

big business or big corporations. That is their accusation.

These provisions make a whopping 4.5 percent of the total cost of extending provisions that expired at the end of 2017. Most of these provisions have very minimal cost as they only accelerate when a business may deduct certain deductions and not whether the costs are deductible in the first place.

However, the most costly of what I term general business incentives is also likely the most popular. I am going to show you in just a minute. It is the most popular because it has such an overwhelming number of cosponsors in both bodies. That is the short line tax credit. This provision offers a tax credit to short line railroads for qualified maintenance expenditures. This credit isn't available to the largest railroads, which we call the class 1 railroads. This credit benefits smaller railroads that are critically important for farmers and many manufacturers to get their products to the global markets. For example, in my State of Iowa, according to recent data from the American Short Line and Regional Railroad Association, there are nine short line and regional railroads.

This credit isn't just supported by and important to the railroads themselves; it is also supported by the users of short line railroads who depend on these railroads to get their products to market around the world. For example, Midwest soybean farmers selling to the Asian market typically must ship their crop by rail to the Port of Seattle, and the short line railroads are part of that railroad system and are critical to that transportation network.

The fact is, this provision is far more than some sort of giveaway to business. It is a provision that is important to whole communities. This is probably a big reason why legislation making this short line tax credit permanent currently has 50 cosponsors in this body of the Senate and 228 cosponsors in the House of Representatives.

I hope I have been able to clear up some of the misunderstanding regarding tax extenders for the new Democratic majority in the House, not only on the substance of these tax extenders but also on the fact that extending these tax credits has been both bicameral and bipartisan for at least a couple of decades. Extenders are not just about businesses or corporations. This overwhelmingly benefits individuals—individuals. It benefits green energy and promotes job creation in urban and rural communities alike.

In order to provide certainty—and you need certainty in tax law. If you want to provide certainty to the people who relied on these provisions in 2018 and potentially this year, we should extend them at least through 2019 as quickly as possible. This could have been done as part of the bipartisan agreement on budget and debt limits announced Monday. Unfortunately, I fear a misunderstanding of what extenders really are by the new Members

in the House of Representatives and whom they benefit on the part of the same Democratic House majority contributed to these extenders being left out of the deal announced Monday.

I know there are those who question the need to extend these provisions in perpetuity. It happens that I agree with those points of view. That is why the Finance Committee, which I chair, created a series of task forces to examine these policies for the long term.

The task forces were charged with examining each of these provisions to determine if we can reach a consensus on a long-term resolution so that we don't have to have an extended debate every 2 years about extending extenders or tax credits.

I look forward to receiving the summations of the task forces that I have appointed later this week. Hopefully, these submissions will provide a basis for the Finance Committee to put together an extenders package before the end of the year that includes longer term solutions for as many of these temporary provisions as possible.

This is important so that we can stop the annual exercise of kicking the can down the road. However, in the meantime, I remain committed to acting as soon as possible so that taxpayers who have relied on these provisions in 2018 don't end up feeling like Charlie Brown after Lucy pulls the football away.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### ALLOWING THE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION ON THE DATE OF ENACTMENT OF THIS ACT TO CONTINUE TO SERVE AS SUCH DEPUTY ADMINISTRATOR

Mr. BARRASSO. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2249, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2249) to allow the Deputy Administrator of the Federal Aviation Administration on the date of enactment of this Act to continue to serve as such Deputy Administrator.

There being no objection, the Senate proceeded to consider the bill.

Mr. BARRASSO. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2249) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2249

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORITY FOR CONTINUATION OF SERVICE OF THE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—An individual serving as Deputy Administrator of the Federal Aviation Administration on the date of enactment of this Act may continue to serve as such Deputy Administrator, without regard to the restrictions specified in the 5th sentence of section 106(d)(1) of title 49, United States Code.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as approval by Congress of any future appointments of military persons to the Offices of Administrator and Deputy Administrator of the Federal Aviation Administration.

#### HEALTHCARE

Mr. BARRASSO. Mr. President, I come to the floor today again, as I have week after week, to highlight the healthcare policy disaster the Democrats have labeled as Medicare for All. This mislabeled, one-size-fits-all approach takes health insurance away—takes it away—from 180 million Americans who have earned and who get their health insurance on the job.

Still, many Democratic Members and many Presidential candidates support this radical proposal, which would actually eliminate on-the-job insurance. Offered originally by Senator SANDERS, this so-called Medicare for All bill would dramatically raise taxes. It would destroy Medicare as we know it, and, of course, it would ration care.

Last week I discussed healthcare rationing in Britain and in Canada. Today my focus is the plan's impact on medical innovation. As a doctor, I continue to remain astonished at how far medical technology has come in the 30 years since I started to practice medicine. Scientific breakthroughs are saving lives all around the world. I know because my wife Bobbi is a breast cancer survivor.

According to the American Cancer Society, the death rate for women with breast cancer has fallen nearly 40 percent. More women are living longer after being diagnosed and treated. The progress is due to earlier detection as well as better treatment. It is a combination.

This is not limited to breast cancer alone. The death rate for all cancer patients has steadily declined. The diagnosis of cancer is no longer considered a death penalty. People survive and thrive. We have made tremendous strides. U.S. brain power has led the way. According to the New York Times, the United States is "home to an outside share of global [healthcare] innovation."

The innovation comes from America. Patients the world over depend upon our medical breakthroughs.

What happens if we put Washington in charge of all of U.S. healthcare? Washington bureaucrats—not you, not your family, not your doctor, not scientists, but Washington bureaucrats—will call the shots.

Let's look again at Britain, which has a government-run system. There was a recent headline in the British

newspaper, the Guardian, and it is enlightening. It says this: "NHS cancer scans left unread for weeks." The cancer scans have been left unread for weeks.

The Guardian reports: "Cancer scans showing the presence or spread of the disease are going unread for as long as six weeks." Think about that. You are a patient. It is cancer. It is ongoing, and it is spreading. You have had a scan and have been waiting 6 weeks to know what is happening with your own body.

Cancer scan reports used to take a week; then, about a month and now, 6 weeks. As a result, according to one of the radiologists in Britain, "[u]nexpected and critical findings are going unreported for weeks." As he said, "We are now just firefighting."

The patients are getting the scans, and they are waiting for results. American patients simply would not tolerate this. They wouldn't in my home State. They wouldn't in your home State, Mr. President.

American patients will not tolerate this. That is why we can't afford to lose our competitive edge. The return of our investment in medical research and development in this country is absolutely tremendous. It is thanks to U.S. investment and innovation. That is why patient care is improving not just in the United States but worldwide.

President Trump is asking Europe and other developed countries to start paying their fair share. The President is right. American patients shouldn't have to foot all of the bill for global cures. Still, U.S. patients will surely suffer if Washington bureaucrats start blocking new innovations.

As I said last week, the Congressional Budget Office came out and talked about their report on what Medicare for All would mean, and they said that there would be a delay—a delay in treatment, as well as a delay in technology if we had a one-size-fits all healthcare system and 180 million Americans lost the insurance they get from work.

Patients in England have bureaucrats as judge and as jury weighing the value of every advancement, seeing if they can even have it in that country. What we see is that the bureaucrats are denying lifesaving treatment, much of it invented in the United States.

British patients recently protested their National Health Service. They protested because the National Health Service refused to permit the use of a cutting-edge drug to treat cystic fibrosis. The protesters ended up placing T-shirts in Parliament Square, representing the 255 people in England who have died as a result of the refusal of England to approve the use of a drug that exists and that works.

Of course, we all agree the prices of medications need to come down. In England, the government just says: No, we are not going to have that treatment, that cure, to be used in our country.

We need to get the cost of care down. We also need to protect innovation because that is the future of healthcare. Doctors and scientists need the freedom to give us the next generation of lifesaving drugs. That is why I am concerned that under the Democrats' plan such medical progress is threatened.

Clearly, Democrats have taken a hard-left turn when it comes to healthcare and when it comes to the role of imposing more government in our lives. They want to take away your health insurance, the one you get from work, and in place of on-the-job insurance, they want one expensive, new, government-run program for everyone.

Democrats' extreme scheme is expected to cost \$32 trillion. It is so expensive, in fact, that even doubling everyone's taxes wouldn't cover it. That means Washington bureaucrats will be restricting your care. You will lose the freedom to choose your doctor. You will lose the freedom to choose your hospital. You will have the freedom to make choices about your own life, and bureaucrats will limit your access to new treatments as well as cutting-edge technologies.

It is hard to know how many months you will have to wait for urgently needed care. We have seen it in Canada. We have seen it in England. We do not want to see it here in the United States. Delayed care becomes denied care.

Why should you pay more, which is what this so-called Medicare for All does? You will be paying more to wait longer for worse care. Why would America want that? That is exactly what the Democrats are proposing.

Meanwhile, Republicans are focused on real reforms—reforms that lower costs without lowering standards. That is the key difference. We want to lower costs but not standards.

In England, they say: Well, it is free, but you are going to have to wait for a long time for your free care. As I reported last week, people have actually gone blind while waiting and others have died while waiting.

The Democrats' proposal actually lowers standards while limiting your choices and raising your costs. It is time to reject the Democrats' one-size-fits-all healthcare scheme. Instead, let's ensure our patients get the innovative care they need from a doctor they choose at lower costs.

Thank you.

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

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

Mr. SASSE. Mr. President, today is a good day for this body, for the State of Nebraska, and for every American who is committed to the rule of law, includ-

ing our first freedom, which is religious liberty.

In a few minutes, we will be voting to confirm Brian Buescher to be the U.S. Federal district judge for the District of Nebraska. Brian is a born-and-raised Nebraskan. He is a husband, a father of five, and for nearly two decades he has served his home State admirably in the legal profession. His nomination is an honor for our State, and it is a testament to his integrity and to his tireless service. At the same time, Brian's confirmation process has been an occasion for one of the most baffling displays of constitutional confusion and prejudice I have seen in my time here.

Brian is a Catholic, and he is a member of the Knights of Columbus. The Knights of Columbus is the largest Catholic fraternal organization in the world. The organization has 1.6 million members. It raises millions and millions of dollars every year for charity, and they contribute millions—literally millions and millions—of hours of volunteer and charitable service for their neighbors.

Like a lot of Catholic men in Nebraska, Brian joined the Knights of Columbus as a way to give back to his community. This is not a scandal. This is actually just really basic—sometimes really boring—love of neighbor, but it is the kind of stuff that makes communities work.

According to some of my colleagues on the Senate Judiciary Committee, Brian's association with this extraordinary charitable organization—again, really mundane, the Knights of Columbus, the largest Catholic fraternal organization in the world—according to some of my colleagues, the Knights of Columbus is an extremist outfit. One of my colleagues suggested that Brian needs to resign his membership in the Knights if he were confirmed to the Federal bench to avoid the appearance of conflict and bias—really bizarre stuff.

To be clear, the Knights of Columbus is not some shadowy organization from a Dan Brown novel. The Knights is a bunch of guys who organize fish fries, and sometimes they sell Tootsie Rolls, but basically what they are doing is helping to fund organizations like the Special Olympics. That is what they do in Omaha, in Lincoln, across Nebraska, and across the country. It is really weird that we are talking about the Knights of Columbus as an extremist organization.

In this weird rebirth of McCarthyism, it seems that the Catholics are to replace the Communists. This isn't just Brian. We have had other nominees come before the Senate Judiciary Committee this year being asked questions laughably close to: Are you now or have you ever been involved in the organization of a fish fry?

We have people asked questions that sound like they are going to be called to account for what their prayer may have been at the last pancake feed: Have you or your colleagues ever been

involved in any plot to overthrow the government at a fish fry?

One of our nominees was asked: How long has the dogma lived loudly within you, and if you had to rank the dogma on a volume scale from 1 to 10, just how loud is the dogma?

This stuff seems almost laughable, unless you pause and recognize that the U.S. Senate Judiciary Committee is asking nominees questions like this. This shouldn't be happening.

Again, just so we are clear, a U.S. Senator, who has taken an oath to uphold and defend the Constitution, asked Brian, as a faithful Catholic, to resign his membership in the Knights of Columbus to "avoid the appearance of bias."

The implication in these questions is really straightforward. It is that Brian's religious beliefs and his affiliation with his Catholic religious fraternal organization might make him unfit for service.

Let's put it bluntly: This is plain, unadulterated anti-Catholic bigotry. This isn't a new thing in U.S. history; it is just a new, new thing. John F. Kennedy, 60 years ago, was asked, as he was running for President, some really similar questions.

It is also plainly unconstitutional. Every Member of this body, all 100 of us, has raised our hands and took an oath to defend the Constitution, which in article VI states in language so clear that even a politician has to acknowledge that it does what it says: "No religious test shall ever be required as qualification to any office or public trust under the United States."

I just want to say this again. This is just straight out of the Constitution, article VI. "No religious test shall ever be required as qualification to any public office or public trust under the United States."

That is why—because this was happening in the Senate Judiciary Committee—in January, I led a charge on the floor to push through a resolution to reaffirm our oath of office to the Constitution that rejects religious bigotry. I called on every Member of this body to affirm that we respect the freedom of every American to worship as he or she sees fit and to live out their faith in the public square.

Fortunately, the Federal Government and politics, more broadly, is not in the business of trying to resolve questions of Heaven and Hell. That is not what we use politics for in this country. Here, we are only in this worldly business of trying to maintain the peace and the public order necessary so every individual can make their own decisions about ultimate matters, about last things for themselves under the dictates of conscience, not trying to submit to the whims of politicians or political movements. This is a great American blessing and we need to reaffirm it and we need to reteach it every occasion we have that opportunity.

Happily, the unanimous support for that resolution was an encouraging

step. Today, in a few minutes, when Brian Buescher is going to be confirmed as a U.S. district judge for the District of Nebraska, we will see another important step, which is a reaffirmation and a confirmation to the American people that people of every faith and of no faith—to Protestants and Catholics, Jews and Muslims, Hindus and Buddhists, agnostics, atheists, and otherwise—that in America, you have a place in the life of this Nation.

We don't have to resolve every conflict, even conflicts and arguments and debates about things more important than politics. We don't have to resolve every conflict to agree that we will live peaceably today in this colony. This should be a reaffirmation of the basic American belief that there is room in this country to disagree.

In fact, so much of what makes this country exceptional is that we do disagree about some of the most important things and some of the ultimate things. Yet we do it without severing all the temporal bonds that bring us together as friends, neighbors, citizens, and patriots.

Brian is a good man, and I am convinced Brian is going to be a great judge. I suspect that he and many of his other fellow Knights of Columbus in Omaha are going to be organizing fish fries together again next spring, and I look forward to joining them at those fish fries.

So today I am pleased to celebrate with Brian and his family and the whole State of Nebraska his confirmation to the Federal bench, and I celebrate, too, this victory for our principled American commitment to religious liberty for each and every American.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

#### BUDGET AGREEMENT

Mr. PERDUE. Mr. President, thank you for your accommodation today. I rise to talk about another responsibility we have in the Senate; that is, to fund the Federal Government.

Our Nation was built on debate and compromise. If you read what the Founding Mothers and Founding Fathers debated in Chambers just like this and then later in this Chamber through the first 100 years of our existence, there was hot debate and many disagreements, but somehow they found a way to find a compromise.

Our Founding Mothers and Founding Fathers believed rightly that to get the best results, both sides had to come to the table to make a deal. This week, the Trump administration and congressional leaders, including Speaker PELOSI, reached a critical 2-year com-

promise on spending levels and the debt ceiling.

Like any compromise, this funding agreement is not perfect. Neither side got everything it wanted. It accomplishes three important things, however.

First, it will provide certainty to our military. This is critical after the last decade, when 2 years ago, two-thirds of our F/A teams couldn't fly. Only 3 of our Army brigades could fight that night out of the 58 Army brigades we have. Our readiness was terrible. This deal will continue to reestablish readiness for our military, provide our troops with the compensation and benefits they deserve, and take care of our veterans here at home.

Before this, three Democratic Presidents disinvested in the military. That is just historic fact. It was done in the seventies, it was done in the nineties, and it was done by the prior administration.

Second, none of the liberal poison pills or riders actually ended up in this final bill. Going forward, President Trump and congressional Republicans will ensure that we keep those out but in the spirit of compromise and hard negotiation.

Third, and most importantly, this deal keeps the ball moving on the process of funding the government on time to avoid another devastating shutdown or continuing resolution. However, despite these benefits, this deal highlights two significant problems. These are not new.

First, Washington's funding process is broken. The current system is inefficient and time-consuming. It has actually only funded the government on time four times in the last 45 years since the 1974 Congressional Budget Act was put into place. We now have just 13 working days between now and the end of this fiscal year. We are supposed to have 12 appropriations bills and \$1.3 trillion of funding appropriated by the end of that time, by September 30. Good luck with that.

So here we are in the eleventh hour. We just made a big agreement, and I believe now the pressure is on to get defense and some of the domestic spending appropriations done certainly by September 30 so we can avoid the draconian impact of continuing resolutions on our military.

The lack of time means that for the second year in a row, Congress has had to rush in order to fund the government in the last moments of the fiscal year. Last year, we stayed here in August during the work period, and we went from 12 percent funding to 75 percent funding, and this year we have the opportunity to do that.

I believe the plan is in place, when we come back this September, that we can actually get upward of two-thirds done by the end of September, which would include the military, which would avoid this CR issue we have been talking about.

This process has been the norm in Washington for decades, however. This

is nothing new. Since the Budget Act of 1974 was put in place, we have only done this four times, as I said. We cannot allow this process to continue this way.

Last year, we had a joint select committee, as you know. I believe we have four things that we can move on this year in terms of bills and possibly change this going forward. The American people sent us here to get this job done. It is time we break through all this—the logjam of politics—and face the fact next year that our No. 1 priority is to fund the government.

The second problem this budget deal has highlighted is the most important issue facing our country, in my opinion—the \$22 trillion debt crisis. While this deal provides for all discretionary spending, the current budget deal does not include mandatory spending, nor does any other prior spending bill include mandatory.

By law, all the budget does and all the appropriations do is deal with the discretionary budget, which is only \$1.3 trillion of \$4.6 trillion in total money that we spend as the Federal Government. So you say: Well, what is the difference? Well, we spent \$1.3 trillion. Well, what is in that? That is military, Veterans' Administration, and all domestic discretionary spending. Well, what is in mandatory? Social Security, Medicare, Medicaid, pension benefits, and the interest on the debt, which, by the way, has gone up over \$450 billion in the last 2½ years.

Let me put this into perspective. This budget deal only increases discretionary spending from last year's level over the next 2 years by \$54 billion. That is 2 percent per year for the next 2 years. That is lower growth in spending on discretionary items than the growth of our economy at the moment. That means that in 2 years, the spending on discretionary spending items will be less as a percentage of our economy than it is today.

This is an incredibly important point and was a major goal of President Trump's going into this process. The problem is, the CBO projects that mandatory spending and interest payments will grow in that same period over the next 2 years by \$420 billion. That is our problem. This is what is driving the huge increases on our debt over the next two decades. In these 2 years, ironically, half the increase in the mandatory spending is in interest expense. Even with interest rates being historically low, that is the case. Imagine what we would have if interest rates were at their 30-year average of 5 to 6 percent.

Right now, 70 percent of what the government spends is made up of mandatory spending, as I said: Social Security, Medicare, Medicaid, pension benefits for Federal employees, and the interest on the debt. Many of these programs are in dire need of reform. The Social Security Trust Fund goes to zero in 16 years. The Medicare trust fund goes to zero in 7 years. It is imper-

ative that we save these important programs. Yet nothing is being done when we deal with the discretionary part of this budget.

Instead, Congress has been wrangling over the discretionary budget, which makes up just 30 percent of all spending. The whole situation shows just how shortsighted Washington is. Rather than address the long-term problems facing the country, Congress keeps kicking the can down the road. Fortunately, there are five steps, ultimately, we can take to address this long-term fiscal problem.

First is we have to grow the economy. Check that box because the economy is moving. Regulatory work, energy, taxes, and Dodd-Frank have kick-started this economy, creating 6 million new jobs. The economy is growing at about twice the rate it did under the prior administration, so the economy is growing.

Second is to root out redundant spending; third, fix the funding process; fourth, save Social Security and Medicare; and lastly, we have to finally address the underlying drivers of our healthcare costs.

Thanks to President Trump's leadership, we already have the first part covered. Unemployment is the lowest it has been in 50 years. Our energy potential has been unleashed. The Tax Cuts and Jobs Act has brought new investment to our country.

I want to highlight again the driver here. I am going to show a chart just as I close. Mandatory spending is the No. 1 problem we have with our debt crisis. The bottom line here is discretionary spending. The vertical dotted line is today, 2019. You can see, over the last decade or so, that discretionary spending has been relatively quiet. We have had some increase. The green line is total spending, but the orange line is the total mandatory line. You can see the explosive nature of growth from today forward.

That is why this conversation today is so timely because, in the past, while it was going up, it is going up geometrically in the next 20 years compared to what it has been. That is a function of the growth of the size of the debt itself and also because of the aging demographic of our population. As more and more people retire and go into Medicare and Medicaid, you will see these numbers continue to rise. These are Congressional Budget Office numbers. This highlights how serious this is and why all the drama is on the 30 percent down here and why we have to change the rhetoric here, change the predicate of discussion and start talking about the mandatory expenditures and how we save them.

Solving the debt crisis is the right thing to do and the only thing to do. The world needs us to do this, and the time is right now. Given that, this budget deal is a reasonable compromise, and we now need to make sure we appropriate to avoid any continuing resolution for our defense funding.

Going into the next year, now that we have an agreement on a topline for discretionary spending for 2020, we need to expedite appropriations to ensure we avoid the unnecessary drama next year. This is one reason why I ran for the Senate. We have to get serious about the long-term implications of our debt. The world knows that. Our people know that. The problem is the political will has been missing in Washington.

We passed one milestone, hopefully, with this agreement on the topline, and we will move to appropriations, but we have to move, starting immediately, to change the process so we don't have this drama next year and we begin the dialogue about how to save Social Security and Medicare.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Nebraska.

NOMINATION OF BRIAN C. BUESCHER

Mrs. FISCHER. Mr. President, I rise today to voice my support for Brian Buescher, President Trump's nominee to serve on the U.S. District Court for the District of Nebraska.

Near the end of 2017, both Senator SASSE and I were given notice that Chief Judge Laurie Smith Camp would assume senior status on Nebraska's Federal bench. Many people may not know this, but the case docket for the U.S. District Court for the District of Nebraska is among the busiest dockets in the Nation. In recent years, the district has carried some of the highest per-judge criminal caseloads in the country, which surpasses judicial districts that include New York City, Chicago, and Los Angeles. That is why it is critical to both Nebraska and our Nation that the Senate delivers an exceptional judge to fill this vacancy without further delay.

In this spirit, both Senator SASSE and I worked quickly to begin the open-application process. Nebraska is the proud home of many brilliant legal minds, and we thoroughly studied every application and interviewed qualified candidates. After an extensive search spanning the course of a few months, Senator SASSE and I came to a conclusion. We would recommend to President Trump that Brian Buescher be nominated as the next judge on Nebraska's Federal district court.

Mr. Buescher is a proud husband and father of five children who have been his biggest cheerleaders throughout this long confirmation process. He grew up in Clay County, NE. There he learned the importance of hard work at a young age on his family's farm, where they raised corn, milo, wheat, alfalfa, hogs and cattle. It is also from this upbringing that he developed a keen appreciation for how the law directly affects the everyday lives of Americans and even more so for those who live and work in America's heartland.

After receiving his undergraduate degree from the University of Nebraska-

Lincoln, Brian was accepted into law school at Georgetown University. He thrived both in and out of the classroom. He was editor-in-chief of the Georgetown Journal of Ethics and vice president of the Georgetown Law Student Bar Association.

Mr. Buescher is currently a partner at Nebraska's largest law firm, Kutak Rock. He is chairman of the firm's agribusiness litigation team and oversees large, complex commercial litigation, which includes environmental law, food law, real estate, class actions, product liability, and banking.

He has gained invaluable experience as a litigator, and his resume speaks for itself. His success includes favorable rulings in cases heard by Nebraska and Iowa's State and Federal courts, the U.S. Court of Federal Claims, and the U.S. Bankruptcy Court for the District of Nebraska. Time after time, case after case, he has demonstrated his commitment to upholding the Constitution and the rule of law.

In 2017, the American Agricultural Law Association awarded him the award for Excellence in Agricultural Law in Private Practice. The American Bar Association rated Mr. Buescher as "qualified" by an overwhelming majority. His 20 years of litigation experience has unquestionably prepared him for his next life chapter as a U.S. district court judge.

Nebraska's former secretary of State, John Gale, recruited Brian to serve on the Nebraska State Records Board. Secretary Gale noted that "Mr. Buescher reflects the highest level for the qualities needed for a district judge, ranging from intelligence, integrity, professionalism, attentiveness, character, and skillful articulation to a deep understanding of the rules and procedures of the courtroom."

While everyone who has worked with him praises his legal acumen, those who know him on a personal level speak to his integrity and his character. One of his friends from college who has known Brian for a quarter of a century praised his commitment to serving the community and his qualities as a husband and father. His friend concluded: "I can say with complete confidence what kind of person Brian is and that there is nothing that should give you hesitation about his confirmation."

By all accounts Brian Buescher has enthusiastic support in Nebraska for his superb legal work and fairminded disposition.

I was proud to introduce Mr. Buescher at his confirmation hearing before the Senate Judiciary Committee last November. I sincerely hoped that my Democratic colleagues would see Mr. Buescher for who he was—a sharp legal mind and a man of high character. However, my Democratic friends on the Judiciary Committee deployed unjust, bigoted attacks instead of using reason and open-mindedness. They could not criticize his solid record nor his judicial philosophy. So

they reverted to attacking his personal religious beliefs. Both the junior Senator from California and the junior Senator from Hawaii questioned Mr. Buescher's membership in the Knights of Columbus.

For anyone who may be unaware, the Knights of Columbus is not a radical interest group. It is not political at all. The Knights of Columbus is the world's largest Roman Catholic fraternal organization. Their motto is "In service to one, service to all," and they are founded on the core principles of charity, unity, and patriotism.

Over the last decade, the Knights of Columbus have donated \$1.1 billion to charities and performed more than 68 million hours of volunteer service. In 2017 alone, local councils donated and distributed over 105,000 winter coats for underprivileged children through their "Coats for Kids" program. They have raised more than \$382 million in the past three decades to help groups and programs that support the intellectually and physically disabled. Whether it is providing food and shelter for refugees, rebuilding homes for families that are struck by natural disasters, volunteering at veterans medical facilities, or simply having pancake breakfasts to raise money for local schools, the acts of charity and kindness of the Knights of Columbus are truly inspiring.

That is why I was shocked to hear that Mr. Buescher received a letter from the junior Senator from Hawaii following his confirmation hearing that suggested he leave the Knights of Columbus to "avoid an appearance of bias." The notion that being a Knights of Columbus member is disqualifying to serve on the Federal bench is disturbing on its own, but holding religious tests for our judicial nominees blatantly ignores the Constitution and tears at the fabric of our core American values—the freedom to worship and pray as we choose.

Fortunately, the Senate passed a resolution earlier this year that condemned unconstitutional religious tests for nominees.

President Kennedy endured anti-Catholic attacks throughout his 1960 campaign, and for me it was exceptionally troubling to see that rhetoric return to the Senate in 2019. Now we will have another chance here in the Senate to send a clear message that we share our Founding Fathers' contempt for religious tests for public office by confirming Brian Buescher to the Federal bench.

In closing, I think it is important to reiterate that reverence for our Constitution and our laws is part of what it means to be an American. My friend Peggy Noonan characterized this best a few weeks ago in her Wall Street Journal column. She described a young politician in 1838 who gave a speech to a Midwestern youth group about public policy and the political events at the time. The last of our Founding Fathers had recently died, and in their absence, our Nation felt lost.

The Founders were a visual representation of American values and modeled our first principles in their behavior. After their deaths, these core values were being forgotten and mob rule began to rise, threatening our Republic. The young politician had a solution: Our people should transfer reverence for our Founders to reverence to the laws that they created. He said: "Only reverence for our Constitution and laws" will protect our Nation's political institutions and retain the "attachment of the people."

The speaker that day, in 1838, was Abraham Lincoln, who was 28 years old at the time. He understood the delicate nature of our laws—that when our laws collapse, everything else in our Nation can crumble with it.

I believe that to love our country we must respect our Constitution and apply the laws fairly to all. When we do so, we not only honor our past, but we protect the future generations of this great Nation. We can do that here in the Senate by appointing exceptional judges to the Federal bench, and I can say with great confidence that Mr. Buescher will be one of them. He is a well-qualified nominee and a man who possesses high ethical standards. I have no doubt that Brian Buescher will honor his family, our State, and our Nation with his service on the U.S. District Court for the District of Nebraska.

I urge my colleagues on both sides of the aisle to vote in favor of his nomination.

I yield the floor.

#### NOMINATION OF WENDY WILLIAMS BERGER

Mr. SCOTT of Florida. Mr. President, Judge Wendy Williams Berger has honorably served the State of Florida for several years, and I proudly support her confirmation as a district judge for the Middle District of Florida today. Throughout her distinguished legal career, she has remained committed to upholding the rule of law, prosecuting criminal offenses as an Assistant State Attorney for Florida's Seventh Judicial Circuit, and subsequently presiding as a circuit court judge for that same judicial circuit. As Governor of Florida, I was honored to appoint Judge Berger to the Fifth District Court of Appeal in 2012, and I am proud to support her confirmation to the Federal bench, where she will continue her exemplary service to our State and Nation.

Mrs. FISCHER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Wendy Williams Berger, of Florida, to be United States District Judge for the Middle District of Florida.

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

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO) and the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 54, nays 37, as follows:

[Rollcall Vote No. 228 Ex.]

## YEAS—54

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hawley	Roberts
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Rubio
Cassidy	Johnson	Sasse
Collins	Jones	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Sinema
Crapo	Manchin	Sullivan
Cruz	McConnell	Thune
Daines	McSally	Tillis
Enzi	Moran	Toomey
Ernst	Murkowski	Wicker
Fischer	Paul	Young

## NAYS—37

Baldwin	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Leahy	Stabenow
Carper	Markey	Tester
Casey	Menendez	Udall
Coons	Merkley	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Whitehouse
Durbin	Peters	Wyden
Feinstein	Reed	
Hassan	Rosen	

## NOT VOTING—9

Bennet	Gillibrand	Klobuchar
Booker	Harris	Sanders
Capito	Isakson	Warren

The nomination was confirmed.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination. The legislative clerk read the nomination of Brian C. Buescher, of Nebraska, to be United States District Judge for the District of Nebraska.

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

Mr. WICKER. 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 senior assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO) and the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 51, nays 40, as follows:

[Rollcall Vote No. 229 Ex.]

## YEAS—51

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Sullivan
Crapo	McConnell	Thune
Cruz	McSally	Tillis
Daines	Moran	Toomey
Enzi	Murkowski	Wicker
Ernst	Paul	Young

## NAYS—40

Baldwin	Hirono	Schatz
Blumenthal	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Leahy	Smith
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Whitehouse
Feinstein	Peters	Wyden
Hassan	Reed	
Heinrich	Rosen	

## NOT VOTING—9

Bennet	Gillibrand	Klobuchar
Booker	Harris	Sanders
Capito	Isakson	Warren

The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

The Senator from North Dakota.

## LEGISLATIVE SESSION

## MORNING BUSINESS

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

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

The Senator from Oregon.

## RECOGNIZING SHELDON WHITEHOUSE'S 250TH CLIMATE CHANGE SPEECH

Mr. MERKLEY. Madam President, I rise in recognition of a friend and colleague, Senator SHELDON WHITEHOUSE, on this special occasion of his 250th speech in his "Time to Wake up" series, a series of speeches, as far as I know, unparalleled in the history of the Senate for addressing a major national issue, a major world issue—the issue of carbon pollution and climate chaos.

As we take in a breath of air at this very moment, when you are sitting on the dais or at one of the desks or sitting on the benches, that breath of air contains air very different from the air when I was born. The air contains 33 percent more carbon. This has never happened over the lifetime of any individual in the history of the human species on this planet, and it means big changes because every molecule of carbon is grabbing heat and holding on to it.

Out in Oregon that means there are warmer winters, which is wonderful for the pine beetles and bad for the pine trees. It means there is a smaller snowpack that melts earlier, on average, resulting in less irrigation water for our farmers and ranchers. It also means less healthy streams for salmon and trout. It means that a lot of the carbon will be absorbed into the ocean and become carbonic acid, and now we have to artificially buffer the Pacific Ocean seawater in order for baby oysters to survive.

The list goes on, but the point is that these changes are happening not just in my State but all over our country, and not just in our country but all over the world. Most of these changes have manifested themselves within the last 10 years, that is, when we actually see what is happening. Just a couple of years ago, the sea stars off the coast of Oregon started dying, and off the coast of Washington and off the coast of California. In fact, in some areas they have been completely wiped out. The result of that is that the blue sea urchins have exploded without the sea stars to eat them. The result of that is the rapid disappearance of big kelp forests that harbor thousands of species. Who knows what impact that will have on