

all of this. Proposals being discussed include raising the capital gains tax to the highest level in history, as well as forcing American businesses—and then, ultimately, their customers—to pay the highest combined corporate tax rate in the developed world. Congressional Democrats have also proposed getting rid of the estate tax exemption, which would make the Federal death tax apply to hard-working, middle-class families for the first time in decades. This would hit our small, family Main Street businesses and our family farms, making it even more difficult to pass their life's work on to their children.

Infrastructure has always been bipartisan, and it has always enjoyed widespread support. I would gladly—I would gladly—support a bill that takes our very real infrastructure problems seriously, and I told President Biden that when I met with him at the White House a few weeks ago. But his proposal simply doesn't do that. The President's plan asks the Senate to vote for a policy wish list of priorities that no one—no one outside of Washington, DC's bubble—has ever dreamed of calling infrastructure.

When it comes to real infrastructure, the Senate does have bipartisan roots. We passed the FAST Act by a vote of 83 to 16 under President Obama in 2015. We passed an FAA reauthorization 93 to 6 under President Trump. And the Senate unanimously approved water development bills and my pipeline safety bill last year. I see no reason why the administration can't tackle this important issue in a bipartisan way once again, and the President, who represented Delaware in the Senate for more than 35 years, knows better than most that we do this every day. We do it on bills like the HAULS Act, which I reintroduced in March to provide more flexibility to ag and livestock haulers and which has won support by both Republicans and Democrats. There is also bipartisan support for my bill to establish an online portal for reporting blocked railroad crossings.

My Democratic colleagues and I find common ground on infrastructure more often than we disagree, and that includes bills like the Rural Spectrum Accessibility Act, which made internet access more widely available in rural areas.

History shows that infrastructure is a bipartisan issue, and it can be once again. But, right now, our friends on the other side of the aisle are pushing this wish list of priorities for their progressive agenda and calling it infrastructure.

For our part, Senate Republicans have made it clear that we are willing to work with the President on a bill that actually addresses our Nation's ailing infrastructure and makes targeted investments to meet the needs that we have.

We introduced our own framework last week. It draws on our past bipartisan successes, like the FAST Act, and

it focuses on roads and bridges, broadband, and other actual infrastructure. It matches or raises the funding levels in the FAST Act, such as \$299 billion versus \$226 billion for roads and bridges, and provides nearly twice as much funding for transportation safety programs and rail and Amtrak grants.

We have spent enormous amounts of money in the last year to deal with COVID-19, and Republicans and Democrats both voted for five bills, totaling around \$4 trillion, to address that very real crisis. Another \$1.9 trillion passed on a partisan basis in January. That is \$6 trillion of new spending in 1 year—\$6 trillion of new spending in 1 year. That level of spending is not sustainable. Adding another \$2.7 trillion that is in the President's plan to this spending that we already have is not sustainable.

Our proposal is clear that funding for infrastructure should be fiscally responsible. It should use existing, proven formula programs as much as possible, and it should make regulations less burdensome. This is what President Biden should be focused on, and I hope that he takes us up on our offer.

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

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

NOMINATION OF JASON SCOTT MILLER

Mr. PETERS. Mr. President, I rise in support of confirming Jason Scott Miller to be the Deputy Director for Management at the Office of Management and Budget.

Mr. Miller has an extensive track record of tackling difficult management challenges and driving innovation both in government and in the private sector.

OMB is and will continue to be central to the administration's efforts to combat the pandemic and spur economic activity in communities all across our Nation.

Mr. Miller's diverse experience and commitment to getting results for the American people will be an asset to the OMB as it takes on these current challenges and those challenges yet to come.

I urge my colleagues to join me in supporting the confirmation of Jason Scott Miller as Deputy Director for Management at OMB.

VOTE ON MILLER NOMINATION

And, Mr. President, I ask for the yeas and nays on this nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. Under the previous order, all cloture time is expired.

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

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.  
Mr. THUNE. The following Senators are necessarily absent; the Senator from Missouri (Mr. BLUNT), the Senator from North Dakota (Mr. CRAMER), the Senator from Kentucky (Mr. PAUL), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. SCOTT), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Florida (Mr. SCOTT) would have voted "nay."

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

The result was announced—yeas 81, nays 13, as follows:

[Rollcall Vote No. 167 Ex.]		
YEAS—81		
Baldwin	Hagerty	Padilla
Barrasso	Hassan	Peters
Bennet	Heinrich	Portman
Blumenthal	Hickenlooper	Reed
Booker	Hirono	Romney
Boozman	Hoeven	Rosen
Brown	Hyde-Smith	Rubio
Burr	Johnson	Sanders
Cantwell	Kaine	Sasse
Capito	Kelly	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Lankford	Sinema
Cassidy	Leahy	Smith
Collins	Lujan	Stabenow
Coons	Lummis	Tester
Cornyn	Manchin	Thune
Cortez Masto	Markey	Tillis
Daines	Marshall	Toomey
Duckworth	McConnell	Van Hollen
Durbin	Menendez	Warner
Ernst	Merkley	Warnock
Feinstein	Moran	Warren
Fischer	Murkowski	Whitehouse
Gillibrand	Murphy	Wicker
Graham	Murray	Wyden
Grassley	Ossoff	Young

NAYS—13		
Blackburn	Hawley	Scott (SC)
Braun	Inhofe	Sullivan
Cotton	Kennedy	Tuberville
Crapo	Lee	
Cruz	Risch	

NOT VOTING—6		
Blunt	Paul	Scott (FL)
Cramer	Rounds	Shelby

The nomination was confirmed.

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

The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I ask unanimous consent that Senator CARPER and I be allowed to speak for 1 minute each before the next cloture vote.

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

NOMINATION OF JANET GARVIN MCCABE

Mrs. CAPITO. Mr. President, we are about to vote cloture on Janet McCabe, the No. 2 at the EPA, and I vehemently oppose her nomination to this position.

She is the architect of the Clean Power Plan that basically racked my economy in West Virginia, and she has not backed down from that in her testimony. She is very supportive of that plan and even more.

Her boss at the EPA at the time was Gina McCarthy. Guess where she is now—in the White House. She, again, will be Janet McCabe's boss in the White House, dictating from there.

During her time at the EPA before, she didn't listen, she wouldn't come to West Virginia, and she basically showed very little interest in what happens to the people most deeply affected by the policies that she put forward.

So given her past actions and present statements, I cannot support someone who would work to destroy a State's economy, such as ours was destroyed, and our communities and their livelihoods.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise today to urge our colleagues to join me in voting for cloture on the nomination of Janet McCabe to serve as Deputy Administrator of the Environmental Protection Agency.

Running an Agency like the EPA requires that person to work with and serve people regardless of their political persuasion. Some people strive to be bipartisan. Janet McCabe has a proven record of being bipartisan. That is one of the reasons why nine former EPA Deputy Administrators and Administrators support her nomination, including four Republicans who served in the Reagan, the George H.W. and the George W. Bush administrations.

Janet has served as a senior EPA manager. She is a pragmatic and a good listener. That trait comes in no small part from her Hoosier background and the time that she spent with pragmatic people who will do the right thing if they understand what is needed. That is what Janet McCabe will bring with her to the role of Deputy Administrator at EPA, if confirmed. I urge my colleagues to join me in voting yes on this nomination.

I yield.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Executive Calendar No. 54, Janet Garvin McCabe, of Indiana, to be Deputy Administrator of the Environmental Protection Agency.

Charles E. Schumer, Thomas R. Carper, Ron Wyden, Jack Reed, Benjamin L. Cardin, Patrick J. Leahy, Michael F. Bennet, Tim Kaine, Christopher Murphy, Richard J. Durbin, Cory A. Booker, Martin Heinrich, Chris Van Hollen, Edward J. Markey, Sherrod Brown, Bernard Sanders, Robert P. Casey, Jr., Richard Blumenthal.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, is it the sense of the Senate that debate on the nomination of Janet Garvin McCabe, of Indiana, to be Deputy Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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 Missouri (Mr. BLUNT), the Senator from North Dakota (Mr. CRAMER), the Senator from Kentucky (Mr. PAUL), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. SCOTT), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Florida (Mr. SCOTT) would have voted "nay".

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

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 168 Ex.]

#### YEAS—52

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Lujan	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Grassley	Padilla	
Hassan	Peters	

#### NAYS—42

Barrasso	Graham	Moran
Blackburn	Hagerty	Portman
Boozman	Hawley	Risch
Braun	Hoeben	Romney
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Lummis	Toomey
Daines	Manchin	Tuberville
Ernst	Marshall	Wicker
Fischer	McConnell	Young

#### NOT VOTING—6

Blunt	Paul	Scott (FL)
Cramer	Rounds	Shelby

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 42.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Janet Garvin McCabe, of Indiana, to be Deputy Administrator of the Environmental Protection Agency.

#### RECESS

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassem-

bled when called to order by the Presiding Officer (Ms. SINEMA).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

#### NOMINATION OF COLIN HACKETT KAHL

Mr. INHOFE. Madam President, I come to the floor today to urge my colleagues strongly to vote against the nomination of Colin Kahl to serve as Under Secretary of Defense for Policy. That position is the No. 3 position in the Department of Defense.

Last week, Colin Kahl became President Biden's first nominee not to garner one single Republican vote on the Senate floor. The Vice President had to cast the tie-breaking vote. Every other nominee, even some of the most partisan progressives, earned at least one or some Republican votes.

What makes this nomination even more out of the ordinary is that this truly never happens with DOD nominees. If you look back over the last decade, recorded votes on DOD nominees are rare and only a few times did a nominee receive support from fewer than two-thirds of the Senate. It just doesn't happen. It happened this time.

Some of his tweets have raised concerns from a number of our colleagues that Dr. Kahl might have shared sensitive or classified information on Twitter. The junior Senator from Tennessee highlighted this on the floor last week.

Furthermore, Dr. Kahl's tweets also show a history of volatile behavior that goes further than just being highly partisan and unbalanced. He is also somewhat of a conspiracy theorist.

In May of 2018, Israeli Prime Minister Benjamin Netanyahu announced that Israel had seized a major nuclear archive from Iran. That archive has since revealed many previously unknown nuclear sites, and the International Atomic Energy Agency is working to gain access to inspect these sites today, thanks to Israel's discovery.

But what did Dr. Kahl say about Israel's discovery at that time? He was skeptical, and he added: "This sure has an eerie pre-2003 Iraqi vibe to it." In other words, rather than being alarmed about the fact that Iran had many undeclared nuclear sites, Dr. Kahl alleged that Israel was trying to goad America into war.

Somehow, for Dr. Kahl the problem is never Iran or the weak 2015 Iran deal that didn't cover the nuclear sites that Israel revealed. He wants to give Iran massive sanctions relief to return to that deal. No, for Dr. Kahl the problem is Israel, especially when our Israeli friends reveal information about Iran's nefarious behavior.

Again, this isn't about a policy disagreement. This is about whether Dr. Kahl is someone who can accept facts, even when those facts undercut his policy preferences.

National security is a bipartisan priority. It always has been and always