. on Thursday, February 28, with the time between 12 and 12:30 equally divided in the usual form; further, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. I further ask that the cloture motion on Executive Calendar No. 12 be withdrawn and that following disposition of the Wheeler nomination, the Senate resume consideration of the Ryder nomination, with the time until 1:45 p.m. equally divided between the two leaders or their designees, and that at 1:45 p.m., the Senate vote on the nomination with no intervening action or debate; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's actions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### JOINT REFERRAL OF NOMINATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that PN389, the nomination of Ian Paul Steff to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, sent to the Senate by the President, be referred jointly to the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation.

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

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Ms. SINEMA. Mr. President, I was necessarily absent but, had I been present, would have voted no on roll-call vote 29, the confirmation of Eric D. Miller to be a United States Circuit Judge for the Ninth Circuit.

I was necessarily absent but, had I been present, would have voted yes on rollcall vote 30, the motion to invoke cloture on the nomination of Michael J. Desmond to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.●

**BUDGET SCOREKEEPING REPORT**

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for February 2019. The report compares current-law levels of spending and revenues with the amounts the Senate agreed to in the Bipartisan Budget Act of 2018, BBA18. This information is necessary for the Senate Budget Committee to determine whether budgetary points of order lie against pending legislation. The Republican staff of the Budget Committee and the Congressional Budget Office, CBO, prepared this report pursuant to section 308(b) of the Congressional Budget Act, CBA.

This is my second scorekeeping report this year. My last filing can be found in the CONGRESSIONAL RECORD for January 10, 2019. The information included in this report is current through February 25, 2019.

Since my last filing, two bills with significant budgetary effects cleared Congress, the Medicaid Extenders Act of 2019, P.L. 116-3, and the Consolidated Appropriations Act, 2019, P.L. 116-6.

Budget Committee Republican staff prepared Tables 1-3.

Table 1 gives the amount by which each Senate authorizing committee exceeds or is below its allocation for budget authority and outlays under the most recently adopted budget resolution and the fiscal year 2019 enforceable levels filing. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. Over the current 10-year enforceable window, authorizing committees have increased outlays by a combined \$3.4 billion. For this reporting period, as in my last report, 8 of the 16 authorizing committees are not in compliance with their allocations. Two of these committees, Finance and Judiciary, further exacerbated their violations during this work period with the passage of Medicaid Extenders and the authorizing division, Division H, of the final 2019 appropriations bill, respectively. For the Finance Committee, P.L. 116-3 was estimated to increase budget authority over each enforceable period for its allocation, with the largest violation, \$120 million, occurring in 2019. For the Judiciary Committee, Division H of P.L. 116-6, which included various immigration extenders, was estimated to increase budget authority and outlays by \$30 million over the next 10 years.

Table 2 provides the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order re-

lated to the spending caps found in sections 312 and 314 of the CBA. Appropriations for fiscal year 2019, displayed in this table, show that the Appropriations Committee is compliant with spending limits for fiscal year 2019. Those limits for regular discretionary spending are \$647 billion for accounts in the defense category and \$597 billion for accounts in the nondefense category of spending.

The fiscal year 2018 budget resolution contained points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPs. Table 3, which tracks the CHIMP limit of \$15 billion for fiscal year 2019, shows the Appropriations Committee has enacted \$15 billion worth of full-year CHIMPs for fiscal year 2019. The fiscal year 2019 CHIMPs were contained in the Labor, Health and Human Services, Education and Related Agencies division of P.L. 115-245 and the Commerce, Justice, Science, and Related Agencies division of P.L. 116-6. This information is used for determining the point of order under section 4102, overall limit, of H. Con. Res. 71, 115th Congress.

In addition to the tables provided by Budget Committee Republican staff, I am submitting CBO tables, which I will use to enforce budget totals approved by Congress.

For fiscal year 2019, CBO estimates that current-law levels are \$2.8 billion above and \$3.3 billion below enforceable levels for budget authority and outlays, respectively. Revenues are \$426 million below the level assumed in the budget resolution. Further, Social Security revenues are at the levels assumed for fiscal year 2019, while Social Security outlays are \$4 million above assumed levels for the budget year.

CBO's report also provides information needed to enforce the Senate pay-as-you-go, PAYGO, rule. The PAYGO scorecard shows deficit increases in fiscal year 2019 of \$1,930 million—\$427 million revenue loss, \$1,503 million outlay increase—over the fiscal year 2018-2023 period of \$3,337 million—\$894 million revenue loss, \$2,443 million outlay increase—and over the fiscal year 2018-2028 period of \$425 million—\$634 million revenue loss, \$209 million outlay decrease. During this work period, one bill, the Consolidated Appropriations Act, 2019, included a statutory exemption for the budgetary effects of its Division H from the Senate's PAYGO scorecard. The Senate's PAYGO rule is enforced by section 4106 of H. Con. Res. 71, 115th Congress.

This submission also includes a table tracking the Senate's budget enforcement activity on the floor since the enforcement filing on May 7, 2018. Since my last report, no new budgetary points of order were raised.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (–) BUDGET RESOLUTIONS**

[In millions of dollars]

	2019	2019–2023	2019–2028
<b>Agriculture, Nutrition, and Forestry</b>			
Budget Authority .....	2,414	4,249	3,123
Outlays .....	1,406	1,820	70
<b>Armed Services</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Banking, Housing, and Urban Affairs</b>			
Budget Authority .....	21	285	382
Outlays .....	20	285	382
<b>Commerce, Science, and Transportation</b>			
Budget Authority .....	41	77	91
Outlays .....	11	74	90
<b>Energy and Natural Resources</b>			
Budget Authority .....	0	0	–14
Outlays .....	0	0	–14
<b>Environment and Public Works</b>			
Budget Authority .....	2	4	–333
Outlays .....	2	4	–333
<b>Finance</b>			
Budget Authority .....	326	1,058	–917
Outlays .....	127	1,051	–919
<b>Foreign Relations</b>			
Budget Authority .....	0	–5	–20
Outlays .....	0	–5	–20
<b>Homeland Security and Governmental Affairs</b>			
Budget Authority .....	0	2	4
Outlays .....	43	48	49
<b>Judiciary</b>			
Budget Authority .....	13	209	497
Outlays .....	13	205	492
<b>Health, Education, Labor, and Pensions</b>			
Budget Authority .....	0	–36	–84
Outlays .....	0	–36	–84
<b>Rules and Administration</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Intelligence</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Veterans' Affairs</b>			
Budget Authority .....	4	3	–729
Outlays .....	4,402	4,400	3,668
<b>Indian Affairs</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Small Business</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Total</b>			
Budget Authority .....	2,821	5,846	2,000
Outlays .....	6,024	7,846	3,381

**TABLE 2.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS<sup>1</sup>**  
[Budget authority, in millions of dollars]

	2019	
	Security <sup>2</sup>	Nonsecurity <sup>2</sup>
Statutory Discretionary Limits .....	647,000	597,000
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies .....	0	23,042
Commerce, Justice, Science, and Related Agencies .....	5,499	58,619
Defense .....	606,340	129
Energy and Water Development .....	22,440	22,200
Financial Services and General Government .....	31	23,392
Homeland Security .....	2,058	47,353
Interior, Environment, and Related Agencies .....	0	35,552
Labor, Health and Human Services, Education and Related Agencies .....	0	178,076
Legislative Branch .....	0	4,836
Military Construction and Veterans Affairs, and Related Agencies .....	10,332	86,804
State Foreign Operations, and Related Programs .....	0	46,218
Transportation and Housing and Urban Development, and Related Agencies .....	300	70,779
Current Level Total .....	647,000	597,000
Total Enacted Above (+) or Below (–) Statutory Limits .....	0	0

<sup>1</sup> This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

<sup>2</sup> Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.