

We don't need to choose between clean energy and economic growth or between combating climate change and creating jobs. These two goals are not permanently and mutually exclusive. They can go hand in hand if we craft the right policies. Still, we cannot move abruptly away from an economy that relies heavily on fossil fuels without having a real and coordinated plan for the very people—the millions of Americans—whose jobs will ultimately be impacted by that transition.

Fortunately, a gradual transition to a clean energy future can also be an effective job creator. In 2017, the renewable energy and energy efficiency sectors alone employed 2.8 million Americans. If we place a price on carbon and then let the market work, we will create jobs across a wide range of industries, occupations, and geographies.

As we work to deal with the effects of climate change by moving to a cleaner energy and infrastructure economy—an economy that is more resilient—we will need to rely on workers who are already in place in many of these industries. We will need building trades professionals to construct and maintain our new resilient and clean energy infrastructure. We will need manufacturing workers to build these more energy-efficient products. We will also need scientists and engineers to help research, develop, design, and deploy these new technologies. These workers bring real experience and skills to the table, and we must ensure that these skills translate into new, good jobs and that the workers in these new jobs are able to organize for fair competition, for fair compensation, and for fair work conditions.

We can't tackle climate change alone. The United States is the largest historic emitter of carbon dioxide, but our emissions have been declining in recent years. Meanwhile, China has whirred past us, and China and India and other countries are rapidly catching up in their carbon emissions. We need an approach that incentivizes these countries to reduce their emissions as well. The United States is a world leader in science and technology and innovation. We need to develop and advance new technologies—carbon-neutral technologies like small, modular nuclear reactors and carbon capture and sequestration—that we can export. Then we need to find ways to encourage countries like China and India to modernize and industrialize while also reducing their emissions.

There is good work taking place in this area, and there are good solutions we can act on together. We need to reduce greenhouse gas emissions in a serious, thorough, deliberate, and thoughtful way. We need to be prepared to adapt to the ongoing impacts of climate change. We need to make sure American workers and families aren't left behind or are burdened by Federal climate policy.

This administration, unfortunately, strikes me as taking us backward. We

are voting on an EPA Administrator in this Chamber who is failing to take action on climate, even on action that is widely supported by industry. Our President just proposed a National Security Council initiative to counter the consensus around climate change and refute the idea that greenhouse gases are harmful to the environment. I shouldn't even need to say this, but that just isn't how science works.

That is why, here in the Senate, we need to take the opportunity to lead and to have voices from both parties in Congress and in this country who want to take bold steps to address the climate. The hard part is going to be squaring these big, bold ideas with political reality. That is hard, but there are ways we can do it. Instead of being silent, we should bring this conversation to the forefront. Instead of debating whether climate change is real, we should be passing bipartisan bills, like the ones I have mentioned today, that can meaningfully address climate change and improve our economy.

Climate change is a serious threat to our economy, to our security, and to our way of life. We need leadership from all parts of our society and government to tackle it, and we must do our part in the Senate. I look forward to having conversations across the aisle, to working together, to identifying real solutions to the challenges before us, and to creating new opportunities for America's workers.

I thank the Presiding Officer.

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.

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

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

#### WOMEN'S HEALTHCARE

Ms. STABENOW. Mr. President, I have often said healthcare is not political. It is personal, and there is no part of healthcare that is more personal than the decision if, when, and under what circumstances to have a child and who decides the medical course of action in a serious medical crisis.

These decisions need to be made by women, their families, and their doctors. They should not be made by politicians who are more focused on their own political advantage rather than medical tragedies facing pregnant women at the end of pregnancy who want desperately to have a child.

Our Republican friends know very well that nobody—and I mean nobody—in this Chamber supports infanticide. No one. In fact, in 2002, Congress voted unanimously—100 Members, including myself—to reaffirm that it is illegal, period. Suggesting otherwise is insulting and, frankly, disgusting, and it is beneath the dignity of the U.S. Senate.

How dare the majority pretend to care about the health of women and

children. If the Republican majority cares about the health of moms and their babies, why are you continuing to try to take their healthcare away? The President and the Republican majority have tried again and again and again to repeal the Affordable Care Act.

Let me remind you that before the Affordable Care Act, insurance companies could, and most of the time did, refuse to cover maternity care as basic healthcare for women, leaving parents with bills of tens of thousands of dollars for an uncomplicated birth.

As a member of the Senate Finance Committee, I was proud to author the provision requiring maternity care in the Affordable Care Act. I remember the debate. I remember a very specific debate with a former colleague from Arizona, and I remember Republican efforts to strip that provision to cover maternity care from the Affordable Care Act. Fortunately, they were not successful. Now the administration is legalizing and offering junk insurance plans that treat being a woman as a preexisting condition again.

One study found that none—none—of the newly approved plans cover maternity care. Maternity care is not a frill. It is basic healthcare for women, and if we are seeing more and more of these healthcare plans being put on the market, where women assume they are going to be covered and once again will not be, that is outrageous.

Why aren't we passing a bill to guarantee that prenatal care and maternity care are covered for moms and babies as essential healthcare in every insurance plan? I assure you, this medical care is essential, and until parts of the Affordable Care Act began to be unwound by the administration, it was viewed as essential care for every woman.

How dare you pretend to care about the health of women and children while voting to dramatically slash Medicaid and healthcare for low-income working families. When you gut Medicaid, you are keeping moms and babies from getting the healthcare they need. In fact, Medicaid provided prenatal care and maternity care for 43 percent of American moms and babies born in 2016—43 percent. Why aren't we voting to strengthen Medicaid? Why aren't we voting to strengthen Medicaid healthcare for moms and babies? Why isn't that being brought to the floor?

A few years ago, the Senate Finance Committee reported out a bill that I led with Senator GRASSLEY called the Quality Care for Moms and Babies Act. This bill would create a set of maternal and infant quality care standards in the Children's Health Insurance Program and Medicaid. The goal is simple: improving maternal and infant health outcomes. Shouldn't we all want to do that?

Let me be clear. We have no uniform quality standards right now across the country for almost half of the births that occur every year. The Quality Care for Moms and Babies Act will help

make sure every mom—every mom—gets the best pregnancy care possible and every baby gets a healthy start. Why isn't that a top priority for action in the U.S. Senate, to protect the health of moms and babies?

Let's also be clear. We have a real healthcare crisis that we need to address in this country. In most of the world, fewer and fewer women are dying from child birth but not in the United States. In fact, our maternal mortality rate is climbing. More women are dying, and our infant mortality rate ranks a shameful 32 out of 35 of the world's wealthiest nations. The United States of America is 32 out of 35 countries—wealthiest countries in the world—in the number of infants that are dying in birth. That is something we need to have a sense of urgency to act on.

There are a lot of things on healthcare. There are a lot of things to improve outcomes for children and moms and give them a healthy start and a healthy life that we should be doing right now, as well as stopping the administration from undermining basic healthcare for women and children. It is time to stop the cynical political stunts and start protecting—really protecting—the health of moms and babies.

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.

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.

Ms. HIRONO. Mr. President, I am glad to join Senator STABENOW, who was on the floor just now, to respond to the shameful lies and gross exaggerations that have been claimed by some on the other side of the aisle.

Earlier this week, we voted on legislation that some of my colleagues claimed was needed to outlaw infanticide—the killing of babies. How absurd. It is, and has always been, illegal to kill any human, including infants.

So what was in that legislation we voted on earlier this week? To honestly discuss the bill, we need to have a factually and medically accurate conversation about abortion.

A healthy fetus becomes potentially able to live outside the womb at about 24 weeks of pregnancy. Very few abortions occur after that—less than 1 percent—and generally are performed either because the fetus has a fatal condition or the pregnant woman's life or health is at severe risk. These are heartbreakingly situations involving very wanted pregnancies—hardly the time for the heavy hand of government to reach into our wombs.

Under this bill, doctors will be required to resuscitate infants born with fatal conditions, even if the parents did not want these measures that could

prolong their infant's suffering and instead wanted to spend the limited time they had with their baby comforting their child and holding them close.

How dare anyone pretend to know what care is best for these families instead of trusting them and their doctors to decide. How dare Congress interject itself into a decision we have no business deciding for others. Yet this is exactly what this bill would have done.

I encourage my colleagues to read stories from women who have been speaking up about their experiences with abortion later in pregnancy. These stories are usually found on the internet as well as in the national press, as more women feel under attack and are coming forward to tell their stories. Perhaps, in hearing from these women, my colleagues will realize what these women need is compassion, not condemnation.

Stories like that of Dana Weinstein, who bravely told her story to CNN. Years ago, Dana and her husband learned at 31 weeks that their daughter's brain had a severe defect. Doctors told the couple their daughter would not be able to suck or swallow and would most likely suffer from uncontrollable seizures upon birth. They heard what a resuscitation order would entail. They listened to what an existence, short-lived or otherwise, would look like. They were briefed on hospice care.

After the diagnosis, the kicks in Dana's belly, which had given her so much joy, became unbearable. She feared her daughter was seizing and may be suffering. Ultimately, Dana and her husband decided to get an abortion. For this baby they loved, it felt like—in their words—"a more peaceful path for her passing."

These are the stories. Compassion and understanding are what is needed in these instances, but instead of compassion, what my colleagues have offered this week is inflammatory political rhetoric and shaming and intimidating women and their providers who care for them in an attempt to score partisan points.

President Trump—never missing an opportunity to score partisan points—weighed in on Twitter claiming that Senate Democrats "don't mind executing babies after birth."

Today former Governor Scott Walker said to a crowd at the Conservative Political Action Conference that "people are taking already-born babies from the hospital and aborting them there"—a comment that doesn't even make sense.

Republican National Committee chair, Ronna McDaniel, chimed in at the same conference, calling the choice that women like Dana make murder. These charges are false, incendiary, and this sort of language is intended to incite the Republican Party's base. It emboldens violence against abortion providers—violence which nearly doubled from 33 reported death threats or

threats of harm in 2016 to 62 in 2017, according to the National Abortion Federation.

The hard truth is, the Republican Party hurts women. One of the ways they are doing this is by working as hard as they can to set up barriers or to eliminate entirely safe and legal abortions wherever they can.

They demonize women who face the heartbreaking situation of needing an abortion later in pregnancy, oftentimes for medical reasons.

They want to cut off crucial healthcare dollars to providers who even discuss abortion with patients. This is a gag rule that this administration is seeking to impose.

They create loopholes to allow businesses to exclude coverage for contraception for workers, and to make sure that these and all of their other efforts stick, they pack the Federal courts with a line of aggressively anti-choice judges to uphold Federal Agency actions and State laws restricting abortion access.

Doing the bidding of these rightwing ideologue supporters like the Federalist Society and the Heritage Foundation, Donald Trump has sent us judicial nominee after nominee with records of attacking a woman's right to choose as laid out in the Supreme Court's opinion in *Roe v. Wade* and restated in *Planned Parenthood v. Casey*.

These nominees come before the Senate Judiciary Committee, on which I serve, and parrot the line provided for them by the Trump administration. When asked if they will respect precedent and uphold *Roe v. Wade*, they say they will "follow the law." Then, when they get confirmed, they are in a position, with their lifetime appointments, to do exactly the opposite.

The prime and most dangerous example of this kind of bait and switch is Brett Kavanaugh—a notoriously rightwing political lawyer appointed by George W. Bush to the second highest court in the United States—the Court of Appeals for the DC Circuit.

Kavanaugh was not even on Donald Trump's original so-called short list of possible Supreme Court nominees—not the list released before the 2016 election and not the first list released thereafter. No, Kavanaugh only found a place on that list after he wrote a harsh dissent in a case involving a young refugee's right to an abortion.

A minor, then 17 years old, was being kept in the custody of the Department of Health and Human Services because she had entered the United States without documentation. Where she was held in Texas, in order to access abortion services, a minor must have parental consent or receive permission from the judge. This is called a judicial bypass—to proceed without that parental consent.

In this case, called *Garza v. Hargan*, the young woman did go through the process of going to court and receiving a judicial bypass. She had people willing and able to transport her and to

pay for the health services she needed, but the radical Trump appointee in charge, well known for his anti-abortion views, decided it would be in her best interest to find adult sponsors for her first, presumably to help her make a decision, but the Texas court had already decided she could make her own decision, and she did.

She challenged the Trump appointee and his Agency, and ultimately a majority of the DC Circuit agreed with her that she had the legal right to an abortion and the Federal Government could not delay any further.

Brett Kavanaugh, sitting on that circuit, disagreed and wrote a dissent, which must have captured the attention of those in charge of Donald Trump's Supreme Court short list because not long after his name appeared on that list.

What did he write to earn his place on the list and eventually a nomination to the U.S. Supreme Court? He wrote a dissenting opinion that falsely characterized the Garza case as one about parental consent, which we know was not so because a judicial bypass was already in place.

He wrote the dissent using the code words of the extreme anti-choice and anti-women wing of the Republican Party. He accused the majority on that court of creating "a new right for unlawful immigrant minors in U.S. government detention to obtain immediate abortion on demand." He was wrong. There was no new right being created.

He falsely claimed that by permitting the abortion "[t]he majority's decision represents a radical extension of the Supreme Court's abortion jurisprudence." He was wrong again. The majority decision was correct under *Roe v. Wade*.

He wrote it was not an undue burden for this young woman to be prevented from getting an abortion until a sponsor family could be found for her. This was not even a legal argument, but he based his dissent on it. That is the dissent that moved Brett Kavanaugh to the head of the line on the short list for a nomination to the U.S. Supreme Court, where he sits.

So when he came to the Judiciary Committee for a hearing, some Senators—myself included—were rightly skeptical that he would respect precedent if confirmed. At his hearing, Ranking Member DIANNE FEINSTEIN asked Judge Kavanaugh about *Roe v. Wade* and its status as settled precedent. He testified that *Roe* was "settled as a precedent of the Supreme Court, entitled to respect under principles of stare decisis."

He further went on: "Planned Parenthood v. Casey reaffirms *Roe* and did so by considering the stare decisis factors. So *Casey* now becomes a precedent on precedent."

It sure sounds like someone who will apply the precedents of *Roe* and *Casey* and others who rely on them, doesn't it? That is not so.

The very first opportunity he got, Brett Kavanaugh, as Supreme Court Justice, voted against following precedent. Not 4 months after his confirmation, Justice Kavanaugh voted in the minority in a Supreme Court case called *Juno Medical Services v. Gee* to allow a restrictive, anti-abortion law in Louisiana to take effect.

This law would have so restricted access to abortion that only one provider would have been left in the entire State of Louisiana of 4.7 million people. Even Chief Justice Roberts voted with the majority to block the law. That is because it was clear from recent precedent in *Whole Woman's Health v. Hellerstedt* that such restrictions don't meet constitutional standards.

Justice Kavanaugh's cavalier attitude to the burden that he would put on a woman's ability to exercise their constitutional right is no surprise. His callous disregard for the way unwanted pregnancies can change the lives of women and children is not unexpected, and his willingness to hew to the party line of his supporters and ignore the assurances he gave the Senate is simply par for the course with Trump judicial nominees. This is what they do. It is an abuse of power, and women across the country are paying for it.

Why do my colleagues across the aisle use this Chamber, time and again, to bring forward political shams that shame and retraumatize women who face profoundly heartbreakingly situations? The will of over half of this country is 67 percent of Americans support *Roe v. Wade* and access to safe and legal abortion. Sixty-seven percent of Americans support a woman's right to choose.

How is it that Republicans continue to bring forward bill after bill and amendment after amendment that goes against a constitutionally protected right of women—of women? This is why I say Republicans hurt women.

I am proud of the vote I cast in opposition to the sham bill we voted on this week. My vote was rooted in fact and understanding about what an abortion in later pregnancy actually means. It was rooted in the understanding that when faced with these difficult situations, these decisions are best left to a woman and her doctor. These decisions should not rest with the U.S. Senate.

My vote was cast with a clear understanding that if unchecked or unchallenged, this administration and this Senate will continue to assault a woman's right to choose and chip away at it bit by bit, where it will end up being a nullity, and that is what they want.

I will continue to stand in opposition to attacks that seek to limit the personal freedom of women across the country and what would be more of a personal freedom for a woman than to exercise control over her own body?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

#### CONFIRMATION OF ANDREW WHEELER

Mr. PETERS. Mr. President, I rise today to discuss why I voted in opposition to the confirmation of Andrew Wheeler for the position of Administrator of the Environmental Protection Agency.

Clean air and clean water are not only vital to our public health; they are at the very heart of our economy. Nowhere is that more apparent than in my home State of Michigan, where we are blessed to be surrounded by the Great Lakes, a source of drinking water for more than 40 million people and the lifeblood of our State's multi-billion-dollar fishing, shipping, and tourism industries. That is why I spent my entire career in public service fighting to protect our environment.

In the Michigan State Senate, I worked to ban oil drilling under the Great Lakes to preserve our most precious source of drinking water. When I represented the city of Detroit in the House of Representatives, I fought to end harmful air pollution coming from piles of petcoke that left homes coated in dust while being breathed into the lungs of residents.

In my first term in Congress, I supported landmark climate change legislation that sought to drastically reduce deadly greenhouse gas emissions that are continuing to warm our planet at an unsustainable rate. In the U.S. Senate, I led the charge to protect the Great Lakes from pipeline spills and pressured industry to cut down their deadly sulfur-dioxide emissions that give Michigan communities some of the highest rates of asthma anywhere in the country.

I have championed these vital efforts because protecting our environment in Michigan is in the best interest of everyone, and I will never let up on that fight. There is so much more work to do and even more pressing challenges ahead of us. We cannot afford to turn back the clock on clean energy innovation or refuse to address climate change, and that is, unfortunately, what we can expect from the EPA now that Andrew Wheeler has been confirmed. His entire career has been devoted to undermining public health and environmental protections.

As Acting EPA Administrator, he is personally responsible for the most significant efforts to roll back our Nation's bedrock environmental laws in the Agency's history. He oversaw the proposed rollback of Clean Water Act protections that safeguard drinking water for tens of millions of people. He is leading efforts to weaken standards on the largest sources of greenhouse gases and to reduce protections against climate change. When he was a Senate staffer, he drafted the so-called "Clear