

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 321 Ex.]

#### YEAS—61

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

#### NAYS—31

Baldwin	Hirono	Rosen
Blumenthal	Jones	Schatz
Brown	King	Schumer
Cantwell	Leahy	Smith
Casey	Manchin	Stabenow
Cortez Masto	Markey	Tester
Duckworth	Menendez	Udall
Durbin	Merkley	Van Hollen
Gillibrand	Murray	Wyden
Hassan	Peters	
Heinrich	Reed	

#### NOT VOTING—8

Alexander	Harris	Sanders
Bennet	Isakson	Warren
Booker	Klobuchar	

The nomination was confirmed.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of David John Novak, of Virginia, to be United States District Judge for the Eastern District of Virginia.

The question is, Will the Senate advise and consent to the Novak nomination?

Mr. PAUL. Madam President, 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.

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

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), 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 result was announced—yeas 89, nays 3, as follows:

[Rollcall Vote No. 322 Ex.]

#### YEAS—89

Baldwin	Gardner	Portman
Barrasso	Graham	Reed
Blackburn	Grassley	Risch
Blumenthal	Hassan	Roberts
Blunt	Hawley	Romney
Boozman	Heinrich	Rosen
Braun	Hirono	Rounds
Brown	Hoeven	Rubio
Cantwell	Hyde-Smith	Sasse
Capito	Inhofe	Schatz
Cardin	Johnson	Schumer
Carper	Jones	Scott (FL)
Casey	Kaine	Scott (SC)
Cassidy	Kennedy	Shaheen
Collins	King	Shelby
Coons	Lankford	Sinema
Cornyn	Leahy	Smith
Cortez Masto	Lee	Stabenow
Cotton	Manchin	Sullivan
Cramer	McConnell	Tester
Crapo	McSally	Thune
Cruz	Menendez	Tillis
Daines	Merkley	Toomey
Duckworth	Moran	Udall
Durbin	Murkowski	Van Hollen
Enzi	Murphy	Warner
Ernst	Murray	Whitehouse
Feinstein	Paul	Wicker
Fischer	Perdue	Young
	Peters	

#### NAYS—3

#### NOT VOTING—8

Alexander	Harris	Sanders
Bennet	Isakson	Warren
Booker	Klobuchar	

The nomination was confirmed.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Rachel P. Kovner, of New York, to be United States District Judge for the Eastern District of New York.

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

Mr. CORNYN. 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 clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. ISAKSON), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 323 Ex.]

#### YEAS—88

Baldwin	Gardner	Risch
Barrasso	Graham	Roberts
Blackburn	Grassley	Romney
Blumenthal	Hassan	Rosen
Blunt	Hawley	Rounds
Boozman	Hirono	Rubio
Braun	Hoeven	Sasse
Brown	Hyde-Smith	Schatz
Burr	Inhofe	Schumer
Cantwell	Johnson	Scott (FL)
Capito	Jones	Scott (SC)
Cardin	Kaine	Shaheen
Carper	Kennedy	Shelby
Casey	King	Sinema
Cassidy	Lankford	Smith
Collins	Leahy	Stabenow
Coons	Lee	Sullivan
Cornyn	Manchin	Tester
Cortez Masto	McConnell	Thune
Cotton	McSally	Tillis
Cramer	Menendez	Toomey
Crapo	Merkley	Udall
Cruz	Moran	Van Hollen
Daines	Murkowski	Warner
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wicker
Enzi	Perdue	Wyden
Ernst	Peters	Young
Feinstein	Portman	
Fischer	Reed	

#### NAYS—3

Gillibrand	Heinrich	Markey
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#### NOT VOTING—9

Alexander	Harris	Paul
Bennet	Isakson	Sanders
Booker	Klobuchar	Warren

The nomination was confirmed.

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

The PRESIDING OFFICER. The Senator from West Virginia.

S.J. RES. 53

Mrs. CAPITO. Mr. President, with the election of President Trump in 2016, it was reasonable to believe that the war on coal was settled, or at least we had a lasting cease-fire. This administration's policies, supported by the Congressional Review Act resolutions, undid many of the excesses of the Obama administration's regulatory

assault on coal country. Congress and the President overturned the so-called stream protection rule, which would have made it nearly impossible to mine coal in Appalachia.

The Trump administration has returned sanity to the clean water permitting process in section 404 and is in the process of restoring the Waters of the United States rule to align with congressional intent of protecting Federal waters and not every stream, ditch, and gully across this country, but the jewel of the War on Coal's crown was always the Clean Power Plan.

A sweeping rule to limit the use of coal in our power generation mix, the Clean Power Plan ran roughshod over utility investments and States' rights to protect their taxpayers and ratepayers. In a moment of clarity, then-Candidate Obama acknowledged that under his vision for our power system "electricity rates would necessarily skyrocket."

The Clean Power Plan, if implemented, would have made that vision a reality. Energy is a topline item in many of our families' budgets and very expensive, and this policy would have grown these costs significantly. This plan was so disastrous and so clearly beyond the scope of EPA's authority that 24 States—with West Virginia in the lead—sued to stop it. The Supreme Court—our Supreme Court—heard the call and placed a stay on the rule while a lower court weighed the merits.

This June, the Trump EPA finalized its replacement for this unlawful CPP with the Affordable Clean Energy rule. This commonsense alternative acknowledges the need to reduce carbon emissions from our power sector but ensures that EPA targets are actually achievable and will not kill jobs in the utility and energy sectors, nor crush American families with higher electric bills.

Fully implemented, the ACE rule will reduce the CO<sub>2</sub> emissions by as much as 35 percent from 2005 levels. This administration understands that protecting our environment need not come at the expense of a growing economy. The result has been a growth in our national GDP that the Obama administration's economic projections predicted would be unachievable.

The unemployment rate of my own State of West Virginia is now 4.6 percent, after it had peaked in 2010 at 8.8 percent. This week, many Democrats in this body want to put all this progress in jeopardy and reopen the War on Coal with a Congressional Review Act resolution to block the ACE rule.

Senate Democrats and their Presidential candidates have doubled down on policies that would destroy our jobs, hammer consumers, and burden future generations with staggering amounts of debt.

Refusing to learn the lessons of Hillary Clinton's 2016 failed campaign promise, which was to put a lot of coal

miners and coal companies out of business, the former Vice President has taken it a step further: pledging on a Detroit debate stage in July to "make sure" that coal and natural gas that comes from fracking are "eliminated."

There is much support on the other side for the Green New Deal's energy and environmental components, which would cost between \$8 trillion and \$12 trillion, and that is before adding other extreme visions for the government takeover of healthcare, education, and agriculture.

The Democrats' energy agenda will lead to fewer jobs, more expensive utility bills, and less reliable electricity. We already see the lack of reliability of our electricity grid in California right now. I hope the Senate will refuse to go down this path toward impoverishing the very people who power the country and make our quality of life possible.

Passage of this resolution would serve as the starting point for a resumption of the War on Coal and a march to the extremist excesses of the Green New Deal. I urge my colleagues to heed the voice of the American people and vote no on the resolution disapproving the ACE rule.

#### COAL MINERS' PENSIONS

Mr. President, it is critical that Congress act soon to protect the pensions of our Nation's coal miners. The pension benefits of nearly 100,000 hard-working people are at risk if Congress fails to take action to stabilize the United Mine Workers pension fund.

Over 25,000 current UMWA pension beneficiaries reside in West Virginia, making this a critical issue for communities and families across our State. I have worked in a bipartisan way with Senator MANCHIN, Senator PORTMAN, Senator BROWN, and others over the past several years to support legislation that stabilizes the mine workers' pension fund and protects these men and women and their families.

We are not talking about lavish pensions here. The average beneficiary receives about \$590 per month. Retired miners from across West Virginia routinely visit me in my office in DC, write letters, and talk with me as I travel the State. I really appreciate their efforts. We are working hard to make sure that when they tell me how critical their pension check is in allowing them to pay for food, medication, housing, and other essentials, that we don't let this critical issue lapse.

These hard-working men and women deserve the pensions they were promised, and we should make sure they receive the benefits they earned by passing legislation to protect their pensions this year.

#### CONFIRMATION OF FRANK WILLIAM VOLK

Mr. President, one last issue. The Senate voted earlier today to confirm Frank Volk as our U.S. district judge for the Southern District of West Virginia. It was unanimous, 92 to 0. Judge Volk has been serving as the chief bankruptcy judge in the Southern District since 2015.

Prior to that appointment, he worked as a career law clerk for some of our State's most distinguished jurists, including Judges Charles Haden, John Copenhaver, Blaine Michael, and Margaret Workman. Judge Volk is a graduate of the West Virginia University College of Law, where he served as editor-in-chief of the Law Review. For more than a decade, he has taught courses at the law school on topics ranging from bankruptcy to Federal Civil Rights.

I was very pleased that, at my suggestion, President Trump nominated Judge Volk to continue his service on the district court, and I am very pleased about that.

I know he will be a judge who will root his decisions firmly in the text and original meaning of our Constitution and our statutes. I know he will be fair to all parties who appear before him. I know he will bring honor to our Federal judiciary.

Besides all of his legal acumen, which is tremendous, he is a really decent man. He is a great family man who loves his family and has remained very humble through all of his successes.

With our actions today, and I thank my colleagues, the Senate has now confirmed 156 judges nominated by President Trump. That number now includes Judge Volk, as well as Judge Thomas Kleeh, who is now serving as a district judge in the Northern District of West Virginia. It includes 43 judges who now serve on our courts of appeals, and of course it includes two Supreme Court Justices.

It is important that the Senate continue confirming well-qualified men and women who will faithfully apply the law to serve on our Federal courts. I thank my colleagues again for confirming Judge Volk today and hope we will continue to make judicial confirmations a priority as we move forward.

The PRESIDING OFFICER. The majority leader.

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

Mr. McCONNELL. Mr. 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.

##### VOTE EXPLANATION

Mr. MARKEY. Mr. President, I was necessarily absent, but had I been present, I would have voted yes on roll-call vote No. 239, the confirmation of James Wesley Hendrix, to be U.S. District Judge for the Northern District of Texas.

I was necessarily absent but had I been present, would have voted no on