

was in the Affordable Care Act and that if the Affordable Care Act gets struck down, this provision will get struck down. Those increased costs that we have been seeing of those biologic drugs are going to continue going up.

What is probably even more important for most people in New Hampshire is that the Affordable Care Act includes a very important program that has closed the Medicare Part D coverage gap—what is called the doughnut hole—for prescription drug coverage. This program has saved New Hampshire's seniors an average of \$1,100 a year in Medicare prescription drug costs. These savings help to ensure that Granite Staters who have fixed incomes can pay their utility bills or put food on the table.

The court's decision could wipe out these critical Medicare savings for seniors, just as it could wipe out coverage for preexisting conditions, coverage to keep young people on their parents' insurance up until they are the age of 26, and coverage for essential health benefits, which means that mental health care and coverage for substance use disorder treatment are required by insurance companies to be covered.

So given what is at stake, at this point I want to offer a unanimous consent request that the Senate proceed to the consideration of S. Res. 134, which is a resolution I introduced to express a sense of the Senate that the Department of Justice should reverse its position in the *Texas v. United States* case and defend the Affordable Care Act.

UNANIMOUS CONSENT REQUEST—S. RES. 134

Mr. President, I ask unanimous consent that as in legislative session, the Judiciary Committee be discharged from further consideration of S. Res. 134 and the Senate proceed to its immediate consideration; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER (Mr. YOUNG). Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object, whether you support the ObamaCare law or oppose it—and let me be clear, I oppose it—it remains the law.

This week, a Federal appellate court heard arguments related to the case of *Texas v. United States*, and I expect it will eventually end up before the U.S. Supreme Court.

Regardless of the outcome, our commitment remains to protect people with preexisting conditions. As a doctor, as a husband of a breast cancer survivor, I know the importance of making sure patients can have access to high-quality healthcare at an affordable cost.

Since the Obama healthcare law passed, this has not happened for many families to whom I speak at home in Wyoming. They keep telling me that

ObamaCare made their insurance unaffordable, and it has made it more difficult for them to get the care they need. Simply put, they know that the Obama healthcare law has failed because they have personally experienced the law's sky-high premiums and fewer choices.

It has taken Washington Democrats a little longer to figure that out. Now they are clamoring for a one-size-fits-all healthcare plan. They want a healthcare system controlled by Washington bureaucrats, and as a doctor, my focus is on making healthcare better for patients, period.

Republicans in the Trump administration are taking on the tough issues facing patients across the country. We eliminated the individual mandate so that patients aren't punished for refusing to buy insurance they cannot afford. We support more insurance choices, such as association health plans, so folks can find the best coverage for themselves and their families. We are taking on the drug companies. Congress has already eliminated gag clauses, and more reforms are on the way. Finally, with the President's support, we are going to end surprise medical bills. Simply put, Republicans want patients to pay less for the coverage they already have.

Democrats want to take away people's health insurance, especially the coverage they get through their work. It is simply wrong. The question is whether Washington Democrats are interested in actually solving the problem or playing politics.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I knew my colleague from Wyoming was going to object. I am disappointed in his objection, and I know he is a doctor. I believe he cares about his former patients. I believe he cares about providing healthcare to his constituents, as I believe all of my colleagues care about that.

That is why I am so puzzled by why there has been a 9-year effort to try and undermine the Affordable Care Act and the healthcare that it provides to people in this country.

As I said earlier, there is no followup plan that will provide coverage for people with preexisting conditions if the Affordable Care Act is overturned. There is no followup plan that will provide coverage for people with substance abuse disorders, for mental health coverage. That is all going to go out the window.

By failing to send a clear message to the Justice Department that they should defend the Affordable Care Act, we are putting access to care at risk for millions of Americans across this country.

What we should be doing—and we should have done it as soon as the effort to overturn the Affordable Care Act was defeated in 2017—is working

together to put in place changes that make the Affordable Care Act work better. We should be looking for ways to provide coverage to people that is affordable, that provides quality healthcare, that is accessible to every American. Instead of that, we have no plan B. There is no bill that would provide coverage if this administration is successful in overturning the Affordable Care Act.

I am very disappointed, though not surprised, by the reaction from my colleague from Wyoming.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATION OF PETER C. WRIGHT

Mr. CARPER. Mr. President, I rise in opposition today to the nomination of Peter Wright to serve as the Assistant Administrator for EPA's Office of Land and Emergency Management.

I take little joy in opposing the nomination but do so for three reasons. Before I say those three reasons—I stood on this floor right up until the end of the last Congress, trying to get Peter Wright confirmed with a unanimous consent approach, and we failed at the very end.

The irony of it is, having stood here and tried to get him confirmed at the end of the last Congress and today being in a position in which I am asking for us to postpone, at least for today, his nomination—there is an irony there, and I don't have the time to go into all of the reasons, but I will mention a few of them.

In the last Congress, I worked with the EPA to negotiate a set of significant policy concessions that I believe would have allowed the Senate minority to agree to a more expeditious confirmation process for Mr. Wright.

I worked diligently until the closing of the last Congress—right until the bitter end, if you will—to achieve that objective, as I have done in good faith for other EPA nominees.

In fact, the very last nominee confirmed in the last Congress was an EPA nominee to head the Agency's Tribal Office, Chad McIntosh. My staff and I and others were very much involved in getting him confirmed.

In this Congress, EPA has refused to reengage with my office, with our committee staff, or with me on this nomination. The Agency no longer agrees to the policy concessions that I previously secured and to which they had previously committed in the last Congress. While this has been a real disappointment for me, unfortunately, it is hardly a surprise, given the increasingly extreme policy and tone of this EPA.

Second, EPA, under Mr. Wright's leadership for the past year, has failed to advance an area of policy that is critical to me and to many other Senators, and that is the regulation of PFAS chemicals known as permanent chemicals. Per- and polyfluorinated alkyl substances, known as PFAS, are a class of manmade chemicals that includes something called PFOA, PFOS,

GenX, and many other chemicals. Developed in the 1940s, PFAS can be found across industries in many products, including food packaging, nonstick pans, clothing, furniture, and firefighting foam used by the military.

Just this week, Donald Trump said: “We have the cleanest water we have ever had.” The President has often made this statement while asserting his commitment to ensure that our drinking water is safe.

In his confirmation hearing, EPA Administrator Andrew Wheeler said:

It is these Americans that President Trump and his Administration are focused on, Americans without access to safe drinking water or Americans living on or near hazardous sites, often unaware of the health risks that they and their families face. Many of these sites have languished for years, even decades. How can these Americans prosper if they cannot live, learn, or work in healthy environments? The answer is simple. They cannot. President Trump understands this and that is why he is focused on putting Americans first.

That is from Andrew Wheeler, now our EPA Administrator.

Yet under Peter Wright’s leadership for the past year, EPA’s Office of Land and Management has failed to heed these words. Peter Wright serves on a temporary basis without confirmation.

I think we have a poster here that is relevant.

A study released today by the Environmental Working Group identified 712 locations in 49 States that are contaminated with PFAS—712 locations in 49 States that are contaminated with PFAS—from coast to coast, from our Canadian border to the Gulf Stream waters.

Just last year, the town of Blades in the southern part of Delaware alerted its 1,250 residents to stop using public water for drinking and cooking because of PFAS contamination at nearly twice the Federal health advisory level.

Just an hour from Blades, up north on Route 13, officials at the Dover Air Force Base found that 36 of the 37 sampled ground water wells showed dangerously high levels of PFOS and PFOA, related to, we believe, the use of chemicals in firefighting foam at the base.

It is not just Delaware. PFAS contamination is widespread, in red States, in blue States, in small water systems and large ones, on military sites and in residential areas, from Maine to Alaska.

While industrial manufacturers and users of these chemicals are responsible for much of the contamination, it turns out that a principal user of PFAS was our military.

I speak as a retired Navy Captain speaking here to a Presiding Officer who is a marine, and for us it is personal and part of our history in the military.

But it turns out that a principal user of PFAS was the military, which used it as a firefighting foam, as I said earlier.

In 1973, I was a young naval flight officer stationed at Moffett Field naval

air station in California, and on a sunny April day, as I was driving into work from my home in Palo Alto, I saw a big, black plume of smoke rising above my base after, as it turned out, a massive NASA Convair jet descended on runway. We had parallel runways, and air traffic control had directed two aircraft to land on the same runway at the same time. As a result, the large NASA Convair jet descended on a runway where a P-3 aircraft—my sister squadron’s aircraft—had already landed and was taxiing, and the larger aircraft literally landed on top of the smaller aircraft.

It took over an hour for firefighters to control the blaze. Sixteen people died, and only one crewman on the P-3 survived. These were my brothers and sisters. These were my sister squadron mates.

I understand that PFAS-containing foam has supported our military readiness and saved lives better than most, but the cruel irony is that when PFAS winds up in a glass on the kitchen table, these same chemicals endanger lives.

The Environmental Working Group—that is the name of a group—has identified 117 military sites, including 77 airfields, with PFAS contamination because of the use of PFAS-containing foam to both train for and fight fires involving highly flammable jet fuels.

Yet in many States, cleanup of these sites has been stalled, and the military has shockingly been part of the problem.

In May of last year, 2018, then-EPA Administrator Scott Pruitt held a PFAS National Leadership Summit and proudly announced four “concrete steps” that EPA would take to address PFAS contamination. The second of these four steps was that EPA would propose designating PFOA and PFOS—two of the most dangerous, troubling elements in this class of chemicals—as hazardous substances under the Superfund law. That was more than a year ago.

Making that designation would compel the Defense Department to stop fighting cleanups in States all across the country. Indeed, in some cases, the Defense Department has justified its refusal to clean up PFAS contamination on grounds that the Superfund designation has not yet been made.

Designating these substances as hazardous would also unleash EPA resources to address cleanups of orphan sites where there is no identified liable polluter.

Despite Scott Pruitt’s commitment to move forward with the designation of PFAS as a hazardous substance under the Superfund law, under Peter Wright’s watch, EPA hasn’t even proposed—has not even proposed—to do that, let alone finalize the action. At this rate, it will be at least another year, maybe longer, before this vital step will be taken. Americans deserve better than this, and they deserve greater urgency on this issue.

Last month, the U.S. Senate, right here, passed its National Defense Authorization Act, which included several important bipartisan provisions to address PFAS contamination. Notably, I could not even secure an agreement to allow a vote on my amendment that would designate PFAS as hazardous substances under the Superfund law. I did not get a vote on my amendment, despite the fact that 35 Democratic and Republican cosponsors on bipartisan legislation clearly signaled their support for this policy. Meanwhile, EPA continues to drag its heels, acting with far more urgency to repeal environmental regulations than to clean up the water our government’s own activities have inadvertently contaminated. Mr. Wright will have the ability to make this hazardous substances designation for PFAS if he is confirmed. Let me say that again. Mr. Wright will have the ability to make this hazardous substance designation for PFAS if he is confirmed. He should hear strongly from this Senate our collective desire that he urgently do so.

It was my hope that, despite the many disagreements my colleagues and I have had with the Trump EPA on their views on climate change and some environmental rollbacks, there could at least be some commonsense agreement on the need to clean up widespread PFAS contamination. That has not been the case, at least thus far.

Third, and finally, a late-breaking matter came to the committee’s attention this week regarding an ethics investigation into Mr. Wright’s financial disclosures. Chairman BARRASSO and I received news from the White House Office of Government Ethics, known as OGE, that Mr. Wright, despite numerous written assurances to the contrary, held stock in DowDuPont at the time he filed his nominee financial disclosure report and continued to do so until this March 12, a couple of months ago. Although EPA believes that Mr. Wright has complied with all applicable ethics laws during that period of time, OGE, the Office of Government Ethics, asserts that it currently lacks the information necessary to make such a determination or to send a completed amendment to his ethics agreement and financial disclosure report to our committee.

OGE, Office of Government Ethics, felt compelled to share this information with the EPW Committee because of its direct relevance to the Senate’s consideration of Mr. Wright’s nomination today.

In light of the ongoing OGE investigation, I would implore my colleagues to delay the Senate’s consideration of Mr. Wright’s nomination for the time being. I don’t suggest delaying consideration of this nominee lightly. Again, I was one of the key people standing in this Chamber back at the end of December trying to get this man confirmed. In fact, any delay in the Senate’s confirmation and the Senate’s consideration of Mr. Wright’s

nomination would not prevent him from continuing to serve in his current capacity, as he has done since he first arrived at EPA in an acting capacity on July 9, 2018.

I strongly believe we must afford OGE—Office of Government Ethics—and EPA the opportunity to complete their investigations into this matter and fully share all relevant information, for both the sake of Mr. Wright and for the Agency. If the facts are as described by EPA, then a completed investigation would be to Mr. Wright's benefit. Let me say that again. If the facts are as described by EPA, then a completed investigation would be to Mr. Wright's benefit.

Let me close by saying, if, however, OGE and EPA reach a different conclusion, such information would be directly relevant to every Senator's deliberation when voting whether to confirm Peter Wright to the position of Assistant Administrator in the Office of Land and Emergency Management at EPA.

From conversations I had with EPA yesterday, it is my understanding that EPA is working to get the relevant information to OGE to provide to the Senate. Proceeding with the consideration of this nomination while resolution of this ethics matter between EPA and OGE is pending I think deprives the Senate of important and relevant information. I have urged delaying this vote today. I would do so again. In the absence of that delay, along with the other reasons I mentioned, I will vote no on the motion to proceed to the nomination of Peter Wright. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, let me, at the beginning, thank Senator CARPER for his incredible leadership on the Environment and Public Works Committee. He has a very good bill on cleaning up PFAS. I have signed on to it, and I am going to talk about some of the damage in New Mexico. As Senator CARPER knows, this is a nationwide problem that the Department of Defense has major responsibility for.

This is a photograph of Art Schaap at his dairy farm in New Mexico, where he owns 4,000 head of cattle. Art's farm is located outside of Clovis, in the central part of the State, adjacent to Cannon Air Force Base.

Art is a second-generation dairy farmer. He and his family worked hard to build this dairy, keep his cows healthy, and provide nutritious milk to New Mexico and the Nation's consumers, but today Art will dump 15,000 gallons of milk. That is enough milk to give 240,000 children a carton of milk with their school lunch. He will dump another 15,000 gallons tomorrow and the next day and the next day.

Why is Art dumping all of this milk? Because highly toxic contaminants from Cannon Air Force Base have polluted the groundwater he uses to water

his cows. The groundwater Art uses for his cows and for his family's drinking water is polluted by a group of toxic chemicals collectively known as PFAS.

We know PFAS are dangerous to humans. They are associated with increased risk of liver, testicular, kidney, and pancreatic cancer. They are linked to altered puberty, endocrine disruption, pregnancy disorders, and lowered fertility.

Art's dairy is ruined. He can't sell his milk. He can't sell his cows. He can't sell his property. He is spending thousands of dollars to maintain his cows and dump milk. In fact, the PFAS levels in Art's groundwater are 371 times greater than what the Environmental Protection Agency says is safe.

The Air Force knows it is responsible for this environmental disaster, but it claims it doesn't have the legal authority to provide clean water for Art's cows or to reimburse Art for his lost livelihood.

Art is not alone. There are other New Mexico dairies located near Cannon Air Force Base that are threatened. Those dairies have spent hundreds of thousands of their own dollars to install water filters to prevent them from losing their livelihoods.

The Department of Defense has identified over 400 military sites where PFAS were used. There are over 100 military sites nationwide with known PFAS contamination. This is a national problem of immense proportion. Yet this President's EPA refuses to issue drinking water standards for PFAS. It has issued only an advisory that does not have the force of law. This President's EPA has failed to even list these chemicals as hazardous substances eligible for Superfund cleanup. Our farmers and rural America deserve better—much better.

Although the Air Force claimed it had no authority to provide relief, the then-head of the Air Force, Secretary Heather Wilson, assured me in a hearing, under oath, the Air Force would work with me on legislation to secure that authority for the Air Force. Contrary to that assurance, the Air Force did not work with us on that legislation. They made it clear they don't even want the authority to help farmers like Art. So, in March, I introduced the PFAS Damages Act—along with Senator HEINRICH and Representatives LUJÁN, TORRES SMALL, and HAALAND—to ensure compensation for those hurt and to make sure those contaminated sites were cleaned up.

I also joined Senator CARPER's bipartisan PFAS Action Act of 2019 that requires EPA to establish PFAS as hazardous substances eligible for Superfund cleanup funds.

Clean water is not and should not be a partisan issue. New Mexico is a patriotic State and honors its military bases, but the Department of Defense caused this contamination and needs to make it right.

Senator HEINRICH was able to include our bill as an amendment to the Na-

tional Defense Authorization Act that the Senate passed by an overwhelming margin of 86 to 8 in June. It looked like relief—relief owed to Art and others unfairly hurt—would be on the way, but 2 days ago, on Tuesday, the President threatened to veto the entire Defense bill if it gets to his desk with provisions to help farmers like Art and to clean up PFAS contamination.

That is a \$750 billion bill for national security and defense he is threatening to veto because it requires cleanup of a known pollutant. Without a doubt, this is one of the most outrageous veto threats I have ever witnessed in 30 years in Congress—vetoing the Defense bill over help for farmers facing ruin? It is shameful. Republican leadership in the Senate and the House should join us and make it clear to the President that this is one veto that will be overridden.

On top of all of this, the President is asking the Senate to confirm Peter Wright, a top lawyer from Dow Chemical—one of the largest chemical companies in the world and the one that manufactured PFAS—to run the EPA toxic cleanup office. This nomination is more filling the swamp by this administration, more foxes guarding the henhouse.

EPA has slow-walked designating PFAS as hazardous substances under the Superfund Program Mr. Wright wants to oversee. Mr. Wright has recused himself from matters relating to Dow Chemical and therefore will provide no leadership on this pressing issue.

The American people deserve a nominee who will clean up current PFAS contamination and prevent future contamination. Mr. Wright can give no such assurance, and I will be voting no on his nomination.

I call upon the President to nominate someone who will commit to tackling this issue with the urgency it deserves and to withdraw his shocking veto threat so innocent farmers like Art can save their families' livelihoods.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to oppose the nomination of Peter Wright as Assistant Administrator for the Environmental Protection Agency's Office of Land and Emergency Management.

This position is of enormous consequence to the people of New Jersey, and I refuse to stay silent as the Trump administration stacks Federal agencies charged with protecting our health and our environmental safety with industry insiders and corporate hacks.

Mr. Wright is a former chemical industry lawyer. If confirmed, he will be charged with overseeing the cleanup of the most toxic waste sites in America through what is known as the Superfund Program.

New Jersey is home to more Superfund sites than any other State in the Nation.

For many years, a lack of strong environmental protections and oversight left our communities vulnerable to unsafe, unchecked, unregulated pollution. I am talking about the days before we had an Environmental Protection Agency, before we passed landmark environmental laws, and before we had regulations to protect public health. Back then, big polluters had a blank check to contaminate our air, soil, and water with toxic chemicals. People across America were exposed to pesticides, lead, asbestos, and other toxins through the air they breathed, the rivers they fished, the soil they farmed, and the land they built. It was unhealthy, it was unsustainable, and in many cases, it was downright dangerous.

Indeed, it was 1980—the same year a chemical waste facility in Elizabeth, NJ, burst into flames and forced an entire community to stay indoors—that Congress passed a law creating the Superfund Program. Today, Superfund is our primary tool for cleaning up the hazardous waste across America. It requires polluters to pay to clean up the sites they have contaminated, and it also funds the cleanup of orphan sites for which the polluters responsible no longer exist.

The Superfund Program is a promise to our communities—a promise to hold polluters accountable for the damage they have done; a promise to rid our soil and water of toxic chemicals; a promise to transform toxic brownfields into safe, livable, usable land; and a promise to protect the health of today's families and of future generations.

That promise cannot be kept on its own. We the people must keep that promise. The one way we can do so is by ensuring that leaders who oversee the Superfund Program are willing to stand up to polluters, listen to the best science, and hold big corporations accountable. Nothing in Peter Wright's records suggest he will be that kind of leader. He spent nearly two decades as a lawyer for Dow Chemical—one of the primary polluters for many Superfund sites across the Nation.

For all the President's talk of draining the swamp, it is just that—talk.

Mr. Wright could have been a force for good at Dow. He could have stood up for science and raised standards. He could have pushed for more efficient, thorough cleanups of toxic waste. Instead, he did just the opposite.

Consider Dow's Midland site in Michigan, where more than a century of producing things like Styrofoam, Agent Orange, and mustard gas left rivers contaminated for more than 50 miles. As Dow's self-styled "Dioxin Lawyer," Mr. Wright points to the Midland site as one of his greatest achievements. But a New York Times investigation from last year tells us a different story. It found that under Mr. Wright's watch, Dow was accused of "submitting disputed data, misrepresenting scientific evidence and delaying cleanup."

These accusations were leveled by Federal regulators and whistleblowers alike. One independent lab found Dow used incomplete contamination data, leaving the risk of toxins going undetected. An internal whistleblower revealed Dow intentionally designed its data so that it couldn't be properly vetted by independent third parties.

In 2007, an EPA memo concluded that Dow had "documented history of impeding the efforts of the Michigan Department of Environmental Quality" at the Midland site. It wasn't only regulators that Mr. Wright misled; the EPA also found that Dow "frequently provided information to the public that contradicts agency positions and generally accepted scientific information." That included mailing out a newsletter to local residents downplaying the risks of dioxin to human health, which, according to the EPA, is highly toxic, can cause cancer, reproductive and developmental problems, and damage the immune system. The newsletter even included the false claim that dioxin-contaminated wild game was safe to eat. That is appalling.

Mr. Wright also participated in Dow's funding of a study claiming that people living on dioxin-contaminated soil were not at risk for personal exposure.

Simply put, Peter Wright made his mark at Dow Chemical by misrepresenting science, downplaying threats to public health, and undermining cleanups. These practices run counter to the very mission of the EPA. Yet Wright's past indicates that, if confirmed, he will continue to mislead communities, continue to delay cleanups, and continue to sacrifice the health of our people for the bottom line of corporate polluters.

Finally, as if it weren't enough to mislead the public, we now know that Mr. Wright misled Congress when he lied to the Environment and Public Works Committee about continuing to own stock in Dow after his nomination.

When I hear that Mr. Wright proudly called himself the "Dioxin Lawyer," when I hear that he misled families about threats to their health, and when I hear that he sought to distort scientific evidence and get his company off the hook for their toxic legacy, I worry about the damage he could do across the Nation, including in New Jersey.

New Jersey is home to 114 Superfund sites. That is more than California—a State with 4½ times our population. That is more than double the total sites in Texas—a State with 30 times our land mass. Millions of people live within a few miles of these sites, in North Jersey and South Jersey, in bustling cities and rural towns, in every corner of our State. Among them is one of the largest Superfund cleanups in the country. Like the site in Michigan, New Jersey's Diamond Alkali Superfund site is contaminated with dioxin from the making of Agent Orange. Like the site in Michigan, we have warnings about dioxin-contaminated food, such as seafood from the Passaic River.

Like those in Michigan, the New Jerseyans who reside by the Passaic are depending on the Superfund Program to clean up the river and limit their exposure to toxic chemicals. These families and millions of Americans nationwide are depending on the EPA to protect the water they drink, the air they breathe, and the soil on which they farm and build. They are depending on their government to put their health ahead of corporate polluter profits. Today they are depending on us to reject the nomination of Peter Wright.

The EPA has a simple mission: to protect human health and the environment. The American people deserve an Assistant Administrator who believes in that mission, not someone who has spent decades fighting it. I urge my colleagues to vote no on Mr. Wright's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I ask to be recognized for 7 minutes.

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

Mr. MARKEY. Mr. President, I rise in opposition to the nomination of Peter Wright for the position of Assistant Administrator of the Office of Land and Emergency Management at the Environmental Protection Agency. If confirmed to this position, Mr. Wright would be in charge of the office that cleans up hazardous waste, contaminated lands, oil spills, and environmental disasters. He would be at the helm of the Nation's Superfund Program, which is critical to keeping our communities and families safe from dangerous chemicals and other toxic substances.

As a former counsel for Dow Chemical Company, Peter Wright's résumé looks eerily similar to the listing of parties responsible for contaminated Superfund sites across our country. For 19 years at Dow, he was known as the company's dioxin lawyer. He headed negotiations for a massive cleanup of this cancerous chemical at a time when the company was accused of delaying cleanup efforts and misrepresenting scientific evidence.

For the past year, Peter Wright worked in an unconfirmed capacity as "special counsel to the EPA Administrator." Despite promising to divest all his equity interests in DowDuPont, it was recently revealed that he held on to those stocks until just 4 months ago. Continuing to profit off of a chemical company while working for the primary Federal Agency responsible for regulating that company is unacceptable behavior.

Just as our lands need protection from toxic chemicals, our government needs to be kept safe from ethical dangers and toxic nominees—two things that have continually contaminated the Trump administration.

Early in my career, I worked with a mother in Woburn, MA, named Anne

Anderson. Anne worked tirelessly to expose the link between the industrial chemical TCE and the development of leukemia in Woburn, MA, and the children of Woburn, MA. Her work and the work of other Woburn families helped spur Congress to pass the Superfund law. I was a champion of that bill in the House, and I am proud to continue to defend and strengthen the Superfund Program today in the Senate.

Anne Anderson's son Jimmy died from exposure to TCE and other chemicals. She had to do the job because the Federal Government was not doing the job. She had to be the one to put together all the other mothers who had children who were also going to die.

You may have seen the movie or read the book "A Civil Action." It is a very good movie, but it is about her. It is about what happens when the Federal Government turns a blind eye to the impact that large chemical companies and others have upon the lives of ordinary citizens if there aren't proper protections.

Those sites are cleaned up. Her son Jimmy has passed. The site now has a transportation facility on it. It is named the "Jimmy Anderson Transportation Center," in his name. He died. Superfund is meant to make sure there are no more Jimmy Andersons.

Right now, there are tens of millions of acres of contaminated land in America and in places with long industrial histories, like Massachusetts, and we have nearly a century's worth of toxic materials that have accumulated across our State and across the country. That is why we need an Assistant Administrator who will fight to protect American communities from these toxic exposures and make sure polluters pay for that cleanup.

Recently, Congress has been debating how to handle a class of chemicals known collectively as PFAS, which are everything from Teflon to firefighting foams and are often called forever chemicals because of how long they stay in the environment, cycling through soil, water, and air, until they build up in our food and in our bodies. Certain PFAS chemicals are associated with a host of dreaded diseases: cancer, thyroid hormone disruption, low infant birth rates, and immune system problems. PFAS should really be "poisonous for all species" because it poisons fish and it poisons cows. It poisons the water. Ultimately, it begins to affect human beings as well. PFAS—"poisonous for all species."

Massachusetts has documented PFAS contamination in Ayer, Barnstable, Mashpee, Shirley, Middleton—all across our Commonwealth. Polluters should pay to clean up their messes, but right now, it is the public that pays. This could change if the EPA would follow up on a promise made by Scott Pruitt to designate PFAS as a hazardous substance under the Superfund law. More than a year later, we are still waiting.

We need a champion at the head of the Superfund office. There are many

Anne Andersons around this country trying to keep their little Jimmys protected. Mr. Wright hasn't committed to giving our communities the weapons they need to fight back against chemical contamination. That is why today I will oppose his nomination on this floor.

Mr. President, with that, I yield back.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to complete my remarks on this nominee before the vote.

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

Mr. BARRASSO. Mr. President, today the Senate is considering the nomination of Peter Wright to serve as the Assistant Administrator of the Environmental Protection Agency for the Office of Land and Emergency Management. If confirmed, Mr. Wright will lead this critical EPA office that provides policy, provides guidance, and provides direction for the EPA's emergency response and waste programs. Mr. Wright will play a crucial role in helping the Agency respond to disasters and cleanups.

The Office of Land and Emergency Management oversees the Superfund Program, which is a priority for this administration.

There are currently about 1,300 listed Superfund sites across America. On top of those, there are roughly 450,000 brownfield sites that need to be addressed. The EPA needs an Assistant Administrator in place to prioritize those cleanups. Peter Wright is ready for the task. He currently serves as a special counsel at the EPA. Previously, Mr. Wright worked as managing counsel to Dow Chemical Company for nearly 20 years. His nomination has been endorsed by 18 current and former chairs of the American Bar Association's Section of Environment, Energy, and Resources, including John Cruden, former Assistant Attorney General in President Obama's administration.

John Milner, the current chair of the section, writing on behalf of the former chair, said this of Mr. Wright: "Peter's career, his selfless commitment to the American Bar Association's Section of Environment, Energy, and Resources and the members it serves, and his well-recognized personal integrity exemplify the high standards of the legal profession." He goes on to say: "We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator for OLEM, and believe Peter will serve the office with distinction and honor."

He is ready to take on this responsibility, and he has been ready for well over a year. President Trump originally nominated Peter Wright to serve in this important role on March 6, 2018. That was 493 days ago. What is the reason for so long of a delay? Obstruction by Senate Democrats. We have seen it before. For over a year, this important EPA office has been without confirmed

leadership because of political games being played by Senate Democrats. Now the games have ended, and it is time to get serious.

Senate Democrats are now saying they would delay this vote further because of an error Mr. Wright included on his disclosures. According to career EPA ethics officials, Mr. Wright made an inadvertent error and immediately corrected it. EPA ethics officials found that he did not violate any Federal ethics laws or regulations.

Justina Fugh, who is a career ethics official at the EPA, concluded in her memo reviewing Mr. Wright's action:

In my opinion, Mr. Wright adhered to the federal ethics laws and regulations. When he became aware of the inadvertent error, he notified me immediately and corrected that error.

The delays must end. Superfund sites need to be cleaned up, emergencies must be responded to, and this important office needs its Senate-confirmed leader in place. It is time to confirm Peter Wright to be Assistant Administrator of the EPA for the Office of Land and Emergency Management, and I strongly encourage Senators to support this nomination.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Wright nomination?

Mr. ROUNDS. 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. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

Mr. SCHUMER. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from New Mexico (Mr. HEINRICH), the Senator from West Virginia (Mr. MANCHIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 52, nays 38, as follows:

[Rollcall Vote No. 203 Ex.]

YEAS—52

Alexander	Crapo	Isakson
Barrasso	Cruz	Johnson
Blackburn	Daines	Kennedy
Blunt	Enzi	Lankford
Boozman	Ernst	Lee
Braun	Fischer	McConnell
Burr	Gardner	McSally
Capito	Graham	Murkowski
Cassidy	Grassley	Paul
Collins	Hawley	Perdue
Cornyn	Hoeven	Portman
Cotton	Hyde-Smith	Risch
Cramer	Inhofe	Roberts

Romney  
Rounds  
Rubio  
Sasse  
Scott (FL)

Scott (SC)  
Shelby  
Sullivan  
Thune  
Tillis

Toomey  
Wicker  
Young

Isakson, Shelley Moore Capito, Pat  
Roberts, John Cornyn, John Hoeven,  
Steve Daines, John Boozman, Thom  
Tillis, Kevin Cramer, Richard Burr.

## NAYS—38

Baldwin  
Blumenthal  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Coons  
Cortez Masto  
Duckworth  
Feinstein  
Hassan  
Hirono

Jones  
Kaine  
King  
Klobuchar  
Leahy  
Markey  
Menendez  
Merkley  
Murphy  
Murray  
Peters  
Reed  
Rosen

Schatz  
Schumer  
Shaheen  
Sinema  
Smith  
Stabenow  
Tester  
Udall  
Van Hollen  
Warner  
Whitehouse  
Wyden

## NOT VOTING—10

Bennet  
Booker  
Durbin  
Gillibrand

Harris  
Heinrich  
Manchin  
Moran  
Sanders  
Warren

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 362.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

## CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Mitch McConnell, Roger F. Wicker, John Barrasso, David Perdue, James E. Risch, Mike Crapo, Roy Blunt, Johnny

## LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## THE PROTOCOL AMENDING THE TAX CONVENTION WITH SPAIN

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 1, treaty document No. 113-4.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The treaty will be stated.

The senior assistant legislative clerk read as follows:

Treaty document No. 113-4, The Protocol Amending the Tax Convention with Spain.

## AMENDMENT NO. 910

Mr. MCCONNELL. I have an amendment at the desk, and I ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 910 to treaty document No. 113-4.

Mr. MCCONNELL. I ask unanimous consent that the reading be dispensed with.

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

The amendment (No. 910) is as follows:

At the end add the following.

"This Treaty shall be effective 1 day after ratification"

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 911 TO AMENDMENT NO. 910

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 911 to amendment No. 910.

Mr. MCCONNELL. I ask unanimous consent that the reading be dispensed with.

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

The amendment (No. 911) is as follows:

Strike "1 day" and insert "2 days"

## CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Treaties Calendar No. 1, Treaty Document No. 113-4, The Protocol Amending the Tax Convention with Spain.

Mitch McConnell, Mike Crapo, John Thune, Pat Roberts, Thom Tillis, Roger F. Wicker, Mike Rounds, Roy Blunt, Shelley Moore Capito, Steve Daines, Johnny Isakson, Kevin Cramer, John Boozman, Richard Burr, John Hoeven, John Cornyn, Lindsey Graham.

## LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## PROTOCOL AMENDING TAX CONVENTION WITH SWISS FEDERATION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 2, treaty document No. 112-1.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The treaty will be stated.

The senior assistant legislative clerk read as follows:

Treaty document No. 112-1, Protocol Amending Tax Convention with Swiss Confederation.

Mr. MCCONNELL. I ask unanimous consent that the reading be dispensed with.

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

## AMENDMENT NO. 912

Mr. MCCONNELL. I have an amendment at the desk, and I ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 912 to treaty document No. 112-1.

The amendment (No. 912) is as follows:

At the end add the following.

"This Treaty shall be effective 1 day after ratification"

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.