That is why, for many years, I proposed what is called the cap and dividend bill, which looks at the science and says: OK, if we want to make sure to avoid these huge costs to our communities, we have to limit the amount of carbon pollution that is being emitted.

We base that cap on science, and that generates a price for carbon. That means, as Senator WHITEHOUSE said, that in order to avoid that price, people will look for ways to reduce carbon emissions. We take the funds generated from putting a price on carbon, and we rebate those funds to the American people. A study by an economist at the University of Massachusetts Amherst found that if you do that—if you rebate the funds you generate by putting a price on carbon and making polluters pay and if you rebate that to American households—80 percent of American households will actually have more money in their pockets at the end of the day than they started with. That doesn't even count the additional benefits from there being a cleaner environment and fewer storms and severe weather events. It also doesn't include the incredible economic opportunities that would be unleashed by having more people invest in clean energy technology and energy efficiency.

So it is really a pleasure to be here with my friend Senator WHITEHOUSE because that is one tool among others, including the need to invest in more research. The Senator said you have to put some resources behind research and innovation. It doesn't just happen by magic. We can have clean energy portfolio standards, we can do a lot of things, but we need to start with something real. That is why we are here, because that is the final part of that resolution. It is a very simple resolution that says that climate change is real, that it is caused by human activity, and that the U.S. Congress should take immediate action to address the challenge.

It is time for our colleagues to stop criticizing everybody else's ideas and to put their own ideas on the table. We are ready to work with our colleagues on a bipartisan basis to address this most pressing of issues that face our country and the world.

Mr. WHITEHOUSE. If I may, Madam President, I would like to remark on the figure that Senator VAN HOLLEN used of the recent measurement in our atmosphere of a carbon dioxide concentration of 411 parts per million. Standing on its own, that may not seem particularly significant, so let's put that into context.

NASA, which Senator VAN HOLLEN mentioned and which has important facilities in Maryland, has been measuring this for a long time.

By the way, I think NASA's scientists have demonstrated they know what they are talking about. They have rovers driving around on Mars right now, so they know what they are talking about.

The scientists have gone back and determined what the carbon dioxide levels were on Earth over a period of 400,000 years. If you look back, there is a graph that NASA has that shows the carbon dioxide levels ramping up and down, up and down, over 400,000 years. For that entire time, the levels have stayed between 180 parts per million and 300 parts per million. That was the range within which the entire human species experienced our development—180 parts per million at the low and 300 parts per million at the high. At 411, we are now out of that range by almost the entire range. We are not out by a little; we are out of that range by a lot.

Also, 400,000 years is a very long time. If you look at how long humankind has been farming—kind of the basic, organized activity of our species—the common view is that we really started farming about 12,000 years ago. Some people push that number further, more towards 20,000 years. We invented the wheel a little over 5,000 years ago in Mesopotamia. If you think about the first people who put seeds in the ground and planted farms, you only go back 12,000 to 20,000 years. If you think about the first people who rolled a wagon or a chariot on a wheel, you only go back about 5,000 years. This record goes back 400,000 years. They know it because you can go into ancient ice, and you can find bubbles of air from tens and hundreds of thousands of years ago, and you can test them. I have been to the freezer at Ohio State University, which is where they keep the cores they have drilled out of glaciers, and I have seen how they go back and do these micro measurements that let you know what the carbon dioxide levels were. So we are not off by a little, folks; we are off by a lot.

When you consider the known scientific effect of carbon dioxide concentrations, we have known what it has done. This has been a greenhouse gas since Abraham Lincoln rode around in his top hat. This is not scientific news; we know this stuff.

When you consider that we are that far out of the range that has made human life and development comfortable on this planet throughout the entire duration of our species—that we are out of that range for the first time in 400,000 years and are out of that range by an amount that is practically equal to the entire range itself—if that is not a signal for us to wake up and pay attention, I don't know what is. The fact that the fossil fuel industry can drown out that signal with its political signal in this body is astounding.

Mr. VAN HOLLEN. Madam President, if I might, that is why it is always interesting to hear some of the critics of climate change say: Do you know what? Carbon dioxide has been around since the beginning of the planet, so it can't possibly be harmful.

Of course it has been around forever, but, as Senator WHITEHOUSE pointed out, it has been around for hundreds of thousands and millions of years at a certain concentration. If you look at all of the evidence from NASA scientists and others, you will see that level of concentration bumped up and down within a certain range for all of those millennia that the Senator talked about. Yet, in the last 150 years, especially the last century, it shot straight through the roof. It is an excellent example of the phrase ''everything in moderation.''

Obviously, carbon dioxide has been part of our planet's gases all along, but the fact is that we have unleashed that carbon dioxide, in the form of fossil fuels, that has been trapped in the Earth for millions and millions of years. We have somehow just let it out within the last 100, and that is what is creating harmful, poisonous levels of carbon dioxide that are poisonous for the planet. Just like with a human being, when you put poison in the body, the body lets you know. The Earth is screaming out in all of these different ways to let us know that it has reached its limit when it comes to carbon dioxide pollution. That is why we have to do something about it.

Mr. WHITEHOUSE. Arsenic, too, is a naturally occurring substance, but you don't want too much of it.

Mr. VAN HOLLEN. There you go.

Mr. WHITEHOUSE. I thank Senator VAN HOLLEN for joining me in this colloquy and for speaking today on the floor.

I see the distinguished ranking member of the Finance Committee here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, just before they leave, I thank both Senator WHITEHOUSE and Senator VAN HOLLEN for conveying the urgency behind this climate change issue. Both of them have gone through the specifics of what this is all about. Suffice it to say, I share many of the concerns they have been discussing here this evening. I thank them.

NOMINATION OF NEOMI J. RAO

Mr. WYDEN. Madam President, tonight, the Senate is debating another Trump judicial nominee who is attempting to run away from appalling statements they wrote in the not-so-distant past. This time, it is Neomi Rao, who is up for a lifetime appointment to the powerful DC Circuit Court of Appeals.

While studying at Yale, Ms. Rao wrote that sexual assault victims were partly to blame for having been assaulted.

She ridiculed feminism and women's rights activists. She attacked groups that promoted multiculturalism and minority rights. She belittled those who fought for LGBTQ rights. She wrote that warnings about what we now identify as climate change are, in effect, fake news. And that's not all.

After these writings came to light, she stuck to the same script as the other Trump nominees have done who found themselves in the same position.

They say: It is all way in the past. I have grown up. I no longer hold those views.

Except in Ms. Rao's case, she cannot plausibly claim the views she put into writing back then would have no bearing on how she would decide cases as a judge today. That is because you can see those extreme views reflected in the work she is doing right now as the head of the Office of Information and Regulatory Affairs.

This is an office that doesn't get a lot of time in the spotlight, but the individual in charge of that office has more power to shape Federal rules than almost anyone outside the Oval Office.

During Ms. Rao's time as the head of this program, she has taken a buzz saw to protections for women's health, for sexual assault victims on college campuses, for LGBTQ Americans, and for Black and Latino Americans.

Under her watch, the Trump administration has allowed polluting corporations to poison Americans' air and water, propped up dirty powerplants that belch carbon into the skies, and added to the extreme dangers of climate change.

During her nomination hearing, she called—and this was her description—some of what she wrote ''cringeworthy.'' She wrote a letter to the Judiciary Committee saying she was sorry, and that's all well and good, but it doesn't change the fact that she has helped turn those same extreme views—those same extreme views—into Federal policy under President Trump.

To help spell this out, as they say on so many television shows: Go to the tape.

In the long essay titled ''The Feminist Dilemma'' published in the mid-1990s, Ms. Rao laid out her views on a range of issues dealing with women's rights and sexual violence. At the time, our country was waking up to the fact that most sexual assaults are not random acts of violence committed in dark alleyways; they are committed by someone the victim knows.

The term ''date rape'' was relatively new to a lot of people. In this essay she wrote: ''Although I am certainly not arguing that date rape victims ask for it,'' she did exactly that—several times. She put the burden on women to prevent their assaults.

She also described ''The dangerous feminist idealism which teaches women that they are equal.'' That is an exact quote—''dangerous idealism which teaches women that they are equal.''

She went on, ''Women believe falsely that they should be able to go anywhere with anyone.'' That is a quote. ''Women believe falsely that they should be able to go anywhere with anyone.''

Now, as I noted already, Ms. Rao has tried to separate herself during her nomination from those thoughts—what she wrote as a younger person—but she continues to double down on these views and their influence in her current position.

A few years ago, there was an effort to strengthen Federal rules to reduce sexual assaults on campus and compel schools to do a better job of protecting women. With Ms. Rao's help, Education Secretary Betsy DeVos and Donald Trump are now rolling those protections back.

Ms. Rao has also taken steps to roll back rules designed to fight wage discrimination and sexual harassment against women in the workplace. She worked to make it harder for women to get no-cost contraception under the Affordable Care Act.

Now I am going to turn to her views on the rights of other groups. LGBTQ Americans, Black, and Latino Americans are just several examples.

Here she has attacked so-called multiculturalists, writing: ''Underneath their touchy-feely talk of tolerance, they seek to undermine American culture.'' When you read that sentence, it seems like she believed the American culture in need of protecting is actually one of intolerance.

Now, she protested that ''homosexuals want to redefine marriage and parenthood,'' to which I say: Anyone like Rao, who defines marriage and parenthood by limiting the definition of love, is just wrong and, frankly, un-American.

She even blasted African-American and Latino fraternities and sororities, arguing they were the ones who didn't understand the true meaning of Dr. King's ''I Have a Dream'' speech.

In a book review, she praised an author for writing:

> Perhaps it is time to stop thinking of blacks—and having them think of themselves—as a category. Let them rise or fall as individuals.

A nominee for the Federal bench ought to be able to recognize that the design of racism has been to have society and governments at all levels in this country discriminate against African Americans as a category and to prevent individuals and their families from rising from this hardship.

Again, Ms. Rao can try and try and try some more to distance herself from these writings, but she cannot distance herself from the work she does right now in her current job.

Civil rights activists scored a major victory in a recent Supreme Court case, Texas Department of Housing and Community Affairs v. The Inclusive Communities Project. The case dealt with what have come to be known as the ''disparate impact'' regulations. The Court held that housing policies that inadvertently discriminate against minorities violate the Fair Housing Act. That type of ''disparate impact'' regulation exists across Federal law. But right now, with Ms. Rao's help, Donald Trump is working to undo these protections. Here I quote from the Washington Post:

> The Trump administration is considering a far-reaching rollback of civil rights law that would dilute Federal rules against discrimination in education, housing, and other aspects of American life.

This article continues:

> Past Republican administrations have done little to erode the concept's application, partly out of concern that the Supreme Court might disagree, or that such changes would be unpopular and viewed as racist.

Apparently, that is not a big enough concern to stop Ms. Rao and the Trump administration.

Now, briefly, I would like to look at her writings on climate and environmental protection.

She mocked what she called the ''three major environmental bogeymen, the greenhouse effect, the depleting ozone layer, and the dangers of acid rain.''

In an extraordinary twist of logic, she suggested that people who warned about climate change were clinging to a ''dangerous orthodoxy''—her quote—''with no reference to the prevailing scientific doubts.''

Her work at the Trump administration shows no change in perspective.

Fuel economy standards that reduce carbon emissions and save drivers money at the pump have been axed by the Trump administration and Ms. Rao. The Clean Power Plan—gone under with the Trump administration and Neomi Rao. Rules cracking down on mercury pollution, which causes brain damage to kids, weakened by the Trump administration and Ms. Rao. Rules designed to protect workers from exposure to dangerous chemicals on the job—rolled back again by Ms. Rao and the Trump administration. The list can go on.

This nominee's record shows, in my view, that an apology is not enough—even a written one—because the shocking and offensive views she put into words in the past are reflected by her work in the present.

It is all right here in her CV as a Trump official. She is responsible for those policies that lead to more discrimination, that are taking rights and protections away from women, Black Americans, and Latino Americans.

She doesn't even have a long record of legal experience which she can fall back on and cite qualifications. Her qualifications seem to be her extreme views and membership in the far-right Federalist Society—a well-funded outside group that the Trump administration has empowered to fill the judiciary with extreme nominees from well outside the mainstream.

Actions Ms. Rao has been greenlighting have been challenged in court, and rulings against them have made clear that the Trump administration is willing to break the law to get their preferred ideological outcome.

For example, just last week, a Federal judge slammed Ms. Rao's actions to undo efforts to crack down on wage discrimination. The judge said Ms. Rao's decision was arbitrary, it was capricious, and unsupported by any analysis.

Perhaps that is why, during her nomination hearing, she refused to recuse herself from cases involving issues she worked on during the Trump administration.

So here is my bottom line. The Senate has seen this before—Trump nominees with extreme, offensive, and what are essentially incendiary writings from the past. In Ms. Rao's case, there are current examples of how she has not left those views in the past.

When it was Ryan Bounds nominated to the Ninth Circuit, this body—the U.S. Senate—stood up and said no. Mr. Bounds' views were extreme. More importantly, he knew it, and he hid them.

In my view, it is time to take a stand once more in the Senate, where Ms. Rao's views are on display for all to see. I am going to be a no on the nomination of Neomi Rao. I urge my colleagues to join me.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:07 p.m., adjourned until Wednesday, March 13, 2019, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 12, 2019:

THE JUDICIARY

PAUL B. MATEY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.