

NAYS—47

| | | |
|--------------|------------|------------|
| Baldwin | Gillibrand | Nelson |
| Bennet | Harris | Peters |
| Blumenthal | Hassan | Reed |
| Booker | Heinrich | Sanders |
| Brown | Heitkamp | Schatz |
| Cantwell | Hirono | Schumer |
| Cardin | Kaine | Shaheen |
| Carper | King | Stabenow |
| Casey | Klobuchar | Tester |
| Coons | Leahy | Udall |
| Cortez Masto | Markey | Van Hollen |
| Donnelly | McCain | Warner |
| Duckworth | McCaskill | Warren |
| Durbin | Merkley | Whitehouse |
| Feinstein | Murphy | Wyden |
| Franken | Murray | |

NOT VOTING—2

| | |
|----------|------|
| Menendez | Paul |
|----------|------|

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.

CLOTURE MOTION

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

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 Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

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 Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years, 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. CORNYN. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—51

| | | |
|-----------|-----------|-----------|
| Alexander | Fischer | Murkowski |
| Barrasso | Flake | Perdue |
| Blunt | Gardner | Portman |
| Boozman | Graham | Risch |
| Burr | Grassley | Roberts |
| Capito | Hatch | Rounds |
| Cassidy | Heller | Rubio |
| Cochran | Hoeven | Sasse |
| Collins | Inhofe | Scott |
| Corker | Isakson | Shelby |
| Cornyn | Johnson | Strange |
| Cotton | Kennedy | Sullivan |
| Crapo | Lankford | Thune |
| Cruz | Lee | Tillis |
| Daines | McCain | Toomey |
| Enzi | McConnell | Wicker |
| Ernst | Moran | Young |

NAYS—47

| | | |
|--------------|------------|------------|
| Baldwin | Gillibrand | Nelson |
| Bennet | Harris | Peters |
| Blumenthal | Hassan | Reed |
| Booker | Heinrich | Sanders |
| Brown | Heitkamp | Schatz |
| Cantwell | Hirono | Schumer |
| Cardin | Kaine | Shaheen |
| Carper | King | Stabenow |
| Casey | Klobuchar | Tester |
| Coons | Leahy | Udall |
| Cortez Masto | Manchin | Van Hollen |
| Donnelly | Markey | Warner |
| Duckworth | McCaskill | Warren |
| Durbin | Merkley | Whitehouse |
| Feinstein | Murphy | Wyden |
| Franken | Murray | |

NOT VOTING—2

| | |
|----------|------|
| Menendez | Paul |
|----------|------|

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

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 Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, our EPA Administrator, Scott Pruitt, has a little problem. You see, the Supreme Court has ruled that greenhouse gases are pollutants under the Clean Air Act. Therefore, under the Clean Air Act, the Environmental Protection Agency, which Pruitt leads, is legally obligated to regulate greenhouse gases. They must do this as a matter of law.

Moreover, the EPA has determined that greenhouse gas emissions endanger the public health and welfare of current and future generations, and Scott Pruitt has said he will not contest that endangerment finding. He is stuck with it. Why? Because he knows it is a contest he would lose by a landslide. The climate denial nonsense he espouses has never passed peer review, it is not real science, and it would get buried in any forum where facts and truth matter.

That is also likely why the White House released the Climate Science Special Report, part of the National Climate Assessment we mandated by law without significant alteration. Scientists had prudently disclosed what they sent to the White House so everyone could compare what went into the White House with what came back out of the White House. That put the White House in a box, and caught in that box, the White House went ahead and released the report without alteration.

The Climate Science Special Report affirms that climate change is driven almost entirely by human action. It warns of a worst-case scenario, where seas could rise as high as 8 feet by the year 2100, which is the scenario our home State planners are looking at for Rhode Island and which I know has occasioned dire forecasts for the Presiding Officer's home State of Florida. The report details a wide array of climate-related damage already unfolding across the United States. Here is what the report says: "It is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century." The document reports: "For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence."

No convincing alternative explanation. Well, we actually knew that because climate denial has all along been bogus, phony propaganda created by the fossil fuel industry and pushed out through its array of phony front groups. Nobody but the ignorant would seriously believe their nonsense, least of all in Congress, except for the fact that the propaganda is backed up by ferocious political artillery and an implacable fossil fuel industry position to deny, deny, deny as the ship goes down.

This will be a disgrace whose odor will last a long time as history looks back and recounts a Congress so subservient to the fossil fuel industry that it would ignore unanimous real science and go instead with the flagrant, self-serving falsehoods of the industry with the world's biggest conflict of interest—an obvious plain conflict of interest. It is a sickening display of what our Founding Fathers would plainly describe as corruption, and we are supposed to act as if things are normal around here. Things are not normal around here—not since Citizens United, for sure.

Things are also not normal at EPA. That Agency of the U.S. Government has been corrupted. There is no straighter way to say it. The EPA now answers not to the public interest but to the special interest of the fossil fuel industry through its new Administrator, Scott Pruitt, whose entire history is one long exercise in subservience to the fossil fuel industry. If he is not bad enough, check out the creepy coterie of fossil fuel lackeys he is surrounding himself with. It is another disgrace, but given the fossil

fuel's control over Congress, the legislative branch is compliant and complicit in the industry takeover, and this body has yet to utter a peep of dissent as our national EPA sinks into banana republic status.

Last week, I talked about the phony tricks Pruitt is using to undo the Clean Power Plan. The Clean Power Plan is an annoyance to certain folks in the fossil fuel industry that has long underwritten Pruitt's political ambitions. So for their sake, something had to be done. Well, given the Climate Science Special Report that the White House just released, they couldn't really mess with the science—at least not without it blowing up in their faces—so they reverted to some tricks.

One trick was to recount the cost-benefit calculations of climate change and count only domestic effects of an international danger. Now, the Climate Science Special Report the White House just released says: "The climate of the United States is strongly connected to the changing global climate."

Nevertheless, Pruitt made the decision to count only the domestic effects of domestic emissions. That trick neatly wipes a major fraction of the harm the fossil fuel industry is causing right off the books. It doesn't affect the actual harm, just the accounting of the harm. In my example, it wiped two-thirds of the harm off the books in a neat feat of accounting trickery.

Of course, that still leaves one-third of the harm to account for so they took another whack at that, and their trick there was to juice the discount rate. In years to come, prompt action now on climate change would prevent things like sea level rise washing over our coastal infrastructure, unprecedented wildfire seasons burning our forests, and disruptions in agricultural yields from drought and flood extremes. The Clean Power Plan would achieve between \$14 billion and \$34 billion in future health benefits, also, like prevented illnesses and deaths, but all those things happen in the future, which brings in this matter of the discount rate.

The discount rate discounts the present value of things that happen in the future based on a percentage. Here is a simple example. If you assume a discount rate of 5 percent, that means anything 1 year from now is worth 5 percent less than it would be right now. So \$10,000 of something in 10 years would be worth \$6,000 today. If you assume a discount rate of 10 percent, that means \$10,000 of something in 10 years is only worth \$4,000 today. You can jiggle the discount rate to lower the present value. The higher the discount rate, the lower the present value of future harms.

A report this year from the National Academies of Science confirms this: "The rate at which future benefits and costs are discounted can significantly alter the estimated present value of the net benefits of that rule."

Now, the George W. Bush administration recognized that "[s]pecial ethical considerations arise when comparing benefits and costs across generations." The Bush administration guidance urged lower discount rates when a rule is expected to harm future generations. I will quote them again. "If your rule will have important intergenerational benefits or costs, you might consider a further sensitivity analysis using a lower but positive discount rate," wrote the Office of Personnel Management at the time.

That describes exactly what we face with climate change. Our carbon pollution today will hurt generations far off in the future as, for instance, temperatures and sea levels inexorably rise decade after decade and properties and land are lost to the sea.

In 2015, the Federal Government settled on a 3-percent discount rate to estimate the out-year costs of carbon pollution to society. That was the recommendation of leading economists, the top researchers from top universities putting forward credible analysis from the scientific community.

In our new, industry-friendly Pruitt analysis, they jacked that rate from 3 percent up to 7 percent. They more than double it. There is little actual analysis. They just picked a higher rate and what a payoff for Pruitt's fossil fuel friends. At 7 percent, future harms, injuries, and losses count far less. Indeed, with this trick, Pruitt wiped away nearly \$18 billion in predicted harm from carbon pollution. Remember, again, nothing changes in the real world. The harm to future generations is unchanged. That is a given in either scenario, but like that domestic-harm-only trick, this is an accounting trick to help the fossil fuel industry dodge accountability for its pollution. It doesn't change the situation on the field; it just changes the score on the scoreboard.

Contrast the Pruitt fossil fuel-friendly nonsense with real, peer-reviewed science. In real, peer-reviewed science, we can now calculate not only the harm of carbon pollution but how much individual fossil fuel companies have contributed to that harm. A peer-reviewed study in the scientific journal *Climatic Change* tells us that a few major fossil fuel producers are responsible for as much as half of the recorded global surface temperature increase, and the study demonstrates a method for attributing their corporate share of the harm to Chevron, ExxonMobil, ConocoPhillips, Peabody Energy, Arch Coal, Devon Energy, among about 50, investor-owned carbon producers. You can take the emissions data from that climatic change study and factor in well-established social cost of carbon estimates and approximate individual corporations' responsibility for climate damages. Those companies ought to be taking a hard look at what they are reporting to their shareholders about this because they are under strong legal obligations to

report out-year risks to their shareholders.

The National Climate Assessment Climate Science Special Report that we first talked about was developed by dozens of leading scientists, from 13 different Federal agencies, detailing the extent of climate change driven by manmade greenhouse gas emissions and the urgent need to address it. That report is as solid as it gets. The report is stark. Temperatures are climbing. Seas are rising. Ocean waters are becoming more acidic. Fires are more frequent and more severe, and fire seasons are longer. Storms are stronger and more frequent, as we have seen particularly menacing coastal America.

Downwind States like Rhode Island cope with air that carries more particulate matter, nitrogen oxide, and other lung-constricting pollution.

Fishermen haul in foreign catches full of fish their fathers and grandfathers would hardly recognize. Woodsmen harvest in distressed and changing forests. Farmers till land subject to extremes of both more frequent drought and more severe flood.

The inescapable science is compiled by the top experts from throughout the Federal Government and is concurred in, I believe, by every single State university in this country, which not only understand climate change, but they teach climate change. There is every single National Lab in this country—the Labs we fund and trust—the armed services, and our national intelligence assessments. It is virtually impossible to find anyone not on the payroll of the fossil fuel industry who disputes this. It shows that climate change touches every corner of the country already, not later.

Up against that study, up against that unanimity of legitimate science, Pruitt puts a bunch of accounting tricks cooked up for him, I believe, by a conflicted and corrupting industry.

We cannot let fossil fuel hacks like Pruitt and his merry crew prevent America from responding to the reality around us.

This week it has been reported that Nicaragua and Syria have joined the Paris climate agreement. They were the two outliers. That was the company the United States was in with President Trump's decision to remove us from the Paris climate agreement—Nicaragua, Syria, and the United States of America. That is some company. Now, even Nicaragua and, just today, Syria have joined. At some point our national reputation is put at hazard. Our national reputation is put on the line when we can't do what is obviously right because we can't tell one greedy industry: You have had enough—no more.

It is time we treated this issue honestly. When we can't do that, don't tell me history will forget. It seriously is time to wake up. This is corruption in plain view.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

EXECUTIVE CALENDAR

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 362.

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

The clerk will report the nomination.

The bill clerk read the nomination of David J. Redl, of New York, to be Assistant Secretary of Commerce for Communications and Information.

Thereupon, the Senate proceeded to consider the nomination.

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

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

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

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 262, on the nomination of John H. Gibson, of Texas, to be Deputy Chief Management Officer of the Department of Defense. Had I been present, I would have voted yea.

Mr. President, I was unavailable for rollcall vote No. 263, on the motion to invoke cloture on Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 264, on the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 265, on the motion to invoke cloture on Peter B. Robb, of Vermont, to be general counsel of the National Labor Relations Board. Had I been present, I would have voted nay. •

CONFIRMATION OF KYLE FORTSON

Mr. ALEXANDER. Mr. President, last week the Senate confirmed Kyle Fortson to be a member of the National Mediation Board.

The National Mediation Board, established by the 1934 amendments to the Railway Labor Act of 1926, is an independent U.S. Federal Government agency that facilitates labor-management relations within the Nation's railroad and airline industries.

Pursuant to the Railway Labor Act, National Mediation Board programs help to resolve disputes to promote the flow of interstate commerce in those industries through mediation, representation, and arbitration of labor-management disputes.

A dedicated public servant, Kyle Fortson is eminently qualified to serve on the National Mediation Board. I am fortunate to say that Mrs. Fortson currently serves on my staff as labor policy director at the U.S. Senate Health, Education, Labor, and Pensions—HELP—Committee, after serving in that position from 2010 to 2013 for Senator MIKE ENZI. I have benefitted from Mrs. Fortson's experience, knowledge, and counsel.

Mrs. Fortson previously served as labor counsel at the same committee from 2004 to 2010. Before that, she was a policy analyst at the Senate Republican Policy Committee from 2003 to 2004 and served as counsel to Senator Tim Hutchinson from 2001 to 2003. She also served as judiciary counsel to Congressman Spencer Bachus from 1999 to 2001.

Mrs. Fortson graduated with a B.A. in history from the University of Colorado in 1996 and with a J.D. from George Washington University in 1999.

Mrs. Fortson was nominated on June 26, 2017. On July 3, 2017, the committee received Mrs. Fortson's Office of Government Ethics paperwork, including her public financial disclosure and ethics agreement. Based on these documents, the Office of Government Ethics wrote to me that Kyle Fortson "is in compliance with applicable laws and regulations governing conflicts of interest." The committee received Mrs. Fortson's HELP Committee application on July 27, 2017. Mrs. Fortson was favorably reported out of the HELP Committee on October 18, 2017.

While the National Mediation Board will be very fortunate to have Mrs. Fortson as a member, her departure will be a loss to the U.S. Senate and the HELP Committee. I am proud to support Kyle's nomination, and she will serve on the National Mediation Board with distinction.

DEMOCRATIC REPUBLIC OF THE CONGO

Mr. CARDIN. Mr. President, today I wish to shine a spotlight on the increasingly dire political, security, and humanitarian crisis in the Democratic Republic of the Congo. Senator BOOKER

and I, along with Senators DURBIN, COONS, WARREN, MARKEY, and BROWN, recently sent a letter to President Trump urging the administration to take immediate action to ensure that the United States is prepared to do our part to help stave off further violence and human suffering.

The Democratic Republic of the Congo, or the DRC as it is known, is a country of vast natural resource wealth. It is the largest country in sub-Saharan Africa by land mass, with ample arable land, a variety of precious minerals, and the world's second-largest river, the Congo, which possesses substantial hydroelectric potential; yet, despite an abundance of natural resources—indeed, because of it—the people of the DRC have endured centuries of exploitation and atrocities. In the postcolonial era, the country has struggled with decades of conflict, endemic corruption, and extreme poverty. The DRC ranks 176th out of 188 countries on the Human Development Index. Life expectancy is 59 years. An estimated 77 percent of the people live on less than \$2 a day. More than 12 percent of children do not live to see their fifth birthday. Mothers die in childbirth in more than 7 out of every 1,000 live births. The statistics are truly alarming.

The 1997 to 2003 civil war involved at least seven countries in the region and, by some estimates, caused 5.4 million deaths from war and war-related causes. The conflict was characterized by massive human rights violations and introduced the world to the brutal consequences of the mining of conflict minerals. Eastern Congo has been referred to as the rape capital of the world, and sexual violence continues to be used as a weapon to traumatize and terrorize the population.

Despite the establishment of truth and reconciliation committees by the Sun City Accords in 2002, the installation of a unity government in 2003, and the deployment of the largest United Nations peacekeeping force in the world, the country remains unstable. The peacekeeping mission in DRC plays a critical role in protecting civilians in conflict areas and promoting stability; yet its capabilities are limited, and it is not a substitute for a political agreement respected and adhered to by all relevant stakeholders. Let me be clear: I fully support MONUSCO peacekeepers who seek to uphold their mandate. Though the mission has come under criticism over the years for not doing enough to protect civilians and for controversies regarding its own abuses, we must ask ourselves what would have happened—and what might still happen—if the UN were not present—or if the United States forces such significant troop reductions that the mission is rendered ineffective, which I fear we may be perilously close to doing.