

Senate completes its business today, it adjourn until 10 a.m., Wednesday, May 15; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Lee nomination.

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

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

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

The PRESIDING OFFICER. The Senator from Connecticut.

#### NOMINATION OF WENDY VITTER

Mr. BLUMENTHAL. Madam President, later this week, Wendy Vitter will receive a vote on her nomination to the U.S. District Court for the Eastern District of Louisiana. Once our votes are cast, she almost certainly will be confirmed by a slim margin on largely partisan lines, and she will join the Federal judiciary for a lifetime tenure. My hope is that my Republican colleagues will think again and that some of them will demonstrate some conscience and conviction based on principles that I think are more important than any single district court judge and indeed more important than any of us individually, because Ms. Vitter will never again face public accountability for her fitness, her moral character, and her fidelity to the bedrock norms of our time. She will be insulated from all political process.

That is what we afford our judiciary. It is the right thing to do. They ought to be, in effect, guardians of the Constitution with lifetime appointments that protect them from political vindictiveness or revenge. But that independence must be earned. It is earned by vetting through a public confirmation process. The Founders placed that responsibility in this body with us, and for nearly a century, these confirmation hearings have helped the American public judge our would-be judges and weed out our wildly radical or unfit nominees. The confirmation process is a vetting that includes a hearing and then a committee vote and then a vote here in the Senate.

On the most basic principles of the confirmation process, Ms. Vitter fails to pass muster. She failed to produce more than 100 speeches, interviews, and press articles to the Senate Judiciary Committee for review. She defiantly declined to answer my question on one of the baseline notions of constitutional liberty—the correctness of the

Supreme Court's decision in *Brown v. Board of Education*.

As a member of the Senate Judiciary Committee, I ask these questions to every nominee when they appear because I believe it is unquestionably an important reason for considering whether to vote for these nominees—their beliefs as to whether *Brown v. Board of Education* and other well-established precedents are indeed correctly decided.

This iconic ruling of the U.S. Supreme Court is special even among those well-established decisions. Anyone who fails to endorse such a sacrosanct decision is clearly out of the legal and societal mainstream and unworthy of confirmation.

When I asked Ms. Vitter if she thought *Brown v. Board* was correctly decided, here is how she responded:

I don't mean to be coy, but I think I can get into a difficult, difficult area when I start commenting on Supreme Court decisions which are correctly decided and which I may disagree with. Again, my personal, political, or religious views I would set aside. That is Supreme Court precedent.

I was stunned by her answer. I am still stunned to read it back. I am tempted to read it again out of disbelief. *Brown* is woven into the fabric of our Nation. How could anyone suggest disagreeing with *Brown*, as she did, and then say: Well, even though I disagree with *Brown v. Board of Education*, I would follow it. That answer says something very profound about the person giving it.

In 2019, the only reasonable answer to my question—"Do you think *Brown v. Board of Education* was correctly decided?"—is a resounding yes. *Brown* is about more than just its historic ruling; a separate but equal school is inherently unequal and unconstitutional. A segregated school, even if it is called equal, is inherently unequal. That is *Brown*. It is about core values and principles deeply embedded in the constitutional consensus that binds and bonds our constitutional democracy. It is about more than just the words on paper; it is about our values and our principles, what holds us together as a nation.

When nominees like Ms. Vitter refuse to say that a seminal case like *Brown* was correctly decided and instead merely says that it is precedent, that it is a binding decision, what they are asserting essentially is that a case that is decided is only a decision, that it is only good law until it is reversed.

The reason for giving such an answer is that Ms. Vitter and the vast majority of President Trump's nominees do not really think that a lot of Supreme Court precedent is correct, and they would be perfectly happy for reversals.

We know that the President has a litmus test for his judicial nominees. He has told us repeatedly that he will appoint judges who will overturn another landmark Supreme Court decision, *Roe v. Wade*.

What is particularly striking and pernicious about Ms. Vitter's answer to

my question on *Brown* is that her extreme views on *Roe*, abortion, and reproductive rights are already well known and authoritatively established.

In May 2013, at an anti-choice protest outside the future site of a Planned Parenthood clinic, Ms. Vitter said:

Planned Parenthood says they promote women's health. It is the saddest of ironies that they kill over 150,000 females a year. The first step in promoting women's health is to let them live.

This is a radical view. It is wrong on the facts. It makes no secret of what Ms. Vitter thinks about the precedent of *Roe*, and it is worth noting that Ms. Vitter initially didn't even disclose this speech to the Senate.

In November of 2013, Ms. Vitter moderated a panel at the conference for Louisiana Right to Life titled "Abortion Hurts Women's Health." Again, Ms. Vitter did not disclose this to the Senate. On the panel was a so-called "expert" who falsely claimed that contraception pills are linked to cancer, an absurd and very dangerous lie. Ms. Vitter advocated that viewers download this speaker's brochure and ask their doctors to display it saying: "Each one of you can be a pro-life advocate."

At her confirmation hearing, a number of Senators asked Ms. Vitter whether she believed the claims made in the brochure. She refused to answer and insisted she had not studied the details of the brochure. How strange that she asked the audience of her panel discussion to have their doctors display it. At the same Louisiana Right to Life event, Ms. Vitter applauded Texas for the "great strides in making it very difficult to get abortions in Texas."

Ms. Vitter was applauding a law that requires physicians who perform abortions to have admitting privileges at a nearby hospital, and it required abortion clinics in the State to have facilities comparable to an ambulatory surgical center. The Supreme Court struck down the law as unconstitutional because it would have closed most clinics in Texas and placed an undue burden on Texas women to access safe, legal abortion services.

As a district court judge, Ms. Vitter undoubtedly would have upheld this unconstitutional restriction of a woman's right to choose. She celebrated a Louisiana law that forced women to look at an ultrasound before having an abortion. These kinds of requirements serve no medical purpose, which is why they have been struck down. They are only an obstruction to a woman's right over her own reproductive health, and they conflict with basic Supreme Court principles about the rights of privacy under the Constitution.

Federal judges are entrusted with this kind of lifetime appointment because they will be neutral arbiters. They will give everyone a fair, impartial hearing and rule on the facts and the law. That is the theory. Ms. Vitter, despite her best efforts to hide her

record, despite her continuing suggestion about different views and her refusal to answer questions on bedrock principles, has showed what her true beliefs are in her writings, her statements, and her activities. We know about Wendy Vitter, for sure. She will not be an unbiased umpire. When it comes to abortion and reproductive rights, we know that she is too ideological to simply call balls and strikes. That is why she was nominated, and that is why she was chosen. She passed that litmus test imposed by this administration and this President. She is part of those efforts to remake the Federal judiciary in the image of the far-right, extremist fringe.

I cannot support this nominee, and I urge my colleagues to oppose her. I will be voting against her on Thursday of this week when her confirmation vote is scheduled.

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.

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

The PRESIDING OFFICER. (Ms. MCSALLY). Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. SCHATZ. Madam President, climate change is already wreaking havoc on the American economy, and anyone who cares today about having a strong economy in 10, 20, or 30 years needs to be committed to acting now.

We are already seeing the economic risks related to climate change. Temperatures are rising, sea levels are rising, and extreme weather events are becoming more frequent and more severe.

Ask families in California whose homes and businesses have been burned to the ground in record-setting fires or construction workers in Texas who have to cut their hours because of the heat or farmers in Nebraska, where the State Farm Bureau estimates that this spring's flood will cost ranchers \$500 million and will cost grain farmers \$400 million. Farm bankruptcies were already at a 10-year high even before the flooding.

We are getting closer to long-term tipping points. Within 30 years, which is a typical span of a mortgage, nearly 400,000 existing homes in the U.S. coastal areas are at risk of being uninhabitable. These homes collectively are worth about \$210 billion. That is more than four times the estimated insured losses of Hurricane Katrina.

The "National Climate Assessment" says that \$1 trillion worth of coastal real estate in the United States is threatened by the effects of climate change. The assessment also shows that labor productivity will take a hit. Under one scenario, the Southeast

United States alone could lose \$47 billion in productivity each year.

The "National Climate Assessment" also predicts that maize and soybean yields will each be down as much as 25 percent across the Midwest by midcentury, mostly due to hot temperatures. In other words, we are looking at a real estate bubble, massive changes in productivity, and increased disaster costs for State and Federal governments.

It is no wonder that experts say that climate change is the top economic risk facing our planet today. The World Economic Forum has warned us that we are "sleepwalking into catastrophe." Citigroup estimates that world economies could lose at least \$44 trillion in economic activity between now and the year 2060. Actuaries name climate change the No. 1 risk to insurers in North America.

All of those individuals and institutions and companies and agencies that just described the risks related to climate change—I have no idea how they feel about birds and butterflies. I have no idea if they care about conservation on a personal level. I don't know if they surf or they snowboard or they hike or they bird-watch. I don't know how much they care about the natural environment. I do know they care about money, and they are paid to care about money, and they are very worried about the impact that climate change will have on our economy.

You will notice that this is not a traditional climate speech. I got involved in climate because I care, but I understand that not everybody has the luxury of worrying about the birds and the butterflies and the creatures in the ocean. A lot of people worry every day about whether they are going to be able to put food on the table, and a lot of people worry about the value of their home and value of their 401(k) and whether the government is going to be consumed with these disaster costs.

You should be worried about the new and growing risks of droughts, floods, storms, wildfires, and sea level rise because these events reduce the value of assets. They decrease investment income. They can increase insured and uninsured losses. In other words, they promise to disrupt financial institutions. That means the health of our financial system is at stake.

There are now 36 central banks and financial regulators around the world who are worried about climate's economic impact and how to plan for it, including the UK, Germany, Australia, Canada, France, Japan, and China. They have come together to work on developing the tools to assess climate change risk to the financial system. This is not the ecological system, and these are not communities. This is about money and how much money is at risk when it comes to climate change.

The Bank of England is planning to include climate impacts in its bank's

stress tests as early as next year, and the central bank of the Netherlands is doing more to include climate-related risks in its financial supervision. Yet guess who is not part of this group of 36 countries that is trying to develop the analytic tools to figure out what impacts climate change is going to have on our economic system—the United States.

The three Federal Government Agencies that oversee the financial system are taking a unique approach to this problem by putting their heads in the sand. I know this because I asked them. I was part of a group of 20 Senators who sent a letter to the Federal Reserve, the OCC, and the FDIC, and asked them how they are accounting for climate change risks to our financial system. Their response was basically—listen, extreme weather shocks happen all the time. As for the risks of climate change, since they are so far out and hard to quantify, our regulators book that risk at zero. Now think about the absurdity of this. It is not that they are saying the risk doesn't exist. They are conceding that it exists. They are just saying it is so hard to quantify that they have decided it is nothing.

There are all kinds of risks that all of these supervisory institutions evaluate on a regular basis. That is their job. They have these big manuals that they use—these thick manuals—to supervise banks and financial institutions. They can look at how much excess capital you have, how much exposure you have to a real estate bubble, or how much exposure you may have to a downturn in the economy. They have decided the risk related to climate change is nothing at all.

This is in direct contrast to almost every other industrialized country and its regulatory agency. It doesn't matter what their politics are—whether they are run by rightwing or leftwing governments; everyone else is taking the financial risk related to climate change seriously except the United States. Everyone—the insurance industry, the defense community, the intelligence community, the international community—knows that climate is at increasing risk. They all know that climate change is real and that it is impacting our financial system right now, that it is impacting the finances of publicly held corporations and banks and the government itself. The U.S. financial community needs to join them.

Let me end by saying this: We don't have to agree on the many ways in which we should be acting on climate change. It is OK if you hate my bill, with my good friend Senator WHITEHOUSE, on a carbon fee. It is OK if you think we should do the Green New Deal or not do the Green New Deal. It is OK if you think the Paris Agreement is bad or good. You get to think what you want, but you cannot ignore the risk that climate change is imposing on our financial system. You don't get to think that this cost—that this risk—is